H.R. 6003: Mrs. VUCANOVICH, Mr. GALLO, Mr. LIGHTFOOT, Mr. CRANE, and Mr. GALLEGLY.

H.R. 6039: Mr. FASCELL and Mr. ACKERMAN.

H.J. Res. 399: Mr. MONTGOMERY, Mr. SAVAGE, Mr. ANNUNZIO, Mr. PETERSON of Florida, Mr. COX of California, Mr. HANSEN, Mr. BLAZ, Mr. VANDER JAGT, Mr. RHODES, Mr. MOODY, Mr. HUNTER, Mr. HYDE, Mr. SOLARZ, Mr. CONYERS, Mr. STEARNS, Mr. ROE, Mr. TALLON, Mr. DONNELLY, Mr. KENNEDY, Mr. LENT, Mr. PURSELL, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. HUTTO, Mr. PERKINS, Mr. RAVENEL, Mr. ACKERMAN, Mr. ECKART, Mr. MURPHY, Ms. MOLINARI, Mr. MARTIN, Mr. DAVIS, Mr. SISISKY, Mr. FASCELL, and Mr. DWYER of New Jersey.

H.J. Res. 450: Mrs. UNSOELD.

H.J. Res. 458: Mr. BRUCE, Mr. CHAPMAN, Mr. COYNE, Mr. DICKS, Mr. ECKART, Mr. HOAGLAND, Mr. KENNEDY, Mr. PALLONE, Ms. OAKAR, Mr. SISISKY, Mr. VISCLOSKY, Mr. FRANKS of Connecticut, Mr. HOUGHTON, and Mr. REGULA.

H.J. Res. 461: Mr. KENNEDY.

H.J. Res. 471: Mr. VALENTINE, Mr. WEISS, Mr. FAZIO, Ms. OAKAR, Ms. SLAUGHTER, Mr. HARRIS, Mr. MCCLOSKEY, Mr. ARCHER, Mr. JACOBS, Mr. BROWDER, Mr. MCDERMOTT, Mr. DORGAN of North Dakota, Mr. PASTOR, Mr. STALLINGS, Mr. MCNULTY, Mr. ROBERTS, Mr. MCEWEN, Mr. HALL of Ohio, Mr. LEACH, Mr. YATES, Mr. WALSH, Mr. CARPER, Mrs. MINK, Mr. HENRY, Mr. SLATTERY, Mrs. MEYERS of Kansas, Mr. HUBBARD, Mr. RANGEL, Mr. DEFAZIO, Mr. MARTIN, Mr. ACKERMAN, Mr. FEIGHAN, Mr. MOODY, Mr. RICHARDSON, Mr. CARDIN, Mr. TANNER, Mr. UPTON, Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. PETERSON of Florida, Mr. PARKER, Mr. ROTH, and Mr. WISE.

H.J. Res. 474: Mr. LOWERY of California, Mr. MICHEL, Mr. MILLER of Ohio, Mr. VOLKMER, Mr. HOPKINS, Mr. STUMP, Mr. DELAY, Mr. LIVINGSTON, Mr. LIGHTFOOT, Mrs. MORELLA, Mr. PERKINS, Mr. GONZALEZ, Mr. BROWN, Mr. SLATTERY, Mr. GLICKMAN, Mr. SKEEN, Mr. THOMAS of California, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. RIDGE, Mr. DORNAN of California, Mr. SAXTON, Mr. DOOLEY, Mr. BREWSTER, Mr. LEHMAN of California, Mr. LAROCCO, Mr. WOLF, Mr. IRELAND, Mr. BARRETT, Mr. BALLENGER, Mr. HOBSON, Mr. MCGRATH, Mr. SCHAEFER, Mr. SCHULZE, Mr. LENT, Mr. GILLMOR, Mr. MORRISON, Mr. MCEWEN, Mr. PURSELL, Mrs. JOHNSON of Connecticut, Mr. GALLO, Mr. MOORHEAD, Mr. LEWIS of California, Mr. ENGLISH, Mr. BATEMAN, Mr. CLINGER, Mr. BOEHLERT, Mr. ROGERS, Mr. RITTER, Mr. WYLIE, Mr. BILIRAKIS, and Mr. LEWIS of Florida.

H.J. Res. 479: Mrs. ROUKEMA, Mr. NATCHER, Mr. ZIMMER, Mr. BAKER, Mr. GALLO, Mr. BROOMFIELD, Mr. STENHOLM, Mr. REGULA, Mr. HUTTO, Mr. BLACKWELL, Mr. COLEMAN of Missouri, Mr. GEKAS, Mr. MANTON, Mr. BURTON of Indiana, Ms. HORN, Mr. MCCOLLUM, Mr. PACKARD, Mr. SUNDQUIST, and Mr. NICHOLS.

H.J. Res. 489: Mr. RITTER, Mr. ZIMMER, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. SKEEN, Mr. SAXTON, Mr. DELAY, Mr. LIGHTFOOT, Mr. MOODY, Mr. WHITTEN, Mr. LEHMAN of Florida, Mr. BRYANT, Mr. ALEXANDER, Mr. TORRICELLI, Mr. EDWARDS of California, Mr. BRUCE, Mr. STENHOLM, Mr. RAVENEL, Mr. DUNCAN, Mr. JEFFERSON, Mr. ENGEL, Mr. ROE, Mr. BREWSTER, Mr. RAY, Mr. ATKINS, Mr. FASCELL, Mrs. KENNELLY, Mr. LEVIN of Michigan, Mr. ANTHONY, Mr. VISCLOSKY, Mr. COBLE, Mr. SHARP, Mr. NEAL of North Carolina, Mr. MONTGOMERY, Mr. ANDREWS of Texas, Mr. CAMPBELL of Colorado, Mrs. BYRON, Mr. FLAKE, Mr. MCNULTY, Mr. NOWAK, Mr. GORDON, Mr. TOWNS, Mr. LAUGHLIN, Mr. ZELIFF, Mr. JOHNSON of Texas, Mr. PACKARD, Mr. OXLEY, Mr. DAVIS, and Mr. SKELTON.

H.J. Res. 495: Mr. HALL of Texas, Mr. SUNDQUIST, and Mr. SMITH of New Jersey.

H.J. Res. 530: Mr. RINALDO, Mr. ECKART, Mr. ESPY, Ms. OAKAR, Mr. BURTON of Indiana, Mr. JONTZ, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. SWETT, Mr. RAHALL, Mr. HASTERT, Mr. ANDREWS of New Jersey, Mr. BROWDER, Mr. DE LUGO, Mr. DOOLITTLE, Mr. FORD of Tennessee, Mr. HUNTER, Mr. HYDE, Mr. MINETA, Mr. BILBRAY, Mr. SISISKY, Mr. LEWIS of Florida, Mr. JACOBS, Mr. BACCHUS, Mr. BATEMAN, Mr. SANDERS, Mr. WHEAT, Mr. SOLOMON, Mr. REED, Mr. RAVENEL, Mr. PERKINS, Mr. PAXON, Mr. LEVINE of California, Mr. MANTON, Mr. BUSTAMANTE, Mr. MCDADE, Mr. MCGRATH, Mrs. MEYERS of Kansas, Ms. LONG, Mr. ANDERSON, Mr. ERDREICH, Mr. BRYANT, Mr. MAVROULES, Mr. MONTGOMERY, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STALLINGS, Mr. TALLON, Mr. TANNER, Mr. WAXMAN, Mr. WYLIE, Mr. YATRON, Mr. SLATTERY, Mr. LOWERY of California, Mr. KASICH, Mr. COYNE, Mr. DORNAN of California, Mr. SOLARZ, Mr. SAWYER, Mr. WELDON, and Mr. OWENS of New York.

H.J. Res. 531: Mr. MOAKLEY, Mr. RHODES, Mr. MINETA, Mr. ORTIZ, Mr. PORTER, Ms. SNOWE, Mr. UPTON, Mr. JOHNSON of South Dakota, Mr. MCNULTY, Mr. SKEEN, and Mr. LEVINE of California.

H.J. Res. 532: Ms. DELAURO.

H.J. Res. 538: Mr. GINGRICH, Mr. MCDADE, Mr. COUGHLIN, Mr. BRUCE, Mr. ROWLAND, Mr. BRYANT, Mr. HYDE, Mr. RIDGE, Mr. REGULA, Mr. BURTON of Indiana, and Mr. ANTHONY.

H.J. Res. 540: Mr. HAMMERSCHMIDT and Mr. QUILLEN.

H.J. Res. 550: Mr. ASPIN, Mr. BLACKWELL, Mrs. BOXER, Mr. BROWDER, Mr. BROWN, Mr. BRUCE, Mr. CARPER, Mr. COLORADO, Mr. COYNE, Mr. DYMALLY, Mr. FAZIO, Mr. FROST, Mr. GEJDENSON, Mr. GEKAS, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANSEN, Ms. HORN, Mr. HUTTO, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. MCGRATH, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. NAGLE, Mr. NATCHER, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. QUILLEN, Mr. RANGEL, Mr. SANDERS, Mr. SCHEUER, Mr. SIKORSKI, Mr. SKEEN, Mr. SPRATT, Mr. STOKES, and Mr. YATRON.

H.J. Res. 552: Mr. DIXON, Mr. QUILLEN, Mr. MCMILLEN of Maryland, Mr. BACCHUS, Mr. HAYES of Illinois, Mr. BLACKWELL, Mr. RANGEL, Mr. FROST, Mr. ABERCROMBIE, and Mr. SKEEN.

H. Con. Res. 211: Mr. TOWNS.

H. Con. Res. 235: Mr. VISCLOSKY.

H. Con. Res. 344: Mr. JONTZ.

H. Res. 437: Mr. CAMPBELL of California.

H. Res. 470: Mr. MCNULTY.

¶117.45 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1354: Mr. CHANDLER.

FRIDAY, OCTOBER 2, 1992 (118)

The House was called to order by the SPEAKER.

¶118.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, October 1, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

¶118.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4347. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a feasibility study on authorizing insured and uninsured deposit accounts through a so-called ''two-window'' system, pursuant to Public Law 102–242, section 321(c) (105 Stat. 2370); to the Committee on Banking, Finance and Urban Affairs.

4348. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Assistance to States for the Education of Children with Disabilities Program and Preschool Grants Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4349. A letter from the Acting Assistant Secretary of State (Legislative Affairs), transmitting a memorandum of Justification for Presidential determination regarding the drawdown of defense articles and services for disaster relief to Pakistan, pursuant to Public Law 101–513, section 574(b) (104 Stat. 2042); to the Committee on Foreign Affairs.

4350. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

¶118.3 ORDER OF BUSINESS—CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT TO H.R. 5677

On motion of Mr. NATCHER, by unanimous consent,

Ordered, That, notwithstanding the provisions of clause 2 of rule XXVIII, it may be in order on Saturday, October 3, 1992, or any day thereafter, for the House to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes; *Provided, further*, That, the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read when called up for consideration.

¶118.4 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

¶118.5 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 5095

Mr. BEILENSON, by direction of the Committee on Rules, called up the following resolution (H. Res. 587):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

After debate,

On motion of Mr. BEILENSON, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that the yeas had it.

Mr. McEWEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 2

¶118.6 [Roll No. 451]

YEAS—399

Abercrombie	Cramer	Hayes (IL)
Ackerman	Cunningham	Hayes (LA)
Alexander	Dannemeyer	Hefley
Allard	Darden	Hefner
Allen	Davis	Henry
Anderson	de la Garza	Herger
Andrews (ME)	DeFazio	Hertel
Andrews (NJ)	DeLauro	Hoagland
Andrews (TX)	DeLay	Hobson
Anthony	Dellums	Hochbrueckner
Applegate	Derrick	Holloway
Archer	Dickinson	Hopkins
Armey	Dicks	Horn
Aspin	Dingell	Horton
Atkins	Donnelly	Houghton
AuCoin	Dooley	Hoyer
Bacchus	Doolittle	Hubbard
Baker	Dorgan (ND)	Hughes
Ballenger	Dornan (CA)	Hunter
Barrett	Downey	Hutto
Barton	Dreier	Hyde
Bateman	Duncan	Inhofe
Beilenson	Durbin	Ireland
Bennett	Dwyer	Jacobs
Bentley	Early	James
Bereuter	Eckart	Jefferson
Berman	Edwards (CA)	Jenkins
Bevill	Edwards (TX)	Johnson (CT)
Bilbray	Emerson	Johnson (SD)
Bilirakis	Engel	Johnson (TX)
Bliley	English	Johnston
Boehlert	Erdreich	Jones
Boehner	Espy	Jontz
Bonior	Evans	Kanjorski
Borski	Ewing	Kasich
Boucher	Fawell	Kennedy
Boxer	Fazio	Kennelly
Brewster	Fields	Kildee
Brooks	Fish	Klug
Broomfield	Ford (MI)	Kolbe
Browder	Ford (TN)	Kopetski
Brown	Frank (MA)	Kostmayer
Bruce	Franks (CT)	Kyl
Bryant	Frost	LaFalce
Bunning	Gallegly	Lagomarsino
Burton	Gallo	Lancaster
Byron	Gejdenson	Lantos
Callahan	Gekas	LaRocco
Camp	Gephardt	Laughlin
Campbell (CA)	Geren	Leach
Campbell (CO)	Gibbons	Lehman (CA)
Cardin	Gilchrest	Lehman (FL)
Carper	Gillmor	Lent
Carr	Gilman	Levin (MI)
Chapman	Glickman	Levine (CA)
Clement	Gonzalez	Lewis (CA)
Clinger	Goodling	Lewis (FL)
Coble	Gordon	Lewis (GA)
Coleman (MO)	Goss	Lightfoot
Coleman (TX)	Gradison	Livingston
Collins (IL)	Grandy	Lloyd
Collins (MI)	Green	Long
Combest	Gunderson	Lowery (CA)
Condit	Hall (TX)	Lowey (NY)
Conyers	Hamilton	Luken
Cooper	Hammerschmidt	Machtley
Costello	Hancock	Manton
Coughlin	Hansen	Markey
Cox (CA)	Harris	Marlenee
Cox (IL)	Hastert	Martin
Coyne	Hatcher	Martinez
Matsui	Pelosi	Slaughter
Mazzoli	Penny	Smith (FL)
McCandless	Peterson (FL)	Smith (IA)
McCloskey	Peterson (MN)	Smith (NJ)
McCollum	Petri	Smith (OR)
McCurdy	Pickett	Smith (TX)
McDade	Pickle	Snowe
McDermott	Porter	Solarz
McEwen	Poshard	Solomon
McGrath	Price	Spence
McHugh	Pursell	Spratt
McMillan (NC)	Quillen	Stallings
McMillen (MD)	Rahall	Stark
McNulty	Ramstad	Stearns
Meyers	Rangel	Stenholm
Mfume	Ravenel	Stokes
Michel	Ray	Studds
Miller (CA)	Reed	Stump
Miller (OH)	Regula	Sundquist
Miller (WA)	Rhodes	Swett
Mineta	Richardson	Swift
Mink	Ridge	Synar
Moakley	Riggs	Tallon
Molinari	Rinaldo	Tanner
Mollohan	Ritter	Tauzin
Montgomery	Roberts	Taylor (MS)
Moody	Roe	Taylor (NC)
Moorhead	Roemer	Thomas (CA)
Moran	Rogers	Thomas (GA)
Morella	Rohrabacher	Thomas (WY)
Morrison	Ros-Lehtinen	Thornton
Mrazek	Rose	Torres
Murphy	Rostenkowski	Torricelli
Murtha	Roth	Traficant
Myers	Roukema	Unsoeld
Nagle	Rowland	Upton
Natcher	Roybal	Valentine
Neal (MA)	Russo	Vander Jagt
Neal (NC)	Sabo	Vento
Nichols	Sanders	Visclosky
Nowak	Sangmeister	Volkmer
Nussle	Santorum	Vucanovich
Oakar	Sarpalius	Walker
Oberstar	Sawyer	Walsh
Obey	Saxton	Waters
Olin	Schaefer	Waxman
Olver	Scheuer	Weber
Ortiz	Schiff	Weldon
Orton	Schroeder	Wheat
Owens (NY)	Schulze	Whitten
Owens (UT)	Schumer	Williams
Oxley	Serrano	Wilson
Packard	Sharp	Wise
Pallone	Shaw	Wolf
Panetta	Shays	Wolpe
Parker	Shuster	Wyden
Pastor	Sikorski	Wylie
Patterson	Sisisky	Yates
Paxon	Skaggs	Yatron
Payne (NJ)	Skeen	Young (FL)
Payne (VA)	Skelton	Zeliff
Pease	Slattery	Zimmer

NAYS—2

Crane	Washington

NOT VOTING—31

Annunzio	Flake	Mavroules
Barnard	Foglietta	McCrery
Blackwell	Gaydos	Perkins
Bustamante	Gingrich	Savage
Chandler	Guarini	Sensenbrenner
Clay	Hall (OH)	Staggers
Dixon	Huckaby	Towns
Dymally	Kaptur	Traxler
Edwards (OK)	Kleczka	Young (AK)
Fascell	Kolter	
Feighan	Lipinski	

So the resolution was agreed to.

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

¶118.7 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 5318) ''An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes,'' returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was resolved that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate having proceeded to reconsider the bill (S. 323) entitled ''An Act to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes,'' returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate had passed without amendment a bill, a joint resolution, and a concurrent resolution of the House of the following titles:

H.R. 1628. An Act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes;

H.J. Res. 320. Joint resolution authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who served with Union forces during the Civil War; and

H. Con. Res. 366. Concurrent resolution requesting the President to return the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference, and providing for its reenrollment with technical corrections.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5488) ''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, 1993, and for other purposes.''

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5518) ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.''

The message also announced that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 20, 27, 28, 33, 34, 44, 45, 58, 62, 80, 90, 92, 99, 100, 149, 151, 156, 157, 158, 160, 162, 165, 167, 172, 174, 185, 186, 194, 195, 196, 197, 198, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 212, 214, 215, 216, 217, 218, 220, 221, 222, 223, 224, 225, 226, 227, 228, 230, and 233, to the above-entitled bill.

¶118.8 INTELLIGENCE AUTHORIZATION

Mr. McCURDY, pursuant to House Resolution 587, called up the following conference report (Rept. No. 102–963):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5095), to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to revise and restate the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1993''.

(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 Staff.

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. Sense of Congress regarding disclosure of annual intelligence budget.
Sec. 304. Technical amendments.
Sec. 305. Airborne reconnaissance.

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 401. Postemployment assistance for certain DIA employees.
Sec. 402. Inclusion of Senior Executive Service positions in civilian intelligence personnel system.
Sec. 403. Notice to congressional intelligence committees of Department of Defense real property transactions and construction projects involving intelligence agencies.
Sec. 404. Amendments to National Security Education Act of 1991.
Sec. 405. Pay and allowances for employees of the National Security Agency.
Sec. 406. Exemption for National Reconnaissance Office from any requirement for disclosure of personnel information.

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

Sec. 501. Temporary FBI authority to accept bequests or devises.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

Sec. 601. Authority of Inspector General to receive complaints and information from any person.

TITLE VII—INTELLIGENCE ORGANIZATION

Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Participation of the Director of Central Intelligence in the National Security Council.
Sec. 704. Appointment of the Director and Deputy Director of Central Intelligence.
Sec. 705. Responsibilities and authorities of the Director of Central Intelligence.
Sec. 706. Responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program.

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

Sec. 801. Short title.
Sec. 802. Restatement of Act.
Sec. 803. Conforming amendments.
Sec. 804. Savings provisions.
Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 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 the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

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, 1993, 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 by the committee of conference to accompany the conference report on the bill H.R. 5095 of the One Hundred Second Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committee 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.—The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1993 under section 102 of this Act when the Director determines that such action is necessary to the performance of important intelligence functions, except that such number 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 the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT STAFF.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Staff of the Director of Central Intelligence for fiscal year 1993 the sum of $86,900,000.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Staff of the Director of Central Intelligence is authorized 161 full-time personnel as of September 30, 1993. Such personnel 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 1993, 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.

(d) COMMUNITY MANAGEMENT STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.—During fiscal year 1993, activities and personnel of the Community Management Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1993 the sum of $168,900,000.

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 laws of the United States.

SEC. 303. SENSE OF CONGRESS REGARDING DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.

It is the sense of Congress that, beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner.

SEC. 304. TECHNICAL AMENDMENTS.

(a) NATIONAL SECURITY AGENCY ACT OF 1959.—The National Security Agency Act of 1959 is amended by redesignating the second section 17 (added by section 405 of Public Law 102–183) as section 18.

(b) PUBLIC LAW 102–88.—Effective as of August 14, 1991, section 305(a)(3) of Public Law 102–88 (105 Stat. 432) is amended by striking out ''in the last sentence'' and inserting in lieu thereof ''in the penultimate sentence''.

SEC. 305. AIRBORNE RECONNAISSANCE.

(a) Of the amount authorized to be appropriated by section 101 for reconnaissance programs, funds are authorized for an advanced airborne reconnaissance system.

(b) The amount authorized in subsection (a) is the amount equal to one-third of the amount authorized for a similar activity in the National Foreign Intelligence Program for fiscal year 1992 by the Intelligence Au-

thorization Act for Fiscal Year 1992 (Public Law 102–183).

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 401. POSTEMPLOYMENT ASSISTANCE FOR CERTAIN DIA EMPLOYEES.

(a) ASSISTANCE AUTHORIZED.—Subsection (e) of section 1604 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist employees who have been in sensitive positions in the Defense Intelligence Agency and who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Defense Intelligence Agency, or whose employment with the Defense Intelligence Agency has been terminated—

''(i) in finding and qualifying for subsequent employment;

''(ii) in receiving treatment of medical or psychological disabilities; and

''(iii) in providing necessary financial support during periods of unemployment.

''(B) Assistance may be provided under subparagraph (A) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this paragraph for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

''(C) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this paragraph.''.

(b) FIRST ANNUAL REPORT.—The first report under paragraph (4) of section 1604(e) of title 10, United States Code, shall be submitted not later than 12 months after the date of the enactment of this Act.

SEC. 402. INCLUSION OF SENIOR EXECUTIVE SERVICE POSITIONS IN CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) INCLUSION OF SENIOR EXECUTIVE SERVICE POSITIONS.—Section 1590 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting '', including positions in the Senior Executive Service,'' after ''positions''; and

(B) by inserting after ''such departments'' the following: '', except that the total number of positions in the Senior Executive Service established pursuant to this section may not exceed one-half of one percent of the total number of all civilian intelligence positions established pursuant to this section;'';

(2) in subsection (b), by inserting after the first sentence the following new sentence: ''The Secretary shall also fix rates of pay for positions in the Senior Executive Service established pursuant to this section that are not in excess of the maximum rate or less than the minimum rate of basic pay established pursuant to section 5382 of title 5.''; and

(3) by adding at the end the following new subsections:

''(f) With regard to any position in the Senior Executive Service which may be established pursuant to this section, the Secretary of Defense shall prescribe regulations to implement this section which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3393a, 3396(c), 3592, 3595(a), 5384, and 6304, subsections (a), (b), and (c) of section 7543 (except that any hearing or appeal to which a member of the Senior Executive Service is entitled shall be held or decided pursuant to regulations issued by the Secretary), and subchapter II of chapter 43 of title 5. The Secretary of Defense shall also prescribe, to the extent practicable, regulations to implement such other provisions of title 5 as apply to members of the Senior Executive Service or to individuals applying for positions in the Senior Executive Service.

''(g) The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Senior Executive Service whose positions may be established pursuant to this section. The awarding of such a rank shall be made in a manner consistent with the provisions of that section.''.

(b) CONFORMING AMENDMENT.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting after ''National Security Agency'' the following: '', Department of Defense intelligence activities the civilian employees of which are subject to section 1590 of title 10,''.

SEC. 403. NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES OF DEPARTMENT OF DEFENSE REAL PROPERTY TRANSACTIONS AND CONSTRUCTION PROJECTS INVOLVING INTELLIGENCE AGENCIES.

(a) REAL PROPERTY TRANSACTIONS.—(1) Section 2662 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) Whenever a transaction covered by this section is made by or on behalf of an intelligence component of the Department of Defense or involves real property used by such a component, any report under this section with respect to the transaction that is submitted to the Committees on Armed Services of the Senate and the House of Representatives shall be submitted concurrently to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.''.

(2)(A) The heading of such section is amended to read as follows:

''§ 2662. Real property transactions: reports to congressional committees''.

(B) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2662. Real property transactions: reports to congressional committees.''.

(b) CONSTRUCTION PROJECTS.—Section 2801(c)(4) of such title is amended by inserting before the period at the end the following: ''and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate''.

SEC. 404. AMENDMENTS TO NATIONAL SECURITY EDUCATION ACT OF 1991.

(a) REDESIGNATION OF ACT.—Section 801(a) of the National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) is amended to read as follows:

''(a) SHORT TITLE.—This title may be cited as the 'David L. Boren National Security Education Act of 1991'.''.

(b) PROGRAM REVISIONS.—Section 802(a) of such Act (50 U.S.C. 1902(a))—

(1) in paragraph (1)(A), by inserting ''or equivalent term,'' after ''at least one academic semester'';

(2) in paragraph (1)(B)(i), by striking out ''in the United States'' and inserting in lieu thereof ''as part of a graduate degree program of a United States institution of higher education''; and

(3) in paragraph (4), by adding at the end the following new sentence: ''In addition, the Secretary may enter into personal service contracts for periods up to one year for program administration, except that not more than 10 such contracts may be in effect at any one time.''.

(c) REPEAL OF REQUIRED ENTITY TO ADMINISTER PROGRAM.—Section 802 of such Act is further amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(d) NATIONAL SECURITY EDUCATION BOARD.—Section 803(b) of such Act (50 U.S.C. 1903(b)) is amended—

(1) by redesignating paragraph (7) as paragraph (8);

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) The Chairperson of the National Endowment for the Humanities.''; and

(3) in paragraph (8) (as so redesignated)—

(A) by striking out ''Four individuals'' and inserting in lieu thereof ''Six individuals''; and

(B by inserting before the period at the end the following: ''and who may not be officers or employees of the Federal Government''.

(e) FUND ASSETS AVAILABLE FOR INVESTMENT.—Section 804(c) of such Act (50 U.S.C. 1904(c)) is amended by striking out ''obligation'' at the end of the first sentence and inserting in lieu thereof ''expenditure''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 to the National Security Education Trust Fund established by section 804 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904) the sum of $30,000,000.

SEC. 405. PAY AND ALLOWANCES FOR EMPLOYEES OF THE NATIONAL SECURITY AGENCY.

Section 2 of the National Security Agency Act of 1959 (Public Law 86–36; 50 U.S.C. 402 note) is amended to read as follows:

''SEC. 2. (a) The Secretary of Defense (or his designee) is authorized to establish such positions, and to appoint thereto, without regard to the civil service laws, such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic pay for such positions shall be fixed by the Secretary of Defense (or his designee for this purpose) in relation to the rates of basic pay provided for in subpart D of part III of title 5, United States Code, for positions subject to such title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, no officer or employee of the National Security Agency shall be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of such title and not more than 70 such officers and employees shall be paid within the range of rates authorized in section 5376 of such title.

''(b) The Secretary of Defense (or his designee) may provide officers and employees of the National Security Agency other compensation, benefits, incentives, and allowances which are consistent with, and do not exceed the levels authorized for, such compensation, benefits, incentives, or allowances by title 5, United States Code.''.

SEC. 406. EXEMPTION FOR NATIONAL RECONNAISSANCE OFFICE FROM ANY REQUIREMENT FOR DISCLOSURE OF PERSONNEL INFORMATION.

(a) EXEMPTION FROM DISCLOSURE.—Except as required by the President or as provided in subsection (b), nothing in this Act or any other provision of law shall be construed to require the disclosure of the name, title, or

salary of any person employed by, or assigned or detailed to, the National Reconnaissance Office or the disclosure of the number of such persons.

(b) PROVISION OF INFORMATION TO CONGRESS.—Subsection (a) does not apply with respect to the provision of information to Congress.

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

SEC. 501. TEMPORARY FBI AUTHORITY TO ACCEPT BEQUESTS OR DEVISES.

(a) ACCEPTANCE OF BEQUESTS.—During fiscal year 1993, the Director of the Federal Bureau of Investigation may accept, on behalf of the Bureau, any bequest or devise made by a citizen of the United States, if such bequest or devise is used only—

(1) to fund and administer, in accordance with regulations prescribed by the Director, a scholarship program for the benefit of the immediate families of Federal law enforcement officers slain or permanently disabled in the line of duty; and

(2) to pay all necessary expenses in connection with the acceptance of such bequest or devise.

(b) AUTHORITY TO USE FUNDS.—(1) Notwithstanding any other provision of law, proceeds from the sale of property accepted as a bequest or devise by the Director pursuant to subsection (a) shall be maintained in an interest bearing account and shall remain available for disbursement for purposes of this section until such funds are expended.

(2) The authority of paragraph (1) may be exercised only to such extent and in such amounts as are provided in advance in appropriation Acts.

(c) REGULATIONS REQUIRED.—Not later than 90 days after accepting any bequest or devise pursuant to this section, the Director shall prescribe regulations to implement the provisions of this section in a fair, equitable manner, and shall make copies of such regulations available to all Federal law enforcement agencies. Copies of such regulations shall also be provided the Judiciary Committees of the Senate and the House of Representatives.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

SEC. 601. AUTHORITY OF CIA INSPECTOR GENERAL TO RECEIVE COMPLAINTS AND INFORMATION FROM ANY PERSON.

Section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by striking out ''an employee of the Agency'' and inserting in lieu thereof ''any person''; and

(2) by inserting ''from an employee of the Agency'' after ''received''.

TITLE VII—INTELLIGENCE ORGANIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Intelligence Organization Act of 1992''.

SEC. 702. DEFINITIONS.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 2 the following new section:

''DEFINITIONS

''SEC. 3. As used in this Act:

''(1) The term 'intelligence' includes foreign intelligence and counterintelligence.

''(2) The term 'foreign intelligence' means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons.

''(3) The term 'counterintelligence' means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

''(4) The term 'intelligence community' includes—

''(A) the Office of the Director of Central Intelligence, which shall include the Office of the Deputy Director of Central Intelligence, the National Intelligence Council (as provided for in section 105(b)(3)), and such other offices as the Director may designate;

''(B) the Central Intelligence Agency;

''(C) the National Security Agency;

''(D) the Defense Intelligence Agency;

''(E) the central imagery authority within the Department of Defense;

''(F) the National Reconnaissance Office;

''(G) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

''(H) the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, and the Department of Energy;

''(I) the Bureau of Intelligence and Research of the Department of State; and

''(J) such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

''(5) The terms 'national intelligence' and 'intelligence related to the national security'—

''(A) each refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

''(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director of Central Intelligence and the Attorney General, or otherwise as expressly provided for in this title.

''(6) The term 'National Foreign Intelligence Program' refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director of Central Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.''.

SEC. 703. PARTICIPATION OF THE DIRECTOR OF CENTRAL INTELLIGENCE IN THE NATIONAL SECURITY COUNCIL.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end thereof the following new subsection:

''(h) The Director of Central Intelligence (or, in the Director's absence, the Deputy Director of Central Intelligence) may, in the performance of the Director's duties under this Act and subject to the direction of the President, attend and participate in meetings of the National Security Council.''.

SEC. 704. APPOINTMENT OF THE DIRECTOR AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in the first sentence of subsection (a)—

(A) by striking out ''under the National Security Council''; and

(B) by striking out ''with a Director'' and all that follows through ''disability''; and

(3) by striking out the second sentence of subsection (a) and subsections (b) through (f) and inserting in lieu thereof the following:

''(2) There shall be a Director of Central Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall—

''(A) serve as head of the United States intelligence community;

''(B) act as the principal adviser to the President for intelligence matters related to the national security; and

''(C) serve as head of the Central Intelligence Agency.

''(b) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be a Deputy Director of Central Intelligence, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall act for, and exercise the powers of, the Director during the Director's absence or disability.

''(c)(1) The Director or Deputy Director of Central Intelligence may be appointed from among the commissioned officers of the Armed Forces, or from civilian life, but at no time shall both positions be simultaneously occupied by commissioned officers of the Armed Forces, whether in an active or retired status.

''(2) It is the sense of the Congress that under ordinary circumstances, it is desirable that either the Director or the Deputy Director be a commissioned officer of the Armed Forces or that either such appointee otherwise have, by training or experience, an appreciation of military intelligence activities and requirements.

''(3)(A) A commissioned officer of the Armed Forces appointed pursuant to paragraph (2) or (3), while serving in such position—

''(i) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

''(ii) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

''(iii) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of which such officer is a member.

''(B) Except as provided in clause (i) or (ii) of paragraph (A), the appointment of a commissioned officer of the Armed Forces pursuant to paragraph (2) or (3) shall in no way affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade.

''(C) A commissioned officer of the Armed Forces appointed pursuant to subsection (a) or (b), while serving in such position, shall continue to receive military pay and allowances (including retired pay) payable to a commissioned officer of the officer's grade and length of service for which the appropriate military department shall be reimbursed from funds available to the Director of Central Intelligence.

''(d) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.''.

SEC. 705. RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by striking out section 102a;

(2) by redesignating sections 103 and 104 as sections 107 and 108, respectively; and

(3) by inserting after section 102, as amended by section 721, the following new sections:

''RESPONSIBILITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

''SEC. 103. (a) PROVISION OF INTELLIGENCE.—(1) Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing national intelligence—

''(A) to the President;

''(B) to the heads of departments and agencies of the executive branch; and

''(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

''(D) where appropriate, to the Senate and House of Representatives and the committees thereof.

''(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

''(b) NATIONAL INTELLIGENCE COUNCIL.—(1)(A) There is established within the Office of the Director of Central Intelligence the National Intelligence Council (hereafter in this section referred to as the 'Council'). The Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of Central Intelligence.

''(B) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

''(2) The Council shall—

''(A) produce national intelligence estimates for the Government, including, whenever the Council considers appropriate, alternative views held by elements of the intelligence community; and

''(B) otherwise assist the Director in carrying out the responsibilities described in subsection (a).

''(3) Within their respective areas of expertise and under the direction of the Director, the members of the Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the Government.

''(4) The Director shall make available to the Council such staff as may be necessary to permit the Council to carry out its responsibilities under this subsection and shall take appropriate measures to ensure that the Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

''(5) The heads of elements within the intelligence community shall, as appropriate, furnish such support to the Council, including the preparation of intelligence analyses, as may be required by the Director.

''(c) HEAD OF THE INTELLIGENCE COMMUNITY.—In the Director's capacity as head of the intelligence community, the Director shall—

''(1) develop and present to the President an annual budget for the National Foreign Intelligence Program of the United States;

''(2) establish the requirements and priorities to govern the collection of national intelligence by elements of the intelligence community;

''(3) promote and evaluate the utility of national intelligence to consumers within the Government;

''(4) eliminate waste and unnecessary duplication within the intelligence community;

''(5) protect intelligence sources and methods from unauthorized disclosure; and

''(6) perform such other functions as the President or the National Security Council may direct.

''(d) HEAD OF THE CENTRAL INTELLIGENCE AGENCY.—In the Director's capacity as head of the Central Intelligence Agency, the Director shall—

''(1) collect intelligence through human sources and by other appropriate means, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

''(2) provide overall direction for the collection of national intelligence through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other agencies of the Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that the risks to the United States and those involved in such collection are minimized;

''(3) correlate and evaluate intelligence related to the national security and providing appropriate dissemination of such intelligence;

''(4) perform such additional services as are of common concern to the elements of the intelligence community, which services the Director of Central Intelligence determines can be more efficiently accomplished centrally; and

''(5) perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct.

''AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

''SEC. 104. (a) ACCESS TO INTELLIGENCE.—To the extent recommended by the National Security Council and approved by the President, the Director of Central Intelligence shall have access to all intelligence related to the national security which is collected by any department, agency, or other entity of the United States.

''(b) APPROVAL OF BUDGETS.—The Director of Central Intelligence shall provide guidance to elements of the intelligence community for the preparation of their annual budgets and shall approve such budgets before their incorporation in the National Foreign Intelligence Program.

''(c) ROLE OF DCI IN REPROGRAMMING.—No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the intelligence community without the prior approval of the Director of Central Intelligence except in accordance with procedures issued by the Director.

''(d) TRANSFER OF FUNDS OR PERSONNEL WITHIN THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1) In addition to any other authorities available under law for such purposes, the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Foreign Intelligence Program to another such program and, in accordance with procedures to be developed by the Director and the heads of affected departments and agencies, may transfer personnel authorized for an element of the intelligence community to another such element for periods up to a year.

''(2) A transfer of funds or personnel may be made under this subsection only if—

''(A) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

''(B) the need for funds or personnel for such activity is based on unforeseen requirements;

''(C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency;

''(D) the transfer does not involve a transfer of funds or personnel from the Federal Bureau of Investigation; and

''(E) the Secretary or head of the department which contains the affected element or elements of the intelligence community does not object to such transfer.

''(3) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

''(4) Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how it satisfies the requirements of this subsection. In addition, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this section.

''(5) The Director shall promptly submit to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives and, in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and House of Representatives, a report on any transfer of personnel made pursuant to this subsection. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

''(e) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

''(f) USE OF PERSONNEL.—The Director shall, in coordination with the heads of departments and agencies with elements in the intelligence community, institute policies and programs within the intelligence community—

''(1) to provide for the rotation of personnel between the elements of the intelligence community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions; and

''(2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the intelligence community.

''(g) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—Notwithstanding the provisions of any other law, the Director may, in the Director's discretion, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director shall deem such termination necessary or advisable in the interests of the United States. Any such termination shall not affect the right of the officer or employee terminated to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the Office of Personnel Management.''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 is amended by striking out the items relating to sec-

tions 102a and 103 and inserting in lieu thereof the following new items:

''Sec. 103. Responsibilities of the Director of Central Intelligence.
''Sec. 104. Authorities of the Director of Central Intelligence.
''Sec. 107. National Security Resources Board.
''Sec. 108. Annual National Security Strategy Report.''.

SEC. 706. RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 104 (as added by section 705) the following new sections:

''RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM

''SEC. 105. (a) IN GENERAL.—The Secretary of Defense shall—

''(1) ensure that the budgets of the elements of the intelligence community within the Department of Defense are adequate to satisfy the overall intelligence needs of the Department of Defense, including the needs of the chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands and, wherever such elements are performing governmentwide functions, the needs of other departments and agencies;

''(2) ensure appropriate implementation of the policies and resource decisions of the Director of Central Intelligence by elements of the Department of Defense within the National Foreign Intelligence Program;

''(3) ensure that the tactical intelligence activities of the Department of Defense complement and are compatible with intelligence activities under the National Foreign Intelligence Program;

''(4) ensure that the elements of the intelligence community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces;

''(5) eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense; and

''(6) ensure that intelligence activities of the Department of Defense are conducted jointly where appropriate.

''(b) RESPONSIBILITY FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Consistent with sections 103 and 104 of this Act, the Secretary of Defense shall ensure—

''(1) through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients;

''(2) through a central imagery authority (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense for carrying out tasking of imagery collection, for the coordination of imagery processing and exploitation activities, and for ensuring the dissemination of imagery in a timely manner to authorized recipients;

''(3) through the National Reconnaissance Office (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the research and development, acquisition, and operation of overhead reconnaissance systems necessary to satisfy the requirements of all elements of the intelligence community;

''(4) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified system within the Department of Defense for the production of timely, objective military and military-related intelligence, based upon all sources available to the intelligence community, and shall ensure the appropriate dissemination of such intelligence to authorized recipients;

''(5) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence activities, including defense attaches; and

''(6) that the military departments maintain sufficient capabilities to collect and produce intelligence to meet—

''(A) the requirements of the Director of Central Intelligence;

''(B) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;

''(C) the requirements of the unified and specified combatant commands and of joint operations; and

''(D) the specialized requirements of the military departments for intelligence necessary to support tactical commanders, military planners, the research and development process, the acquisition of military equipment, and training and doctrine.

''(c) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense, in carrying out the functions described in this section, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements identified in this section.

''ADMINISTRATIVE PROVISIONS PERTAINING TO DEFENSE ELEMENTS WITHIN THE INTELLIGENCE COMMUNITY

''SEC. 106. (a) CONSULTATIONS WITH REGARD TO CERTAIN APPOINTMENTS.—The Secretary of Defense shall undertake appropriate consultations with the Director of Central Intelligence before the appointment of any individual as head of the National Security Agency, the National Reconnaissance Office, or the Defense Intelligence Agency.

''(b) APPOINTMENT OF HEAD OF CENTRAL IMAGERY AUTHORITY.—The Secretary shall appoint, upon the recommendation of the Director, the head of the central imagery authority within the Department of Defense.''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 104 (as added by section 705(b)) the following new items:

''Sec. 105. Responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program.
''Sec. 106. Administrative provisions pertaining to defense elements within the intelligence community.''.

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

SEC. 801. SHORT TITLE.

This title may be cited as the ''CIARDS Technical Corrections Act of 1992''.

SEC. 802. RESTATEMENT OF ACT.

The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Central Intelligence Agency Retirement Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''Sec. 1. Short title; table of contents.

''TITLE I—DEFINITIONS

''Sec. 101. Definitions relating to the system.
''Sec. 102. Definitions relating to participants and annuitants.

''TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

''PART A—ESTABLISHMENT OF SYSTEM

''Sec. 201. The CIARDS system.
''Sec. 202. Central Intelligence Agency Retirement and Disability Fund.
''Sec. 203. Participants in the CIARDS system.
''Sec. 204. Annuitants.

''PART B—CONTRIBUTIONS

''Sec. 211. Contributions to fund.

''PART C—COMPUTATION OF ANNUITIES

''Sec. 221. Computation of annuities.
''Sec. 222. Annuities for former spouses.
''Sec. 223. Election of survivor benefits for certain former spouses divorced as of November 15, 1982.
''Sec. 224. Survivor annuity for certain other former spouses.
''Sec. 225. Retirement annuity for certain former spouses.
''Sec. 226. Survivor annuities for previous spouses.

''PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

''Sec. 231. Retirement for disability or incapacity—medical examination—recovery.
''Sec. 232. Death in service.
''Sec. 233. Voluntary retirement.
''Sec. 234. Discontinued service benefits.
''Sec. 235. Mandatory retirement.
''Sec. 236. Eligibility for annuity.

''PART E—LUMP-SUM PAYMENTS

''Sec. 241. Lump-sum payments.

''PART F—PERIOD OF SERVICE FOR ANNUITIES

''Sec. 251. Computation of length of service.
''Sec. 252. Prior service credit.
''Sec. 253. Credit for service while on military leave.

''PART G—MONEYS

''Sec. 261. Estimate of appropriations needed.
''Sec. 262. Investment of moneys in the fund.
''Sec. 263. Payment of benefits.
''Sec. 264. Attachment of moneys.
''Sec. 265. Recovery of payments.

''PART H—RETIRED PARTICIPANTS RECALLED, REINSTATED, OR REAPPOINTED IN THE AGENCY OR REEMPLOYED IN THE GOVERNMENT

''Sec. 271. Recall.
''Sec. 272. Reemployment.
''Sec. 273. Reemployment compensation.

''PART I—VOLUNTARY CONTRIBUTIONS

''Sec. 281. Voluntary contributions.

''PART J—COST-OF-LIVING ADJUSTMENT OF ANNUITIES

''Sec. 291. Cost-of-living adjustment of annuities.

''PART K—CONFORMITY WITH CIVIL SERVICE RETIREMENT SYSTEM

''Sec. 292. Authority to maintain existing areas of conformity between Civil Service and Central Intelligence Agency Retirement and Disability Systems.
''Sec. 293. Thrift savings plan participation.
''Sec. 294. Alternative forms of annuities.
''Sec. 295. Payments from CIARDS fund for portions of certain Civil Service Retirement System annuities.

''TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

''Sec. 301. Application of Federal Employees' Retirement System to Agency employees.

''Sec. 302. Special rules relating to section 203 criteria employees.
''Sec. 303. Special rules for other employees for service abroad.
''Sec. 304. Special rules for former spouses.
''Sec. 305. Administrative provisions.
''Sec. 306. Regulations.
''Sec. 307. Transition regulations.

''TITLE I—DEFINITIONS

''SEC. 101. DEFINITIONS RELATING TO THE SYSTEM.

''When used in this Act:

''(1) AGENCY.—The term 'Agency' means the Central Intelligence Agency.

''(2) DIRECTOR.—The term 'Director' means the Director of Central Intelligence.

''(3) QUALIFYING SERVICE.—The term 'qualifying service' means service determined by the Director to have been performed in carrying out duties described in section 203.

''(4) FUND BALANCE.—The term 'fund balance' means the sum of—

''(A) the investments of the fund calculated at par value; and

''(B) the cash balance of the fund on the books of the Treasury.

''(5) UNFUNDED LIABILITY.—The term 'unfunded liability' means the estimated amount by which—

''(A) the present value of all benefits payable from the fund exceeds

''(B) the sum of—

''(i) the present value of deductions to be withheld from the future basic pay of participants subject to title II and of future Agency contributions to be made on the behalf of such participants;

''(ii) the present value of Government payments to the fund under sections 261(c) and 261(d); and

''(iii) the fund balance as of the date on which the unfunded liability is determined.

''(6) NORMAL COST.—The term 'normal cost' means the level percentage of payroll required to be deposited in the fund to meet the cost of benefits payable under the system (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for government employees and less the cost of credit allowed for military service.

''(7) LUMP-SUM CREDIT.—The term 'lump-sum credit' means the unrefunded amount consisting of retirement deductions made from a participant's basic pay, amounts deposited by a participant covering earlier service, including any amounts deposited under section 252(h), and interest determined under section 281.

''(8) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(9) EMPLOYEE.—The term 'employee' includes an officer of the Agency.

''SEC. 102. DEFINITIONS RELATING TO PARTICIPANTS AND ANNUITANTS.

''(a) GENERAL DEFINITIONS.—When used in title II:

''(1) FORMER PARTICIPANT.—The term 'former participant' means a person who—

''(A) while an employee of the Agency was a participant in the system; and

''(B) separates from the Agency without entitlement to immediate receipt of an annuity from the fund.

''(2) RETIRED PARTICIPANT.—The term 'retired participant' means a person who—

''(A) while an employee of the Agency was a participant in the system; and

''(B) is entitled to receive an annuity from the fund based upon such person's service as a participant.

''(3) SURVIVING SPOUSE.—

''(A) IN GENERAL.—The term 'surviving spouse' means the surviving wife or husband of a participant or retired participant who (i) was married to the participant or retired participant for at least 9 months immediately preceding the participant's or retired participant's death, or (ii) who is the parent of a child born of the marriage.

''(B) TREATMENT WHEN PARTICIPANT DIES LESS THAN 9 MONTHS AFTER MARRIAGE.—In a case in which the participant or retired participant dies within the 9-month period beginning on the date of the marriage, the requirement under subparagraph (A)(i) that a marriage have a duration of at least 9 months immediately preceding the death of the participant or retired participant shall be treated as having been met if—

''(i) the death of the participant or retired participant was accidental; or

''(ii) the surviving wife or husband had been previously married to the participant or retired participant (and subsequently divorced) and the aggregate time married is at least 9 months.

''(4) FORMER SPOUSE.—The term 'former spouse' means a former wife or husband of a participant, former participant, or retired participant as follows:

''(A) DIVORCES ON OR BEFORE DECEMBER 4, 1991.—In the case of a divorce that became final on or before December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant for not less than 10 years during periods of the participant's creditable service, at least 5 years of which were spent outside the United States by both such participant and former wife or husband during the participant's service as an employee of the Agency.

''(B) DIVORCES AFTER DECEMBER 4, 1991.—In the case of a divorce that becomes final after December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant for not less than 10 years during periods of the participant's creditable service, at least 5 years of which were spent by the participant during the participant's service as an employee of the Agency (i) outside the United States, or (ii) otherwise in a position the duties of which qualified the participant for designation by the Director as a participant under section 203.

''(C) CREDITABLE SERVICE.—For purposes of subparagraphs (A) and (B), the term 'creditable service' means all periods of a participant's service that are creditable under sections 251, 252, and 253.

''(5) PREVIOUS SPOUSE.—The term 'previous spouse' means an individual who was married for at least 9 months to a participant, former participant, or retired participant who had at least 18 months of service which are creditable under sections 251, 252, and 253.

''(6) SPOUSAL AGREEMENT.—The term 'spousal agreement' means an agreement between a participant, former participant, or retired participant and the participant, former participant, or retired participant's spouse or former spouse that—

''(A) is in writing, is signed by the parties, and is notarized;

''(B) has not been modified by court order; and

''(C) has been authenticated by the Director.

''(7) COURT ORDER.—The term 'court order' means—

''(A) a court decree of divorce, annulment, or legal separation; or

''(B) a court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

''(8) COURT.—The term 'court' means a court of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court.

''(b) DEFINITION OF CHILD.—For purposes of sections 221 and 232:

''(1) IN GENERAL.—The term 'child' means any of the following:

''(A) MINOR CHILDREN.—An unmarried dependent child under 18 years of age, including—

''(i) an adopted child;

''(ii) a stepchild, but only if the stepchild lived with the participant or retired participant in a regular parent-child relationship;

''(iii) a recognized natural child; and

''(iv) a child who lived with the participant, for whom a petition of adoption was filed by the participant or retired participant, and who is adopted by the surviving spouse after the death of the participant or retired participant.

''(B) DISABLED ADULT CHILDREN.—An unmarried dependent child, regardless of age, who is incapable of self-support because of a physical or mental disability incurred before age 18.

''(C) STUDENTS.—An unmarried dependent child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

''(2) SPECIAL RULES FOR STUDENTS.—

''(A) EXTENSION OF AGE TERMINATION OF STATUS AS 'CHILD'.—For purposes of this subsection, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while regularly pursuing such a course of study or training, shall be treated as having attained the age of 22 on the first day of July following that birthday.

''(B) TREATMENT OF INTERIM PERIOD BETWEEN SCHOOL YEARS.—A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim does not exceed 5 months and if the child shows to the satisfaction of the Director that the child has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim.

''(3) DEPENDENT DEFINED.—For purposes of this subsection, the term 'dependent', with respect to the child of a participant or retired participant, means that the participant or retired participant was, at the time of the death of the participant or retired participant, either living with or contributing to the support of the child, as determined in accordance with regulations prescribed under title II.

''(4) EXCLUSION OF STEPCHILDREN FROM LUMP-SUM PAYMENT.—For purposes of section 241(c), the term 'child' includes an adopted child and a natural child, but does not include a stepchild.

''TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

''Part A—Establishment of System

''SEC. 201. THE CIARDS SYSTEM.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OF SYSTEM.—There is a retirement and disability system for certain employees of the Central Intelligence Agency known as the Central Intelligence Agency Retirement and Disability System (hereinafter in this Act referred to as the 'system'), originally established pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

''(2) DCI REGULATIONS.—The Director shall prescribe regulations for the system. The Director shall submit any proposed regulations for the system to the congressional intel-

ligence committees not less than 14 days before they take effect.

''(b) ADMINISTRATION OF SYSTEM.—The Director shall administer the system in accordance with regulations prescribed under this title and with the principles established by this title.

''(c) FINALITY OF DECISIONS OF DCI.—In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other provision of law (except section 305(b) of this Act), any determination by the Director authorized by this Act shall be final and conclusive and shall not be subject to review by any court.

"SEC. 202. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY FUND.

''The Director shall maintain the fund in the Treasury known as the 'Central Intelligence Agency Retirement and Disability Fund' (hereinafter in this Act referred to as the 'fund'), originally created pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"SEC. 203. PARTICIPANTS IN THE CIARDS SYSTEM.

''(a) DESIGNATION OF PARTICIPANTS.—The Director may from time to time designate employees of the Agency who shall be entitled to participate in the system. Employees so designated who elect to participate in the system are referred to in this Act as 'participants'.

''(b) QUALIFYING SERVICE.—Designation of employees under this section may be made only from among employees of the Agency who have completed at least 5 years of qualifying service. For purposes of this Act, qualifying service is service in the Agency performed in carrying out duties that are determined by the Director—

''(1) to be in support of Agency activities abroad hazardous to life or health; or

''(2) to be so specialized because of security requirements as to be clearly distinguishable from normal government employment.

''(c) ELECTION OF EMPLOYEE TO BE A PARTICIPANT.—

''(1) PERMANENCE OF ELECTION.—An employee of the Agency who elects to accept designation as a participant in the system shall remain a participant of the system for the duration of that individual's employment with the Agency.

''(2) IRREVOCABILITY OF ELECTION.—Such an election shall be irrevocable except as and to the extent provided in section 301(d).

''(3) ELECTION NOT SUBJECT TO APPROVAL.—An election under this section is not subject to review or approval by the Director.

"SEC. 204. ANNUITANTS.

''Persons who are annuitants under the system are—

''(1) those persons who, on the basis of their service in the Agency, have met all requirements for an annuity under this title or any other Act and are receiving an annuity from the fund; and

''(2) those persons who, on the basis of someone else's service, meet all the requirements under this title or any other Act for an annuity payable from the fund.

"Part B—Contributions

"SEC. 211. CONTRIBUTIONS TO FUND.

''(a) IN GENERAL.—

''(1) PARTICIPANT'S CONTRIBUTIONS.—Except as provided in subsection (d), 7 percent of the basic pay received by a participant for any pay period shall be deducted and withheld from the pay of that participant and contributed to the fund.

''(2) AGENCY CONTRIBUTIONS.—An equal amount shall be contributed to the fund for that pay period from the appropriation or fund which is used for payment of the participant's basic pay.

''(3) DEPOSITS TO THE FUND.—The amounts deducted and withheld from basic pay, together with the amounts so contributed from the appropriation or fund, shall be deposited by the Director to the credit of the fund.

''(b) CONSENT OF PARTICIPANT TO DEDUCTIONS FROM PAY.—Each participant shall be deemed to consent and agree to such deductions from basic pay, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which the participant is entitled under this title, notwithstanding any law, rule, or regulation affecting the individual's pay.

''(c) TREATMENT OF CONTRIBUTIONS AFTER 35 YEARS OF SERVICE.—

''(1) ACCRUAL OF INTEREST.—Amounts deducted and withheld from the basic pay of a participant under this section for pay periods after the first day of the first pay period beginning after the day on which the participant completes 35 years of creditable service computed under sections 251 and 252 (excluding service credit for unused sick leave under section 221(a)(2)) shall accrue interest. Such interest shall accrue at the rate of 3 percent a year through December 31, 1984, and thereafter at the rate computed under section 8334(e) of title 5, United States Code, and shall be compounded annually from the date on which the amount is so deducted and withheld until the date of the participant's retirement or death.

''(2) USE OF AMOUNTS WITHHELD AFTER 35 YEARS OF SERVICE.—

''(A) USE FOR DEPOSITS DUE UNDER SECTION 252(b).—Amounts described in paragraph (1), including interest accrued on such amounts, shall be applied upon the participant's retirement or death toward any deposit due under section 252(b).

''(B) LUMP-SUM PAYMENT.—Any balance of such amounts not so required for such a deposit shall be refunded to the participant in a lump sum after the participant's separation (or, in the event of a death in service, to a beneficiary in order of precedence specified in subsection 241(c)), subject to the requirement under section 241(b)(4).

''(C) PURCHASES OF ADDITIONAL ELECTIVE BENEFITS.—In lieu of such a lump-sum payment, the participant may use such amounts—

''(i) to purchase an additional annuity in accordance with section 281; or

''(ii) provide any additional survivor benefit for a current or former spouse or spouses.

''(d) OFFSET FOR SOCIAL SECURITY TAXES.—

''(1) PERSONS COVERED.—In the case of a participant who was a participant subject to this title before January 1, 1984, and whose service—

''(A) is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, and

''(B) is not creditable service for any purpose under title III of this Act or chapter 84 of title 5, United States Code,

there shall be deducted and withheld from the basic pay of the participant under this section during any pay period only the amount computed under paragraph (2).

''(2) REDUCTION IN CONTRIBUTION.—The amount deducted and withheld from the basic pay of a participant during any pay period pursuant to paragraph (1) shall be the excess of—

''(A) the amount determined by multiplying the percent applicable to the participant under subsection (a) by the basic pay payable to the participant for that pay period, over

''(B) the amount of the taxes deducted and withheld from such basic pay under section 3101(a) of the Internal Revenue Code of 1954 (relating to old-age, survivors, and disability insurance) for that pay period.

"Part C—Computation of Annuities

"SEC. 221. COMPUTATION OF ANNUITIES.

''(a) ANNUITY OF PARTICIPANT.—

''(1) COMPUTATION OF ANNUITY.—The annuity of a participant is the product of—

''(A) the participant's high-3 average pay (as defined in paragraph (4)); and

''(B) the number of years, not exceeding 35, of service credit (determined in accordance with sections 251 and 252) multiplied by 2 percent.

''(2) CREDIT FOR UNUSED SICK LEAVE.—The total service of a participant who retires on an immediate annuity (except under section 231) or who dies leaving a survivor or survivors entitled to an annuity shall include (without regard to the 35-year limitation prescribed in paragraph (1)) the days of unused sick leave to the credit of the participant. Days of unused sick leave may not be counted in determining average basic pay or eligibility for an annuity under this title. A deposit shall not be required for days of unused sick leave credited under this paragraph.

''(3) CREDITING OF PART-TIME SERVICE.—

''(A) IN GENERAL.—In the case of a participant whose service includes service on a part-time basis performed after April 6, 1986, the participant's annuity shall be the sum of the amounts determined under subparagraphs (B) and (C).

''(B) COMPUTATION OF PRE-APRIL 7, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service before April 7, 1986, shall be the amount computed under paragraph (1) using the participant's length of service before that date (increased by the unused sick leave to the credit of the participant at the time of retirement) and the participant's high-3 average pay.

''(C) COMPUTATION OF POST-APRIL 6, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service after April 6, 1986, shall be the product of—

''(i) the amount computed under paragraph (1), using the participant's length of service after that date and the participant's high-3 average pay, as determined by using the annual rate of basic pay that would be payable for full-time service; and

''(ii) the ratio which the participant's actual service after April 6, 1986 (as determined by prorating the participant's total service after that date to reflect the service that was performed on a part-time basis) bears to the total service after that date that would be creditable for the participant if all the service had been performed on a full-time basis.

''(D) TREATMENT OF EMPLOYMENT ON TEMPORARY OR INTERMITTENT BASIS.—Employment on a temporary or intermittent basis shall not be considered to be service on a part-time basis for purposes of this paragraph.

''(4) HIGH-3 AVERAGE PAY DEFINED.—For purposes of this subsection, a participant's high-3 average pay is the amount of the participant's average basic pay for the highest 3 consecutive years of the participant's service (or, in the case of an annuity computed under section 232 and based on less than 3 years, over the total service) for which full contributions have been made to the fund.

''(5) COMPUTATION OF SERVICE.—In determining the aggregate period of service upon

which an annuity is to be based, any fractional part of a month shall not be counted.

''(b) SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

''(1) REDUCTION IN PARTICIPANT'S ANNUITY TO PROVIDE SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

''(A) GENERAL RULE.—Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 55), the participant shall receive a reduced annuity and provide a survivor annuity for the participant's spouse under this subsection or former spouse under section 222(b), or a combination of such annuities, as the case may be.

''(B) JOINT ELECTION FOR WAIVER OR REDUCTION OF SPOUSE SURVIVOR ANNUITY.—A married participant or former participant and the participant's spouse may jointly elect in writing at the time of retirement to waive a survivor annuity for that spouse under this section or to reduce such survivor annuity under this section by designating a portion of the annuity of the participant as the base for the survivor annuity. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

''(C) JOINT ELECTION OF PARTICIPANT AND FORMER SPOUSE.—If a participant or former participant has a former spouse, such participant and the participant's former spouse may jointly elect by spousal agreement under section 264(b) to waive, reduce, or increase a survivor annuity under section 222(b) for that former spouse. Any such election must be made (i) before the end of the 12-month period beginning on the date on which the divorce or annulment involving that former spouse becomes final, or (ii) at the time of retirement of the participant, whichever is later.

''(D) UNILATERAL ELECTIONS IN ABSENCE OF SPOUSE OR FORMER SPOUSE.—The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

''(2) AMOUNT OF REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity of a participant or former participant providing a survivor annuity under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first $3,600 plus 10 percent of any amount over $3,600. The reduction under this paragraph shall be calculated before any reduction under section 222(a)(5).

''(3) AMOUNT OF SURVIVING SPOUSE ANNUITY.—

''(A) IN GENERAL.—If a retired participant receiving a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse. The amount of the annuity shall be equal to 55 percent of (i) the full amount of the participant's annuity computed under subsection (a), or (ii) any lesser amount elected as the base for the survivor annuity under paragraph (1)(B).

''(B) LIMITATION.—Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the retired participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor annuities which remains available under section 222(b)(4)(B).

''(C) EFFECTIVE DATE AND TERMINATION OF ANNUITY.—An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the retired participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 55. If such survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

''(c) 18–MONTH OPEN PERIOD AFTER RETIREMENT TO PROVIDE SPOUSE COVERAGE.—

''(1) SURVIVOR ANNUITY ELECTIONS.—

''(A) ELECTION WHEN SPOUSE COVERAGE WAIVED AT TIME OF RETIREMENT.—A participant or former participant who retires after March 31, 1992 and who—

''(i) is married at the time of retirement; and

''(ii) elects at that time (in accordance with subsection (b)) to waive a survivor annuity for the spouse,

may, during the 18-month period beginning on the date of the retirement of the participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for the participant's spouse.

''(B) ELECTION WHEN REDUCED SPOUSE ANNUITY ELECTED.—A participant or former participant who retires after March 31, 1992, and—

''(i) who, at the time of retirement, is married, and

''(ii) who, at that time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

''(2) DEPOSIT REQUIRED.—

''(A) REQUIREMENT.—An election under paragraph (1) shall not be effective unless the amount specified in subparagraph (B) is deposited into the fund before the end of that 18-month period.

''(B) AMOUNT OF DEPOSIT.—The amount to be deposited with respect to an election under this subsection is the amount equal to the sum of the following:

''(i) ADDITIONAL COST TO SYSTEM.—The additional cost to the system that is associated with providing a survivor annuity under subsection (b) and that results from such election, taking into account—

''(I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity; and

''(II) the costs associated with providing for the later election.

''(ii) INTEREST.—Interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

''(3) VOIDING OF PREVIOUS ELECTIONS.—An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

''(4) REDUCTIONS IN ANNUITY.—An annuity that is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

''(5) RIGHTS AND OBLIGATIONS RESULTING FROM REDUCED ANNUITY ELECTION.—Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations that would have resulted had the participant involved elected such annuity at the time of retirement.

''(d) ANNUITIES FOR SURVIVING CHILDREN.—

''(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a retired participant who died before April 1, 1992, and who is survived by a child or children—

''(A) if the retired participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

''(B) if the retired participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

''(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a retired participant who dies on or after April 1, 1992, and who is survived by a child or children—

''(A) if the retired participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

''(B) if the retired participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

''(3) AMOUNT OF ANNUITY.—

''(A) The annual amount of an annuity for the surviving child of a participant covered by paragraph (1)(A) or (2)(A) of this subsection (or covered by paragraph (1)(A) or (2)(A) of section 232(c)) is the smallest of the following:

''(i) 60 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

''(ii) $900, as adjusted under section 291.

''(iii) $2,700, as adjusted under section 291, divided by the number of children.

''(B) The amount of an annuity for the surviving child of a participant covered by paragraph (1)(B) or (2)(B) of this subsection (or covered by paragraph (1)(B) or (2)(B) of section 232(c)) is the smallest of the following:

''(i) 75 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

''(ii) $1,080, as adjusted under section 291.

''(iii) $3,240, as adjusted under section 291, divided by the number of children.

''(4) RECOMPUTATION OF CHILD ANNUITIES.—

''(A) In the case of a child annuity payable under paragraph (1), upon the death of a surviving spouse or the termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse or child had not survived the retired participant.

''(B) In the case of a child annuity payable under paragraph (2), upon the death of a surviving spouse or former spouse or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the

retired participant. If the annuity of a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities of all currently eligible children were then being initiated.

''(5) DEFINITION OF FORMER SPOUSE.—For purposes of this subsection, the term 'former spouse' includes any former wife or husband of the retired participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

''(e) COMMENCEMENT AND TERMINATION OF CHILD ANNUITIES.—

''(1) COMMENCEMENT.—An annuity payable to a child under subsection (d), or under section 232(c), shall begin on the day after the date on which the participant or retired participant dies or, in the case of an individual over the age of 18 who is not a child within the meaning of section 102(b), shall begin or resume on the first day of the month in which the individual later becomes or again becomes a student as described in section 102(b). Such annuity may not commence until any lump-sum that has been paid is returned to the fund.

''(2) TERMINATION.—Such an annuity shall terminate on the last day of the month before the month in which the recipient of the annuity dies or no longer qualifies as a child (as defined in section 102(b)).

''(f) PARTICIPANTS NOT MARRIED AT TIME OF RETIREMENT.—

''(1) DESIGNATION OF PERSONS WITH INSURABLE INTEREST.—

''(A) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under sections 221(b) and 222, at the time of retirement an unmarried participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subparagraph (B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system. The amount of such an annuity shall be equal to 55 percent of the participant's reduced annuity after the participant's death.

''(B) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

''(C) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

''(D) RECOMPUTATION OF PARTICIPANT'S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this paragraph shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.

''(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT MARRIAGE.—A participant who is unmarried at the time of retirement and who later marries may irrevocably elect, in a signed writing received by the Director within one year after the marriage, to receive a reduced annuity as provided in section 221(b). Such election and reduction shall be effective on the first day of the month beginning 9 months after the date of marriage. The election voids prospectively any election previously made under paragraph (1).

''(g) EFFECT OF DIVORCE AFTER RETIREMENT.—

''(1) RECOMPUTATION OF RETIRED PARTICIPANT'S ANNUITY UPON DIVORCE.—An annuity which is reduced under this section (or any similar prior provision of law) to provide a survivor annuity for a spouse shall, if the marriage of the retired participant to such spouse is dissolved, be recomputed and paid for each full month during which a retired participant is not married (or is remarried if there is no election in effect under paragraph (2)) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor annuity under subsection (b) or (c) of section 222 or under section 226.

''(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT REMARRIAGE.—

''(A) IN GENERAL.—Upon remarriage, the retired participant may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, to receive a reduced annuity for the purpose of providing an annuity for the new spouse of the retired participant in the event such spouse survives the retired participant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5) or elected under subparagraph (B)).

''(B) WHEN ANNUITY PREVIOUSLY NOT (OR NOT FULLY) REDUCED.—

''(i) ELECTION.—If the retired participant's annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement, the retired participant may make an election under the first sentence of subparagraph (A) upon remarriage to a spouse other than the spouse at the time of retirement. For any remarriage that occurred before August 14, 1991, the retired participant may make such an election within 2 years after such date.

''(ii) DEPOSIT REQUIRED.—

''(I) The retired participant shall, within one year after the date of the remarriage (or by August 14, 1993 for any remarriage that occurred before August 14, 1991), deposit in the fund an amount determined by the Director, as nearly as may be administratively feasible, to reflect the amount by which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced, plus interest.

''(II) The annual rate of interest for each year during which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced shall be 6 percent.

''(III) If the retired participant does not make the deposit, the Director shall collect such amount by offset against the participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the retired participant, and the retired participant is deemed to consent to such offset.

''(IV) The deposit required by this subparagraph may be made by the surviving spouse of the retired participant.

''(C) EFFECTS OF ELECTION.—An election under this paragraph and the reduction in the participant's annuity shall be effective on the first day of the month beginning 9 months after the date of remarriage. A survivor annuity elected under this paragraph shall be treated in all respects as a survivor annuity under subsection (b).

''(h) COORDINATION OF ANNUITIES.—

''(1) SURVIVING SPOUSE.—A surviving spouse whose survivor annuity was terminated because of remarriage before attaining age 55 shall not be entitled under subsection (b)(3)(C) to the restoration of that survivor annuity payable from the fund unless the surviving spouse elects to receive it instead of any other survivor annuity to which the surviving spouse may be entitled under the system or any other retirement system for Government employees by reason of the remarriage.

''(2) FORMER SPOUSE.—A surviving former spouse of a participant or retired participant shall not become entitled under section 222(b) or 224 to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the surviving former spouse elects to receive it instead of any other survivor annuity to which the surviving former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

''(3) SURVIVING SPOUSE OF POST-RETIREMENT MARRIAGE.—A surviving spouse who married a participant after the participant's retirement shall be entitled to a survivor annuity payable from the fund only upon electing that annuity instead of any other survivor annuity to which the surviving spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the retired participant.

''(i) SUPPLEMENTAL SURVIVOR ANNUITIES.—

''(1) SPOUSE OF RECALLED ANNUITANT.—A married recalled annuitant who reverts to retired status with entitlement to a supplemental annuity under section 271(b) shall, unless the annuitant and the annuitant's spouse jointly elect in writing to the contrary at the time of reversion to retired status, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for the annuitant's spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant.

''(2) REGULATIONS.—The Director shall prescribe regulations to provide for the application of paragraph (1) of this subsection and of subsection (b) of section 271 in any case in which an annuitant has a former spouse who was married to the recalled annuitant at any time during the period of recall service and who qualifies for an annuity under section 222(b).

''(j) OFFSET OF ANNUITIES BY AMOUNT OF SOCIAL SECURITY BENEFIT.—Notwithstanding any other provision of this title, an annuity (including a disability annuity) payable under this title to an individual described in sections 211(d)(1) and 301(c)(1) and any survivor annuity payable under this title on the basis of the service of such individual shall be reduced (except as provided in paragraph (2)) in a manner consistent with section 8349 of title 5, United States Code, under conditions consistent with the conditions prescribed in that section.

''(k) INFORMATION FROM OTHER AGENCIES.—

''(1) OTHER AGENCIES.—For the purpose of ensuring the accuracy of the information used in the determination of eligibility for and the computation of annuities payable from the fund under this title, at the request of the Director—

''(A) the Secretary of Defense shall provide information on retired or retainer pay paid under title 10, United States Code;

''(B) the Secretary of Veterans Affairs shall provide information on pensions or compensation paid under title 38, United States Code;

''(C) the Secretary of Health and Human Services shall provide information contained in the records of the Social Security Administration; and

''(D) the Secretary of Labor shall provide information on benefits paid under subchapter I of chapter 81 of title 5, United States Code.

''(2) LIMITATION ON INFORMATION REQUESTED.—The Director shall request only such information as the Director determines is necessary.

''(3) LIMITATION ON USES OF INFORMATION.—The Director, in consultation with the officials from whom information is requested, shall ensure that information made available

under this subsection is used only for the purposes authorized.

''(l) INFORMATION ON RIGHTS UNDER THE SYSTEM.—The Director shall, on an annual basis—

''(1) inform each retired participant of the participant's right of election under subsections (c), (f)(2), and (g); and

''(2) to the maximum extent practicable, inform spouses and former spouses of participants, former participants, and retired participants of their rights under this Act.

"SEC. 222. ANNUITIES FOR FORMER SPOUSES.

''(a) FORMER SPOUSE SHARE OF PARTICIPANT'S ANNUITY.—

''(1) PRO RATA SHARE.—Unless otherwise expressly provided by a spousal agreement or court order under section 264(b), a former spouse of a participant, former participant, or retired participant is entitled to an annuity—

''(A) if married to the participant, former participant, or retired participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

''(B) if not married to the participant throughout such creditable service, equal to that proportion of 50 percent of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

''(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse is not qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

''(3) COMMENCEMENT OF ANNUITY.—The annuity of a former spouse under this subsection commences on the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or on the first day of the month after the divorce or annulment involved becomes final, whichever is later.

''(4) TERMINATION OF ANNUITY.—The annuity of such former spouse and the right thereto terminate on—

''(A) the last day of the month before the month in which the former spouse dies or remarries before 55 years of age; or

''(B) the date on which the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

''(5) TREATMENT OF PARTICIPANT'S ANNUITY.—

''(A) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating—

''(i) the survivor annuity for any spouse, former spouse, or other survivor under this title; and

''(ii) any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or under section 221(b).

''(B) TREATMENT WHEN ANNUITANT RETURNS TO SERVICE.—If an annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered disability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

''(6) DISABILITY ANNUITANT.—Notwithstanding paragraph (3), in the case of a former spouse of a disability annuitant—

''(A) the annuity of that former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than a disability annuity) or the date on which the disability annuity begins, whichever is later, and

''(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

''(7) ELECTION OF BENEFITS.—A former spouse of a participant, former participant, or retired participant shall not become entitled under this subsection to an annuity payable from the fund unless the former spouse elects to receive it instead of any other annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

''(8) LIMITATION IN CASE OF MULTIPLE FORMER SPOUSE ANNUITIES.—No spousal agreement or court order under section 264(b) involving a participant may provide for an annuity or a combination of annuities under this subsection that exceeds the annuity of the participant.

''(b) FORMER SPOUSE SURVIVOR ANNUITY.—

''(1) PRO RATA SHARE.—Subject to any election under section 221(b)(1)(B) and (C) and unless otherwise expressly provided by a spousal agreement or court order under section 264(b), if an annuitant is survived by a former spouse, the former spouse shall be entitled—

''(A) if married to the annuitant throughout the creditable service of the annuitant, to a survivor annuity equal to 55 percent of the unreduced amount of the annuitant's annuity, as computed under section 221(a); and

''(B) if not married to the annuitant throughout such creditable service, to a survivor annuity equal to that proportion of 55 percent of the unreduced amount of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

''(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

''(3) COMMENCEMENT, TERMINATION, AND RESTORATION OF ANNUITY.—An annuity payable from the fund under this title to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

''(4) SURVIVOR ANNUITY AMOUNT.—

''(A) MAXIMUM AMOUNT.—The maximum survivor annuity or combination of survivor annuities under this subsection (and section 221(b)(3)) with respect to any participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

''(B) LIMITATION ON OTHER SURVIVOR ANNUITIES BASED ON SERVICE OF SAME PARTICIPANT.—Once a survivor annuity has been provided under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided under this subsection (or section 221(b)(3)) with respect to the participant only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

''(C) FINALITY OF COURT ORDER UPON DEATH OF PARTICIPANT.—After the death of a participant or retired participant, a court order under section 264(b) may not adjust the amount of the annuity of a former spouse of that participant or retired participant under this section.

''(5) EFFECT OF TERMINATION OF FORMER SPOUSE ENTITLEMENT.—

''(A) RECOMPUTATION OF PARTICIPANT'S ANNUITY.—If a former spouse of a retired participant dies or remarries before attaining age 55, the annuity of the retired participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid, effective on the first day of the month beginning after such death or remarriage, as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

''(B) ELECTION OF SPOUSE ANNUITY.—Subject to paragraph (4)(B), the participant may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

''(c) OPTIONAL ADDITIONAL SURVIVOR ANNUITIES FOR OTHER FORMER SPOUSE OR SURVIVING SPOUSE.—

''(1) IN GENERAL.—In the case of any participant providing a survivor annuity under subsection (b) for a former spouse—

''(A) such participant may elect, or

''(B) a spousal agreement or court order under section 264(b) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Director.

''(2) LIMITATION.—Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, may exceed 55 percent of the unreduced amount of the participant's annuity, as computed under section 221(a).

''(3) CONTRIBUTION FOR ADDITIONAL ANNUITIES.—

''(A) PROVISION OF ADDITIONAL SURVIVOR ANNUITY.—In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection—

''(i) by a reduction in the annuity or an allotment from the basic pay of the participant;

''(ii) by a lump-sum payment or installment payments to the fund; or

''(iii) by any combination thereof.

''(B) ACTUARIAL EQUIVALENCE TO BENEFIT.—The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

''(C) EFFECT OF FORMER SPOUSE'S DEATH OR DISQUALIFICATION.—If a former spouse predeceases the participant or remarries before attaining age 55 (or, in the case of a spouse, the spouse predeceases or does not qualify as a former spouse upon dissolution of the marriage)—

''(i) if an annuity reduction or pay allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity

shall be recomputed and paid as if it had not been reduced or the pay allotment terminated, as the case may be; and

''(ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

''(D) RECOMPUTATION UPON DEATH OR REMARRIAGE OF FORMER SPOUSE.—Under regulations prescribed by the Director, an annuity shall be recomputed (or a pay allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 55 and an increased annuity is provided for that spouse in accordance with this section.

''(4) COMMENCEMENT AND TERMINATION OF ADDITIONAL SURVIVOR ANNUITY.—An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55.

''(5) NONAPPLICABILITY OF COLA PROVISION.—Section 291 does not apply to an annuity under this subsection, unless authorized under regulations prescribed by the Director.

''SEC. 223. ELECTION OF SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES DIVORCED AS OF NOVEMBER 15, 1982.

''(a) FORMER SPOUSES AS OF NOVEMBER 15, 1982.—A participant, former participant, or retired participant in the system who on November 15, 1982, had a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under section 222(b).

''(b) TIME FOR MAKING ELECTION.—

''(1) If the participant or former participant has not retired under such system on or before November 15, 1982, an election under this section may be made at any time before retirement.

''(2) If the participant or former participant has retired under such system on or before November 15, 1982, an election under this section may be made within such period after November 15, 1982, as the Director may prescribe.

''(3) For the purposes of applying this title, any such election shall be treated in the same manner as if it were a spousal agreement under section 264(b).

''(c) BASE FOR ANNUITY.—An election under this section may provide for a survivor annuity based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for a survivor annuity for a spouse or any other former spouse of the participant. The participant and the participant's spouse may make an election under section 221(b)(1)(B) before the time of retirement for the purpose of allowing an election to be made under this section.

''(d) REDUCTION IN PARTICIPANT'S ANNUITY.—

''(1) COMPUTATION.—The amount of the reduction in the participant's annuity shall be determined in accordance with section 221(b)(2).

''(2) EFFECTIVE DATE OF REDUCTION.—Such reduction shall be effective as of—

''(A) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1); or

''(B) November 15, 1982, in the case of an election under subsection (b)(2).

''SEC. 224. SURVIVOR ANNUITY FOR CERTAIN OTHER FORMER SPOUSES.

''(a) SURVIVOR ANNUITY.—

''(1) IN GENERAL.—An individual who was a former spouse of a participant or retired participant on November 15, 1982, shall be entitled, except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

''(A) the unreduced amount of the participant's or retired participant's annuity, as computed under section 221(a); or

''(B) the unreduced amount of what such annuity as so computed would be if the participant, former participant, or retired participant had not elected payment of the lump-sum credit under section 294.

''(2) REDUCTION IN SURVIVOR ANNUITY.—A survivor annuity payable under this section shall be reduced by an amount equal to any survivor annuity payments made to the former spouse under section 223.

''(b) LIMITATIONS.—A former spouse is not entitled to a survivor annuity under this section if—

''(1) the former spouse remarries before age 55, except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

''(2) the former spouse is less than 50 years of age.

''(c) COMMENCEMENT AND TERMINATION OF ANNUITY.—

''(1) COMMENCEMENT OF ANNUITY.—The entitlement of a former spouse to a survivor annuity under this section shall commence—

''(A) in the case of a former spouse of a participant or retired participant who is deceased as of October 1, 1986, beginning on the later of—

''(i) the 60th day after such date; or

''(ii) the date on which the former spouse reaches age 50; and

''(B) in the case of any other former spouse, beginning on the latest of—

''(i) the date on which the participant or former participant to whom the former spouse was married dies;

''(ii) the 60th day after October 1, 1986; or

''(iii) the date on which the former spouse attains age 50.

''(2) TERMINATION OF ANNUITY.—The entitlement of a former spouse to a survivor annuity under this section terminates on the last day of the month before the former spouse's death or remarriage before attaining age 55. The entitlement of a former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce.

''(d) APPLICATION.—

''(1) TIME LIMIT; WAIVER.—A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require. Any such application shall be submitted not later than April 1, 1989. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

''(2) RETROACTIVE BENEFITS.—Upon approval of an application provided under paragraph (1), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before October 1, 1986.

''(e) RESTORATION OF ANNUITY.—Notwithstanding subsection (d)(1), the deadline by which an application for a survivor annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(2).

''SEC. 225. RETIREMENT ANNUITY FOR CERTAIN FORMER SPOUSES.

''(a) RETIREMENT ANNUITY.—An individual who was a former spouse of a participant, former participant, or retired participant on November 15, 1982, and any former spouse divorced after November 15, 1982, from a participant or former participant who retired before November 15, 1982, shall be entitled, except to the extent such former spouse is disqualified under subsection (b), to an annuity—

''(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

''(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such annuity.

''(b) LIMITATIONS.—A former spouse is not entitled to an annuity under this section if—

''(1) the former spouse remarries before age 55, except that the entitlement of the former spouse to an annuity under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

''(2) the former spouse is less than 50 years of age.

''(c) COMMENCEMENT AND TERMINATION.—

''(1) RETIREMENT ANNUITIES.—The entitlement of a former spouse to an annuity under this section—

''(A) shall commence on the later of—

''(i) the day the participant upon whose service the right to the annuity is based becomes entitled to an annuity under this title;

''(ii) the first day of the month in which the divorce or annulment involved becomes final; or

''(iii) such former spouse's 50th birthday; and

''(B) shall terminate on the earlier of—

''(i) the last day of the month before the former spouse dies or remarries before 55 years of age, except that the entitlement of the former spouse to an annuity under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

''(ii) the date on which the annuity of the participant terminates.

''(2) DISABILITY ANNUITIES.—Notwithstanding paragraph (1)(A)(i), in the case of a former spouse of a disability annuitant—

''(A) the annuity of the former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than disability annuity) or the date the disability annuity begins, whichever is later; and

''(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

''(3) ELECTION OF BENEFITS.—A former spouse of a participant or retired participant shall not become entitled under this section to an annuity or to the restoration of an annuity payable from the fund unless the former spouse elects to receive it instead of any other annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

''(4) APPLICATION.—

''(A) TIME LIMIT; WAIVER.—An annuity under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, not later than

June 2, 1991. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

''(B) RETROACTIVE BENEFITS.—Upon approval of an application under subparagraph (A), the appropriate annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to an annuity under this section, but in no event shall an annuity be payable under this section with respect to any period before December 2, 1987.

''(d) RESTORATION OF ANNUITIES.—Notwithstanding subsection (c)(4)(A), the deadline by which an application for a retirement annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such annuity is restored under subsection (b)(1) or (c)(1)(B).

''(e) SAVINGS PROVISION.—Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this title.

''SEC. 226. SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.

''The Director shall prescribe regulations under which a previous spouse who is divorced after September 29, 1988, from a participant, former participant, or retired participant shall be eligible for a survivor annuity to the same extent and, to the greatest extent practicable, under the same conditions (including reductions to be made in the annuity of the participant) applicable to former spouses (as defined in section 8331(23) of title 5, United States Code) of participants in the Civil Service Retirement and Disability System (CSRS) as prescribed by the Civil Service Retirement Spouse Equity Act of 1984.

''Part D—Benefits Accruing to Certain Participants

''SEC. 231. RETIREMENT FOR DISABILITY OR INCAPACITY—MEDICAL EXAMINATION—RECOVERY.

''(a) DISABILITY RETIREMENT.—

''(1) ELIGIBILITY.—A participant who has become disabled shall, upon the participant's own application or upon order of the Director, be retired on an annuity computed under subsection (b).

''(2) STANDARD FOR DISABILITY DETERMINATION.—A participant shall be considered to be disabled only if the participant—

''(A) is found by the Director to be unable, because of disease or injury, to render useful and efficient service in the participant's position; and

''(B) is not qualified for reassignment, under procedures prescribed by the Director, to a vacant position in the Agency at the same grade or level and in which the participant would be able to render useful and efficient service.

''(3) TIME LIMIT FOR APPLICATION.—

''(A) ONE YEAR REQUIREMENT.—A claim may be allowed under this section only if the application is submitted before the participant is separated from the Agency or within one year thereafter.

''(B) WAIVER FOR MENTALLY INCOMPETENT PARTICIPANT.—The time limitation may be waived by the Director for a participant who, at the date of separation from the Agency or within one year thereafter, is mentally incompetent, if the application is filed with the Agency within one year from the date of restoration of the participant to competency or the appointment of a fiduciary, whichever is earlier.

''(b) COMPUTATION OF DISABILITY ANNUITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an annuity payable under subsection (a) shall be computed under section 221(a). However, if the disabled or incapacitated participant has less than 20 years of service credit toward retirement under the system at the time of retirement, the annuity shall be computed on the assumption that the participant has had 20 years of service, but the additional service credit that may accrue to a participant under this paragraph may not exceed the difference between the participant's age at the time of retirement and age 60.

''(2) COORDINATION WITH MILITARY RETIRED PAY AND VETERANS' COMPENSATION AND PENSION.—If a participant retiring under this section is receiving retired pay or retainer pay for military service (except that specified in section 252(e)(3)) or Department of Veterans Affairs compensation or pension in lieu of such retired or retainer pay, the annuity of that participant shall be computed under section 221(a), excluding credit for such military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in section 5532 of title 5, United States Code, or the Department of Veterans Affairs compensation or pension in lieu of such retired or retainer pay, is less than the annuity that would be payable under this section in the absence of the previous sentence, an amount equal to the difference shall be added to the annuity payable under section 221(a).

''(c) MEDICAL EXAMINATIONS.—

''(1) MEDICAL EXAMINATION REQUIRED FOR DETERMINATION OF DISABILITY.—In each case, the participant shall be given a medical examination by one or more duly qualified physicians or surgeons designated by the Director to conduct examinations, and disability shall be determined by the Director on the basis of the advice of such physicians or surgeons.

''(2) ANNUAL REEXAMINATIONS UNTIL AGE 60.—Unless the disability is permanent, like examinations shall be made annually until the annuitant becomes age 60. If the Director determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that the annuitant can return to duty, the annuitant may apply for reinstatement or reappointment in the Agency within one year from the date the annuitant's recovery is determined.

''(3) REINSTATEMENT.—Upon application, the Director may reinstate any such recovered disability annuitant in the grade held at time of retirement, or the Director may, taking into consideration the age, qualifications, and experience of such annuitant, and the present grade of the annuitant's contemporaries in the Agency, appoint the annuitant to a grade higher than the one held before retirement.

''(4) TERMINATION OF DISABILITY ANNUITY.—Payment of the annuity shall continue until a date one year after the date of examination showing recovery or until the date of reinstatement or reappointment in the Agency, whichever is earlier.

''(5) PAYMENT OF FEES.—Fees for examinations under this subsection, together with reasonable traveling and other expenses incurred in order to submit to examination, may be paid out of the fund.

''(6) SUSPENSION OF ANNUITY PENDING REQUIRED EXAMINATION.—If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

''(7) TERMINATION OF ANNUITY UPON RESTORATION OF EARNING CAPACITY.—If the annuitant receiving a disability retirement annuity is restored to earning capacity before becoming age 60, payment of the annuity terminates on reemployment by the Government or 180 days after the end of the calendar year in which earning capacity is restored, whichever is earlier. Earning capacity shall be considered to be restored if in any calendar year the income of the annuitant from wages or self-employment, or both, equals at least 80 percent of the current rate of pay for the grade and step the annuitant held at the time of retirement.

''(d) TREATMENT OF RECOVERED DISABILITY ANNUITANT WHO IS NOT REINSTATED.—

''(1) SEPARATION.—If a recovered or restored disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Agency, the annuitant shall be considered, except for service credit, to have been separated within the meaning of section 234 as of the date of termination of the disability annuity.

''(2) RETIREMENT.—After such termination, the recovered or restored annuitant shall be entitled to the benefits of section 234 or 241(b), except that the annuitant may elect voluntary retirement under section 233, if qualified thereunder, or may be placed by the Director in an involuntary retirement status under section 235(a), if qualified thereunder. Retirement rights under this paragraph shall be based on the provisions of this title in effect as of the date on which the disability annuity is discontinued.

''(3) FURTHER DISABILITY BEFORE AGE 62.—If, based on a current medical examination, the Director determines that a recovered annuitant has, before reaching age 62, again become totally disabled due to recurrence of the disability for which the annuitant was originally retired, the annuitant's terminated disability annuity (same type and rate) shall be reinstated from the date of such medical examination. If a restored-to-earning-capacity annuitant has not medically recovered from the disability for which retired and establishes to the Director's satisfaction that the annuitant's income from wages and self-employment in any calendar year before reaching age 62 was less than 80 percent of the rate of pay for the grade and step the annuitant held at the time of retirement, the annuitant's terminated disability annuity (same type and rate) shall be reinstated from the first of the next following year. If the annuitant has been allowed an involuntary or voluntary retirement annuity in the meantime, the annuitant's reinstated disability annuity shall be substituted for it unless the annuitant elects to retain the former benefit.

''(e) COORDINATION OF BENEFITS.—

''(1) WORKERS' COMPENSATION.—A participant is not entitled to receive for the same period of time—

''(A) an annuity under this title, and

''(B) compensation for injury to, or disability of, such participant under subchapter I of chapter 81 of title 5, United States Code, other than compensation payable under section 8107 of such title.

''(2) SURVIVOR ANNUITIES.—An individual is not entitled to receive an annuity under this title and a concurrent benefit under subchapter I of chapter 81 of title 5, United States Code, on account of the death of the same person.

''(3) GREATER BENEFIT.—Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this title or subchapter I of chapter 81 of title 5, United States Code.

''(f) OFFSET FROM SURVIVOR ANNUITY FOR WORKERS' COMPENSATION PAYMENT.—

''(1) REFUND TO DEPARTMENT OF LABOR.—If an individual is entitled to an annuity under this title and the individual receives a lump-sum payment for compensation under section 8135 of title 5, United States Code, based on the disability or death of the same per-

son, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Secretary of Labor, shall be refunded to the Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

''(A) refund to the Secretary of Labor the amount representing the commuted compensation payments for the extended period; or

''(B) authorize the deduction of the amount from the annuity.

''(2) SOURCE OF DEDUCTION.—Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Secretary for reimbursement to the Employees' Compensation Fund.

''(3) PRORATING DEDUCTION.—If the Secretary finds that the financial circumstances of an individual entitled to an annuity under this title warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Secretary determines appropriate.

"SEC. 232. DEATH IN SERVICE.

''(a) RETURN OF CONTRIBUTIONS WHEN NO ANNUITY PAYABLE.—If a participant dies and no claim for an annuity is payable under this title, the participant's lump-sum credit and any voluntary contributions made under section 281, with interest, shall be paid in the order of precedence shown in section 241(c).

''(b) SURVIVOR ANNUITY FOR SURVIVING SPOUSE OR FORMER SPOUSE.—

''(1) IN GENERAL.—If a participant dies before separation or retirement from the Agency and is survived by a spouse or by a former spouse qualifying for a survivor annuity under section 222(b), such surviving spouse shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this title. The annuity of such surviving spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the death or remarriage before attaining age 55 of the surviving spouse or former spouse (subject to the payment and restoration provisions of sections 221(b)(3)(C), 221(h), and 222(b)(3)).

''(2) COMPUTATION.—The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's high-3 average pay, or (B) the sum obtained under such section after increasing the participant's length of service by the difference between the participant's age at the time of death and age 60.

''(3) LIMITATION.—Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a surviving spouse under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B).

''(4) PRECEDENCE OF SECTION 224 SURVIVOR ANNUITY OVER DEATH-IN-SERVICE ANNUITY.—If a former spouse who is eligible for a death-in-service annuity under this section is or becomes eligible for an annuity under section 222, the annuity provided under this section shall not be payable and shall be superseded by the annuity under section 224.

''(c) ANNUITIES FOR SURVIVING CHILDREN.—

''(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a participant who before April 1, 1992, died before separation or retirement from the Agency and who was survived by a child or children—

''(A) if the participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

''(B) if the participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

''(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a participant who on or after April 1, 1992, dies before separation or retirement from the Agency and who is survived by a child or children—

''(A) if the participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

''(B) if the participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

''(3) FORMER SPOUSE DEFINED.—For purposes of this subsection, the term 'former spouse' includes any former wife or husband of a participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

"SEC. 233. VOLUNTARY RETIREMENT.

''A participant who is at least 50 years of age and has completed 20 years of service may, on the participant's application and with the consent of the Director, be retired from the Agency and receive benefits in accordance with the provisions of section 221 if the participant has not less than 10 years of service with the Agency.

"SEC. 234. DISCONTINUED SERVICE BENEFITS.

''(a) DEFERRED ANNUITY.—A participant who separates from the Agency may, upon separation or at any time before the commencement of an annuity under this title, elect—

''(1) to have the participant's contributions to the fund returned to the participant in accordance with section 241(a); or

''(2) except in a case in which the Director determines that separation was based in whole or in part on the ground of disloyalty to the United States, to leave the contributions in the fund and receive an annuity, computed as prescribed in section 221, commencing at age 62.

''(b) REFUND OF CONTRIBUTIONS IF FORMER PARTICIPANT DIES BEFORE AGE 62.—If a participant who qualifies under subsection (a) to receive a deferred annuity commencing at age 62 dies before reaching age 62, the participant's contributions to the fund, with interest, shall be paid in accordance with the provisions of sections 241 and 281.

"SEC. 235. MANDATORY RETIREMENT.

''(a) INVOLUNTARY RETIREMENT.—

''(1) AUTHORITY OF DIRECTOR.—The Director may, in the Director's discretion, place in a retired status any participant in the system described in paragraph (2).

''(2) Paragraph (1) applies with respect to any participant who has not less than 10 years of service with the Agency and who—

''(A) has completed at least 25 years of service; or

''(B) is at least 50 years of age and has completed at least 20 years of service.

''(b) MANDATORY RETIREMENT FOR AGE.—

''(1) IN GENERAL.—A participant in the system shall be automatically retired from the Agency—

''(A) upon reaching age 65, in the case of a participant in the system receiving compensation under the Senior Intelligence Service pay schedule at the rate of level 4 or above; and

''(B) upon reaching age 60, in the case of any other participant in the system.

''(2) EFFECTIVE DATE OF RETIREMENT.—Retirement under paragraph (1) shall be effective on the last day of the month in which the participant reaches the age applicable to that participant under that paragraph.

''(3) AUTHORITY FOR EXTENSION.—In any case in which the Director determines it to be in the public interest, the Director may extend the mandatory retirement date for a participant under this subsection by a period of not to exceed 5 years.

''(c) RETIREMENT BENEFITS.—A participant retired under this section shall receive retirement benefits in accordance with section 221.

"SEC. 236. ELIGIBILITY FOR ANNUITY.

''(a) ONE-OUT-OF-TWO REQUIREMENT.—A participant must complete, within the last two years before any separation from service (except a separation because of death or disability) at least one year of creditable civilian service during which the participant is subject to this title and in a pay status before the participant or the participant's survivors are eligible for an annuity under this title based on that separation.

''(b) REFUND OF CONTRIBUTIONS FOR TIME NOT ALLOWED FOR CREDIT.—If a participant (other than a participant separated from the service because of death or disability) fails to meet the service and pay status requirement of subsection (a), any amounts deducted from the participant's pay during the period for which no eligibility is established based on the separation shall be returned to the participant on the separation.

''(c) EXCEPTION.—Failure to meet the service and pay status requirement of subsection (a) shall not deprive the participant or the participant's survivors of any annuity to which they may be entitled under this title based on a previous separation.

"Part E—Lump Sum Payments

"SEC. 241. LUMP-SUM PAYMENTS.

''(a) ENTITLEMENT TO LUMP-SUM CREDIT.—Subject to section 252(d) and subsection (b) of this section, a participant who—

''(1) is separated from the Agency for at least 31 consecutive days and is not transferred to employment covered by another retirement system for Government employees;

''(2) files an application with the Director for payment of the lump-sum credit;

''(3) is not reemployed in a position in which the participant is subject to this title at the time the participant files the application; and

''(4) will not become eligible to receive an annuity under this title within 31 days after filing the application,

is entitled to be paid the lump-sum credit. Receipt of the payment of the lump-sum credit by the former participant voids all annuity rights under this title based on the service on which the lump-sum credit is based, until the former participant is reemployed in service subject to this title.

''(b) CONDITIONS FOR PAYMENT OF LUMP-SUM CREDIT.—

''(1) IN GENERAL.—Whenever a former participant becomes entitled to receive payment of the lump-sum credit under subsection (a), such lump-sum credit shall be paid to the former participant and to any former spouse or former wife or husband of the former participant in accordance with paragraphs (2) through (4). The former par-

ticipant's lump-sum credit shall be reduced by the amount of the lump-sum credit payable to any former spouse or former wife or husband.

''(2) PRO RATA SHARE FOR FORMER SPOUSE.—Unless otherwise expressly provided by any spousal agreement or court order under section 264(b), a former spouse of the former participant shall be entitled to receive a share of such participant's lump-sum credit—

''(A) if married to the participant throughout the period of creditable service of the participant, equal to 50 percent of such lump-sum credit; or

''(B) if not married to the participant throughout such creditable service, equal to a proportion of 50 percent of such lump-sum credit which is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant bears to the total number of days of such creditable service.

''(3) SHARE FOR FORMER WIFE OR HUSBAND.—Payment of the former participant's lump-sum credit shall be subject to the terms of a court order under section 264(c) concerning any former wife or husband of the former participant if—

''(A) the court order expressly relates to any portion of such lump-sum credit; and

''(B) payment of the lump-sum credit would extinguish entitlement of such former wife or husband to a survivor annuity under section 226 or to any portion of the participant's annuity under section 264(c).

''(4) NOTIFICATION.—A lump-sum credit may be paid to or for the benefit of a former participant—

''(A) only upon written notification to (i) the current spouse, if any, (ii) any former spouse, and (iii) any former wife or husband who has a court order covered by paragraph (3); and

''(B) only if the express written concurrence of the current spouse has been received by the Director.

This paragraph may be waived under circumstances described in section 221(b)(1)(D).

''(c) ORDER OF PRECEDENCE OF PAYMENT.—A lump-sum benefit that would have been payable to a participant, former participant, or annuitant, or to a survivor annuitant, authorized by subsection (d) or (e) of this section or by section 234(b) or 281(d) shall be paid in the following order of precedence to individuals surviving the participant and alive on the date entitlement to the payment arises, upon establishment of a valid claim therefor, and such payment bars recovery by any other individual:

''(1) To the beneficiary or beneficiaries designated by such participant in a signed and witnessed writing received by the Director before the participant's death. For this purpose, a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed with the Director shall have no force or effect.

''(2) If there is no designated beneficiary, to the surviving wife or husband of such participant.

''(3) If none of the above, to the child or children of such participant and descendent of deceased children by representation.

''(4) If none of the above, to the parents of such participant or the survivor of them.

''(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant.

''(6) If none of the above, to such other next of kin of such participant as the Director determines to be legally entitled to such payment.

''(d) DEATH OF FORMER PARTICIPANT BEFORE RETIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if a former participant eligible for a deferred annuity under section 234 dies before reaching age 62, such former participant's lump-sum credit shall be paid in accordance with subsection (c).

''(2) LIMITATION.—In any case where there is a surviving former spouse or surviving former wife or husband of such participant who is entitled to a share of such participant's lump-sum credit under paragraphs (2) and (3) of subsection (b), the lump-sum credit payable under paragraph (1) shall be reduced by the lump-sum credit payable to such former spouse or former wife or husband.

''(e) TERMINATION OF ALL ANNUITY RIGHTS.—If all annuity rights under this title based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid in accordance with subsection (c).

''(f) TERMINATION OF SURVIVOR ANNUITY.—An annuity accrued and unpaid on the termination, except by death, of the annuity of a survivor annuitant shall be paid to that individual. An annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other individual:

''(1) To the duly appointed executor or administrator of the estate of the survivor annuitant.

''(2) If there is no executor or administrator, to such next of kin of the survivor annuitant as the Director determines to be legally entitled to such payment, except that no payment shall be made under this paragraph until after the expiration of 30 days from the date of death of the survivor annuitant.

"Part F—Period of Service for Annuities

"SEC. 251. COMPUTATION OF LENGTH OF SERVICE.

''(a) IN GENERAL.—

''(1) CREDITING SERVICE AS PARTICIPANT.—For the purposes of this title, the period of service of a participant shall be computed from the date on which the participant becomes a participant under this title.

''(2) EXCLUSION OF CERTAIN PERIODS.—In computing the period of service of a participant, all periods of separation from the Agency and so much of any leave of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under chapter 81 of title 5, United States Code, and leaves of absence granted participants while performing active and honorable service in the Armed Forces.

''(3) CREDITING CERTAIN PERIODS OF SEPARATION.—A participant or former participant who returns to Government duty after a period of separation shall have included in the participant or former participant's period of service that part of the period of separation in which the participant or former participant was receiving benefits under chapter 81 of title 5, United States Code.

''(b) EXTRA CREDIT FOR PERIODS SERVED AT UNHEALTHFUL POSTS OVERSEAS.—

''(1) CLASSIFICATION OF CERTAIN POSTS AS UNHEALTHFUL.—The Director may from time to time establish a list of places outside the United States that, by reason of climatic or other extreme conditions, are to be classed as unhealthful posts. Such list shall be established in consultation with the Secretary of State.

''(2) EXTRA CREDIT.—Each year of duty at a post on the list established under paragraph (1), inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of service of a participant under this title for the purpose of retirement. In computing such service, any fractional month shall be treated as a full month.

''(3) COORDINATION WITH BENEFITS UNDER TITLE 5.—Extra credit for service at an unhealthful post may not be credited to a participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for the same service.

"SEC. 252. PRIOR SERVICE CREDIT.

''(a) IN GENERAL.—A participant may, subject to the provisions of this section, include in the participant's period of service—

''(1) civilian service in the Government before becoming a participant that would be creditable toward retirement under subchapter III of chapter 83 of title 5, United States Code (as determined under section 8332(b) of such title); and

''(2) honorable active service in the Armed Forces before the date of the separation upon which eligibility for an annuity is based, or honorable active service in the Regular or Reserve Corps of the Public Health Service after June 30, 1960, or as a commissioned officer of the National Oceanic and Atmospheric Administration after June 30, 1961.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the total service of any participant shall exclude—

''(A) any period of civilian service on or after October 1, 1982, for which retirement deductions or deposits have not been made,

''(B) any period of service for which a refund of contributions has been made, or

''(C) any period of service for which contributions were not transferred pursuant to subsection (c)(1);

unless the participant makes a deposit to the fund in an amount equal to the percentages of basic pay received for such service as specified in the table contained in section 8334(c) of title 5, United States Code, together with interest computed in accordance with section 8334(e) of such title. The deposit may be made in one or more installments (including by allotment from pay), as determined by the Director.

''(2) EFFECT OF RETIREMENT DEDUCTIONS NOT MADE.—If a participant has not paid a deposit for civilian service performed before October 1, 1982, for which retirement deductions were not made, such participant's annuity shall be reduced by 10 percent of the deposit described in paragraph (1) remaining unpaid, unless the participant elects to eliminate the service involved for the purpose of the annuity computation.

''(3) EFFECT OF REFUND OF RETIREMENT CONTRIBUTIONS.—A participant who received a refund of retirement contributions under this or any other retirement system for Government employees covering service for which the participant may be allowed credit under this title may deposit the amount received, with interest computed under paragraph (1). Credit may not be allowed for the service covered by the refund until the deposit is made, except that a participant who—

''(A) separated from Government service before October 1, 1990, and received a refund of the participant's retirement contributions covering a period of service ending before October 1, 1990;

''(B) is entitled to an annuity under this title (other than a disability annuity) which commences after December 1, 1992; and

''(C) does not make the deposit required to receive credit for the service covered by the refund;

shall be entitled to an annuity actuarially reduced in accordance with section 8334(d)(2)(B) of title 5, United States Code.

''(4) ENTITLEMENT UNDER ANOTHER SYSTEM.—Credit toward retirement under the system shall not be allowed for any period of civilian service on the basis of which the participant is receiving (or will in the future be entitled to receive) an annuity under an-

other retirement system for Government employees, unless the right to such annuity is waived and a deposit is made under paragraph (1) covering that period of service, or a transfer is made pursuant to subsection (c).

''(c) TRANSFER FROM OTHER GOVERNMENT RETIREMENT SYSTEMS.—

''(1) IN GENERAL.—If an employee who is under another retirement system for Government employees becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) under such retirement system on behalf of the employee as well as such employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the employee's credit in the fund effective as of the date such employee becomes a participant in the system.

''(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered before becoming a participant in the system.

''(3) ADDITIONAL CONTRIBUTIONS; REFUNDS.—A participant whose contributions are transferred pursuant to paragraph (1) shall not be required to make additional contributions for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 8334(c) of title 5, United States Code, for contributions to the fund.

''(d) TRANSFER TO OTHER GOVERNMENT RETIREMENT SYSTEMS.—

''(1) IN GENERAL.—If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) to the fund on the participant's behalf as well as the participant's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the participant's credit in the fund of such other retirement system effective as of the date on which the participant becomes eligible to participate in such other retirement system.

''(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered before the participant's becoming eligible for participation in that other system.

''(e) PRIOR MILITARY SERVICE CREDIT.—

''(1) APPLICATION TO OBTAIN CREDIT.—If a deposit required to obtain credit for prior military service described in subsection (a)(2) was not made to another Government retirement fund and transferred under subsection (c)(1), the participant may obtain credit for such military service, subject to the provisions of this subsection and subsections (f) through (h), by applying for it to the Director before retirement or separation from the Agency.

''(2) EMPLOYMENT STARTING BEFORE, ON, OR AFTER OCTOBER 1, 1982.—Except as provided in paragraph (3)—

''(A) the service of a participant who first became a Federal employee before October 1, 1982, shall include credit for each period of military service performed before the date of separation on which entitlement to an annuity under this title is based, subject to section 252(f); and

''(B) the service of a participant who first becomes a Federal employee on or after October 1, 1982, shall include credit for—

''(i) each period of military service performed before January 1, 1957, and

''(ii) each period of military service performed after December 31, 1956, and before the separation on which entitlement to an annuity under this title is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in subsection (h).

''(3) EFFECT OF RECEIPT OF MILITARY RETIRED PAY.—In the case of a participant who is entitled to retired pay based on a period of military service, the participant's service may not include credit for such period of military service unless the retired pay is paid—

''(A) on account of a service-connected disability—

''(i) incurred in combat with an enemy of the United States; or

''(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in section 1101 of title 38, United States Code); or

''(B) under chapter 67 of title 10, United States Code.

''(4) SURVIVOR ANNUITY.—Notwithstanding paragraph (3), the survivor annuity of a survivor of a participant—

''(A) who was awarded retired pay based on any period of military service, and

''(B) whose death occurs before separation from the Agency,

shall be computed in accordance with section 8332(c)(3) of title 5, United States Code.

''(f) EFFECT OF ENTITLEMENT TO SOCIAL SECURITY BENEFITS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section (except paragraph (3) of this subsection) or section 253, any military service (other than military service covered by military leave with pay from a civilian position) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service on which an annuity payable under this title to such participant or to the participant's spouse, former spouse, previous spouse, or child is based, if such participant, spouse, former spouse, previous spouse, or child is entitled (or would upon proper application be entitled), at the time of such determination, to monthly old-age or survivors' insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402), based on such participant's wages and self-employment income. If the military service is not excluded under the preceding sentence, but upon attaining age 62, the participant or spouse, former spouse, or previous spouse becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service on which the annuity is based shall be redetermined, effective as of the first day of the month in which the participant or spouse, former spouse, or previous spouse attains age 62, so as to exclude such service.

''(2) LIMITATION.—The provisions of paragraph (1) relating to credit for military service do not apply to—

''(A) any period of military service of a participant with respect to which the participant has made a deposit with interest, if any, under subsection (h); or

''(B) the military service of any participant described in subsection (e)(2)(B).

''(3) EFFECT OF ENTITLEMENT BEFORE SEPTEMBER 8, 1982.—(A) The annuity recomputation required by paragraph (1) shall not apply to any participant who was entitled to an annuity under this title on or before September 8, 1982, or who is entitled to a deferred annuity based on separation from the Agency occurring on or before such date. Instead of an annuity recomputation, the annuity of such participant shall be reduced at age 62 by an amount equal to a fraction of the participant's old-age or survivors' insurance benefits under section 202 of the Social Security Act. The reduction shall be determined by multiplying the participant's monthly Social Security benefit by a fraction, the numerator of which is the participant's total military wages and deemed additional wages (within the meaning of section 229 of the Social Security Act (42 U.S.C. 429)) that were subject to Social Security deductions and the denominator of which is the total of all the participant's wages, including military wages, and all self-employment income that were subject to Social Security deductions before the calendar year in which the determination month occurs.

''(B) The reduction determined in accordance with subparagraph (A) shall not be greater than the reduction that would be required under paragraph (1) if such paragraph applied to the participant. The new formula shall be applicable to any annuity payment payable after October 1, 1982, including annuity payments to participants who had previously reached age 62 and whose annuities had already been recomputed.

''(C) For purposes of this paragraph, the term 'determination month' means—

''(i) the first month for which the participant is entitled to old-age or survivors' insurance benefits (or would be entitled to such benefits upon application therefor); or

''(ii) October 1982, in the case of any participant entitled to such benefits for that month.

''(g) DEPOSITS PAID BY SURVIVORS.—For the purpose of survivor annuities, deposits authorized by subsections (b) and (h) may also be made by the survivor of a participant.

''(h) DEPOSITS FOR PERIODS OF MILITARY SERVICE.—

''(1) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide or, if the Director determines sufficient evidence has not been provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Director under paragraph (4).

''(2) Any deposit made under paragraph (1) more than two years after the later of—

''(A) October 1, 1983, or

''(B) the date on which the participant making the deposit first becomes an employee of the Federal Government,

shall include interest on such amount computed and compounded annually beginning on the date of expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e) of title 5, United States Code.

''(3) Any payment received by the Director under this subsection shall be deposited in the Treasury of the United States to the credit of the fund.

''(4) The provisions of section 221(k) shall apply with respect to such information as the Director determines to be necessary for the administration of this subsection in the same manner that such section applies concerning information described in that section.

"SEC. 253. CREDIT FOR SERVICE WHILE ON MILITARY LEAVE.

''(a) GENERAL RULE.—A participant who, during the period of any war or of any national emergency as proclaimed by the President or declared by the Congress, leaves the participant's position in the Agency to enter military service shall not be considered, for purposes of this title, as separated from the participant's position in the Agency by reason of such military service, less the participant applies for and receives a refund of contributions under this title. Such a participant may not be considered as retaining such position in the Agency after December 31, 1956, or upon the expiration of five years of such military service, whichever is later.

''(b) WAIVER OF CONTRIBUTIONS.—Except to the extent provided under section 252(e) or 252(h), contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active service in the Armed Forces.

"Part G—Moneys

"SEC. 261. ESTIMATE OF APPROPRIATIONS NEEDED.

''(a) ESTIMATES OF ANNUAL APPROPRIATIONS.—The Director shall prepare the estimates of the annual appropriations required to be made to the fund.

''(b) ACTUARIAL VALUATIONS.—The Director shall cause to be made actuarial valuations of the fund at such intervals as the Director determines to be necessary, but not less often than every five years.

''(c) CHANGES IN LAW AFFECTING ACTUARIAL STATUS OF FUND.—Any statute which authorizes—

''(1) new or increased benefits payable from the fund under this title, including annuity increases other than under section 291;

''(2) extension of the coverage of this title to new groups of employees; or

''(3) increases in pay on which benefits are computed;

is deemed to authorize appropriations to the fund in order to provide funding for the unfunded liability created by that statute, in 30 equal annual installments with interest computed at the rate used in the then most recent valuation of the system and with the first payment thereof due as of the end of the fiscal year in which such new or liberalized benefit, extension of coverage, or increase in pay is effective.

''(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the fund for each fiscal year such amounts as may be necessary to meet the amount of normal cost for each year that is not met by contributions under section 211(a).

''(e) UNFUNDED LIABILITY; CREDIT ALLOWED FOR MILITARY SERVICE.—There is hereby authorized to be appropriated to the fund for each fiscal year such sums as may be necessary to provide the amount equivalent to—

''(1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the system; and

''(2) that portion of disbursement for annuities for that year that the Director estimates is attributable to credit allowed for military service,

less an amount determined by the Director to be appropriate to reflect the value of the deposits made to the credit of the fund under section 252(h).

"SEC. 262. INVESTMENT OF MONEYS IN THE FUND.

''The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in the Director's judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances from the fund. The income derived from such investments shall be credited to and constitute a part of the fund.

"SEC. 263. PAYMENT OF BENEFITS.

''(a) ANNUITIES STATED AS ANNUAL AMOUNTS.—Each annuity is stated as an annual amount, 1/12 of which, rounded to the next lowest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.

''(b) COMMENCEMENT OF ANNUITY.—

''(1) COMMENCEMENT OF ANNUITY FOR PARTICIPANTS GENERALLY.—Except as otherwise provided in paragraph (2), the annuity of a participant who has met the eligibility requirements for an annuity shall commence on the first day of the month after separation from the Agency or after pay ceases and the service and age requirements for title to an annuity are met.

''(2) EXCEPTIONS.—The annuity of—

''(A) a participant involuntarily separated from the Agency;

''(B) a participant retiring under section 231 due to a disability; and

''(C) a participant who serves 3 days or less in the month of retirement;

shall commence on the day after separation from the Agency or the day after pay ceases and the service and age or disability requirements for title to annuity are met.

''(3) OTHER ANNUITIES.—Any other annuity payable from the fund commences on the first day of the month after the occurrence of the event on which payment thereof is based.

''(c) TERMINATION OF ANNUITY.—An annuity payable from the fund shall terminate—

''(1) in the case of a retired participant, on the day death or any other terminating event provided by this title occurs; or

''(2) in the case of a former spouse or a survivor, on the last day of the month before death or any other terminating event occurs.

''(d) APPLICATION FOR SURVIVOR ANNUITIES.—The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application for such annuity, supported by such proof of eligibility as the Director may require. If such application or proof of eligibility is not submitted during the lifetime of an otherwise eligible individual, no annuity shall be due or payable to the individual's estate.

''(e) WAIVER OF ANNUITY.—An individual entitled to an annuity from the fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Director. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver is in effect.

''(f) LIMITATIONS.—

''(1) APPLICATION BEFORE 115TH ANNIVERSARY.—No payment shall be made from the fund unless an application for benefits based on the service of the participant is received by the Director before the 115th anniversary of the participant's birth.

''(2) APPLICATION WITHIN 30 YEARS.—Notwithstanding paragraph (1), after the death of a participant or retired participant, no benefit based on that participant's service may be paid from the fund unless an application for the benefit is received by the Director within 30 years after the death or other event which gives rise to eligibility for the benefit.

''(g) WITHHOLDING OF STATE INCOME TAX FROM ANNUITIES.—

''(1) AGREEMENTS WITH STATES.—The Director shall, in accordance with this subsection, enter into an agreement with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Director shall withhold State income tax in the case of the monthly annuity of any annuitant who voluntarily requests, in writing, such withholding. The amounts withheld during any calendar quarter shall be held in the Fund and disbursed to the States during the month following that calendar quarter.

''(2) LIMITATION ON MULTIPLE REQUESTS.—An annuitant may have in effect at any time only one request for withholding under this subsection, and an annuitant may not have more than two such requests during any one calendar year.

''(3) CHANGE IN STATE DESIGNATION.—Subject to paragraph (2), an annuitant may change the State designated by that annuitant for purposes of having withholdings made, and may request that the withholdings be remitted in accordance with such change. An annuitant also may revoke any request of that annuitant for withholding. Any change in the State designated or revocation is effective on the first day of the month after the month in which the request or the revocation is processed by the Director, but in no event later than on the first day of the second month beginning after the day on which such request or revocation is received by the Director.

''(4) GENERAL PROVISIONS.—This subsection does not give the consent of the United States to the application of a statute which imposes more burdensome requirements of the United States than on employers generally, or which subjects the United States or any annuitant to a penalty or liability because of this subsection. The Director may not accept pay from a State for services performed in withholding State income taxes from annuities. Any amount erroneously withheld from an annuity and paid to a State by the Director shall be repaid by the State in accordance with regulations prescribed by the Director.

''(5) DEFINITION.—For the purpose of this subsection, the term 'State' includes the District of Columbia and any territory or possession of the United States.

"SEC. 264. ATTACHMENT OF MONEYS.

''(a) EXEMPTION FROM LEGAL PROCESS.—Except as provided in subsections (b), (c), and (e), none of the moneys mentioned in this title shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

''(b) PAYMENT TO FORMER SPOUSES UNDER COURT ORDER OR SPOUSAL AGREEMENT.—In the case of any participant, former participant, or retired participant who has a former spouse who is covered by a court order or who is a party to a spousal agreement—

''(1) any right of the former spouse to any annuity under section 222(a) in connection with any retirement or disability annuity of the participant, and the amount of any such annuity;

''(2) any right of the former spouse of a participant or retired participant to a survivor annuity under section 222(b) or 222(c), and the amount of any such annuity;

''(3) any right of the former spouse of a former participant to any payment of a lump-sum credit under section 241(b) and to any payment of a return of contributions under section 234(a); and

''(4) any right of the former spouse of a participant or former participant to a lump-sum payment or additional annuity payable from a voluntary contribution account under section 281;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this title.

''(c) OTHER PAYMENTS UNDER COURT ORDERS.—Payments under this title that would otherwise be made to a participant, former participant, or retired participant based upon that participant's service shall be paid, in whole or in part, by the Director to another individual if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

''(d) PROSPECTIVE PAYMENTS; BAR TO RECOVERY.—

''(1) Subsections (b) and (c) apply only to payments made under this title for periods beginning after the date of receipt by the Director of written notice of such decree, order, or agreement and such additional information and documentation as the Director may require.

''(2) Any payment under subsection (b) or (c) to an individual bars recovery by any other individual.

''(e) ALLOTMENTS.—An individual entitled to an annuity from the fund may make allotments or assignments of amounts from such annuity for such purposes as the Director considers appropriate.

"SEC. 265. RECOVERY OF PAYMENTS.

''Recovery of payments under this Act may not be made from an individual when, in the judgment of the Director, the individual is without fault and recovery would be against equity and good conscience. Withholding or recovery of money payable pursuant to this Act on account of a certification or payment made by a former employee of the Agency in the discharge of the former employee's official duties may be made if the Director certifies that the certification or payment involved fraud on the part of the former employee.

"Part H—Retired Participants Recalled, Reinstated, or Reappointed in the Agency or Reemployed in the Government

"SEC. 271. RECALL.

''(a) AUTHORITY TO RECALL.—The Director may, with the consent of a retired participant, recall that participant to service in the Agency whenever the Director determines that such recall is in the public interest.

''(b) PAY OF RETIRED PARTICIPANT WHILE SERVING.—A retired participant recalled to duty in the Agency under subsection (a) or reinstated or reappointed in accordance with section 231(b) shall, while so serving, be entitled, in lieu of the retired participant's annuity, to the full basic pay of the grade in which the retired participant is serving. During such service, the retired participant shall make contributions to the fund in accordance with section 211.

''(c) RECOMPUTATION OF ANNUITY.—When the retired participant reverts to retired status, the annuity of the retired participant shall be redetermined in accordance with section 221.

"SEC. 272. REEMPLOYMENT.

''A participant retired under this title shall not, by reason of that retired status, be barred from employment in Federal Government service in any appointive position for which the participant is qualified.

"SEC. 273. REEMPLOYMENT COMPENSATION.

''(a) DEDUCTION FROM BASIC PAY.—An annuitant who has retired under this title and who is reemployed in the Federal Government service in any appointive position (either on a part-time or full-time basis) shall be entitled to receive the annuity payable under this title, but there shall be deducted from the annuitant's basic pay a sum equal to the annuity allocable to the period of actual employment.

''(b) RECOVERY OF OVERPAYMENTS.—In the event of an overpayment under this section, the amount of the overpayment shall be recovered by withholding the amount involved from the basic pay payable to such reemployed annuitant or from any other moneys, including the annuitant's annuity, payable in accordance with this title.

''(c) DEPOSIT IN THE FUND.—Sums deducted from the basic pay of a reemployed annuitant under this section shall be deposited in the Treasury of the United States to the credit of the fund.

"Part I—Voluntary Contributions

"SEC. 281. VOLUNTARY CONTRIBUTIONS.

''(a) AUTHORITY FOR VOLUNTARY CONTRIBUTIONS.—

''(1) IN GENERAL.—Under such regulations as may be prescribed by the Director, a participant may voluntarily contribute additional sums in multiples of one percent of the participant's basic pay, but not in excess of 10 percent of such basic pay.

''(2) INTEREST.—The voluntary contribution account in each case is the sum of unrefunded contributions, plus interest—

''(A) for periods before January 1, 1985, at 3 percent a year; and

''(B) for periods on or after January 1, 1985, at the rate computed under section 8334(e) of title 5, United States Code,

compounded annually to the date of election under subsection (b) or the date of payment under subsection (d).

''(b) TREATMENT OF VOLUNTARY CONTRIBUTIONS.—Effective on the date of retirement and at the election of the participant, the participant's account shall be—

''(1) returned in a lump sum;

''(2) used to purchase an additional life annuity;

''(3) used to purchase an additional life annuity for the participant and to provide for a cash payment on the participant's death to a beneficiary; or

''(4) used to purchase an additional life annuity for the participant and a life annuity commencing on the participant's death payable to a beneficiary, with a guaranteed return to the beneficiary or the beneficiary's legal representative of an amount equal to the cash payment referred to in paragraph (3).

In the case of a benefit provided under paragraph (3) or (4), the participant shall notify the Director in writing of the name of the beneficiary of the cash payment or life annuity to be paid upon the participant's death.

''(c) VALUE OF BENEFITS.—The benefits provided by subsection (b)(2), (3), or (4) shall be actuarially equivalent in value to the payment provided for in subsection (b)(1) and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

''(d) LUMP SUM PAYMENT.—A voluntary contribution account shall be paid in a lump sum at such time as the participant dies or separates from the Agency without entitlement to an annuity. In the case of death, the account shall be paid in the order of precedence specified in section 241(c).

''(e) BENEFITS IN ADDITION TO OTHER BENEFITS.—Any benefit payable to a participant or to the participant's beneficiary with respect to the additional contributions provided under this section shall be in addition to benefits otherwise provided under this title.

"Part J—Cost-of-Living Adjustment of Annuities

"SEC. 291. COST-OF-LIVING ADJUSTMENT OF ANNUITIES.

''(a) IN GENERAL.—Each annuity payable from the fund shall be adjusted as follows:

''(1) Each cost-of-living annuity increase under this section shall be identical to the corresponding percentage increase under section 8340(b) of title 5, United States Code.

''(2) A cost-of-living increase made under paragraph (1) shall become effective under this section on the effective date of each such increase under section 8340(b) of title 5, United States Code. Except as provided in subsection (b), each such increase shall be applied to each annuity payable from the fund which has a commencing date not later than the effective date of the increase.

''(b) ELIGIBILITY.—Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

''(1) The first cost-of-living increase (if any) made under subsection (a) to an annuity which is payable from the fund to a participant who retires, to the surviving spouse, former spouse, or previous spouse of a participant who dies in service, or to the surviving spouse, former spouse, previous spouse, or insurable interest designee of a deceased annuitant whose annuity has not been increased under this subsection or subsection (a), shall be equal to the product (adjusted to the nearest 1/10 of one percent) of—

''(A) 1/12 of the applicable percent change computed under subsection (a), multiplied by

''(B) the number of months (not to exceed 12 months, counting any portion of a month as a month)—

''(i) for which the annuity was payable from the fund before the effective date of the increase, or

''(ii) in the case of a surviving spouse, former spouse, previous spouse, or insurable interest designee of a deceased annuitant whose annuity has not been so increased, since the annuity was first payable to the deceased annuitant.

''(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled to an annuity under section 221(d) or section 232(c)) shall be increased by the total percentage increase the annuitant was receiving under this section at death.

''(3) For purposes of computing the annuity of a child under section 221(d) that commences after October 31, 1969, the dollar amounts specified in section 221(d)(3) shall each be increased by the total percentage increases allowed and in force under this section on or after such day and, in the case of a deceased annuitant, the percentages specified in that section shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day.

''(c) LIMITATION.—An annuity increase provided by this section may not be computed on any additional annuity purchased at retirement by voluntary contributions.

''(d) ROUNDING TO NEXT LOWER DOLLAR.—The monthly annuity installment, after adjustment under this section, shall be rounded to the next lowest dollar, except that such installment shall, after adjustment, reflect an increase of at least $1.

''(e) LIMITATION ON MAXIMUM AMOUNT OF ANNUITY.—

''(1) IN GENERAL.—An annuity shall not be increased by reason of an adjustment under this section to an amount which exceeds the greater of—

''(A) the maximum pay payable for GS–15 30 days before the effective date of the adjustment under this section; or

''(B) the final pay (or average pay, if higher) of the participant with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in the rates of pay of the General Schedule under subchapter I of chapter 53 of title 5, United States Code, during the period—

''(i) beginning on the date on which the annuity commenced (or, in the case of a survivor of the retired participant, the date on

which the participant's annuity commenced), and

''(ii) ending on the effective date of the adjustment under this section.

''(2) PAY DEFINED.—For purposes of paragraph (1), the term 'pay' means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.

"Part K—Conformity With Civil Service Retirement System

"SEC. 292. AUTHORITY TO MAINTAIN EXISTING AREAS OF CONFORMITY BETWEEN CIVIL SERVICE AND CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEMS.

''(a) PRESIDENTIAL AUTHORITY.—

''(1) CONFORMITY TO CSRS BY EXECUTIVE ORDER.—Whenever the President determines that it would be appropriate for the purpose of maintaining existing conformity between the Civil Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System with respect to substantially identical provisions, the President may, by Executive order, extend to current or former participants in the Central Intelligence Agency Retirement and Disability System, or to their survivors, a provision of law enacted after January 1, 1975, which—

''(A) amends subchapter III of chapter 83 of title 5, United States Code, and is applicable to civil service employees generally; or

''(B) otherwise affects current or former participants in the Civil Service Retirement and Disability System, or their survivors.

''(2) EXTENSION TO CIARDS.—Any such order shall extend such provision of law so that it applies in like manner with respect to such Central Intelligence Agency Retirement and Disability System participants, former participants, or survivors.

''(3) LEGAL STATUS.—Any such order shall have the force and effect of law.

''(4) EFFECTIVE DATE.—Any such order may be given retroactive effect to a date not earlier than the effective date of the corresponding provision of law applicable to employees under the Civil Service Retirement System.

''(b) EFFECT OF EXECUTIVE ORDER.—Provisions of an Executive order issued pursuant to this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

''(1) provisions of law enacted before the effective date of the Executive order; and

''(2) any prior provision of an Executive order issued under this section.

"SEC. 293. THRIFT SAVINGS PLAN PARTICIPATION.

''(a) ELIGIBILITY FOR THRIFT SAVINGS PLAN.—Participants in the system shall be deemed to be employees for the purposes of section 8351 of title 5, United States Code.

''(b) MANAGEMENT OF THRIFT SAVINGS PLAN ACCOUNTS BY DIRECTOR.—Subsections (k) and (m) of section 8461 of title 5, United States Code, shall apply with respect to contributions made by participants to the Thrift Savings Fund under section 8351 of such title and to earnings attributable to the investment of such contributions.

"SEC. 294. ALTERNATIVE FORMS OF ANNUITIES.

''(a) AUTHORITY FOR ALTERNATIVE FORM OF ANNUITY.—The Director shall prescribe regulations under which a participant may, at the time of retiring under this title (other than under section 231), elect annuity benefits under this section instead of any other benefits under this title (including any survivor benefits under this title) based on the service of the participant creditable under this title.

''(b) BASIS FOR ALTERNATIVE FORMS OF ANNUITY.—The regulations and alternative forms of annuity shall, to the maximum extent practicable, meet the requirements prescribed in section 8343a of title 5, United States Code.

''(c) LUMP-SUM CREDIT.—Any lump-sum credit provided pursuant to an election under subsection (a) shall not preclude an individual from receiving other benefits provided under that subsection.

''(d) SUBMISSION OF REGULATIONS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director shall submit the regulations prescribed under subsection (a) to the congressional intelligence committees before the regulations take effect.

"SEC. 295. PAYMENTS FROM CIARDS FUND FOR PORTIONS OF CERTAIN CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES.

''The amount of the increase in any annuity that results from the application of section 18 of the Central Intelligence Agency Act of 1949, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund.

"TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"SEC. 301. APPLICATION OF FEDERAL EMPLOYEES' RETIREMENT SYSTEM TO AGENCY EMPLOYEES.

''(a) GENERAL RULE.—Except as provided in subsections (b) and (c), all employees of the Agency, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, shall be subject to chapter 84 of title 5, United States Code.

''(b) EXCEPTION FOR PRE-1984 EMPLOYEES.—Participants in the Central Intelligence Agency Retirement and Disability System who were participants in such system on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not subject to chapter 84 of title 5, United States Code, without regard to whether they are subject to title II of the Social Security Act.

''(c) NONAPPLICABILITY OF FERS TO CERTAIN EMPLOYEES.—

''(1) The provisions of chapter 84 of title 5, United States Code, shall not apply with respect to—

''(A) any individual who separates, or who has separated, from Federal Government service after having been an employee of the Agency subject to title II of this Act; and

''(B) any employee of the Agency having at least 5 years of civilian service which was performed before January 1, 1987, and is creditable under title II of this Act (determined without regard to any deposit or redeposit requirement under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act, or any requirement that the individual become subject to such subchapter or to title II of this Act after performing the service involved).

''(2) Paragraph (1) shall not apply with respect to an individual who has elected under regulations prescribed under section 307 to become subject to chapter 84 of title 5, United States Code, to the extent provided in such regulations.

''(3) An individual described in paragraph (1) shall be deemed to be an individual excluded under section 8402(b)(2) of title 5, United States Code.

''(d) ELECTION TO BECOME SUBJECT TO FERS.—An employee who is designated as a participant in the Central Intelligence Agency Retirement and Disability System after December 31, 1987, pursuant to section 203 may elect to become subject to chapter 84 of title 5, United States Code. Such election—

''(1) shall not be effective unless it is made during the six-month period beginning on the date on which the employee is so designated;

''(2) shall take effect beginning with the first pay period beginning after the date of the election; and

''(3) shall be irrevocable.

''(e) SPECIAL RULES.—The application of the provisions of chapter 84 of title 5, United States Code, to an employee referred to in subsection (a) shall be subject to the exceptions and special rules provided in this title. Any provision of that chapter which is inconsistent with a special rule provided in this title shall not apply to such employees.

"SEC. 302. SPECIAL RULES RELATING TO SECTION 203 CRITERIA EMPLOYEES.

''(a) IN GENERAL.—Except as otherwise provided in this section, in the application of chapter 84 of title 5, United States Code, to an employee of the Agency who is subject to such chapter and is designated by the Director under the criteria prescribed in section 203, such employee shall be treated for purposes of determining such employee's retirement benefits and obligations under such chapter as if the employee were a law enforcement officer (as defined in section 8401(17) of title 5, United States Code).

''(b) VOLUNTARY AND MANDATORY RETIREMENT.—The provisions of sections 233 and 235 shall apply to employees referred to in subsection (a), except that the retirement benefits shall be determined under chapter 84 of title 5, United States Code.

''(c) RECALL.—

''(1) Except as provided in paragraph (2), section 271 shall apply to an employee referred to in subsection (a).

''(2) Contributions during recall service shall be made as provided in section 8422 of title 5, United States Code.

''(3) When an employee recalled under this subsection reverts to a retired status, the annuity of such employee shall be redetermined under the provisions of chapter 84 of title 5, United States Code.

"SEC. 303. SPECIAL RULES FOR OTHER EMPLOYEES FOR SERVICE ABROAD.

''(a) SPECIAL COMPUTATION RULE.—Notwithstanding any provision of chapter 84 of title 5, United States Code, the annuity under subchapter II of such chapter of a retired employee of the Agency who is not designated under section 302(a) and who has served abroad as an employee of the Agency after December 31, 1986, shall be computed as provided in subsection (b).

''(b) COMPUTATION.—

''(1) SERVICE ABROAD.—The portion of the annuity relating to such service abroad shall be computed as provided in section 8415(d) of title 5, United States Code.

''(2) OTHER SERVICE.—The portions of the annuity relating to other creditable service shall be computed as provided in section 8415 of such title that is applicable to such service under the conditions prescribed in chapter 84 of such title.

"SEC. 304. SPECIAL RULES FOR FORMER SPOUSES.

''(a) GENERAL RULE.—Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States Code, shall apply in the case of an employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

''(b) DEFINITIONS.—For purposes of this section:

''(1) EMPLOYEE.—The term 'employee' means an employee of the Agency who is subject to chapter 84 of title 5, United States Code, including an employee referred to in section 302(a).

''(2) QUALIFIED FORMER SPOUSE.—The term 'qualified former spouse' means a former

spouse of an employee or retired employee who—

''(A) in the case of a former spouse whose divorce from such employee became final on or before December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent outside the United States by both the employee and the former spouse during the employee's service with the Agency; and

''(B) in the case of a former spouse whose divorce from such employee becomes final after December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent by the employee outside the United States during the employee's service with the Agency or otherwise in a position the duties of which qualified the employee for designation by the Director under the criteria prescribed in section 203.

''(3) PRO RATA SHARE.—The term 'pro rata share' means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee's periods of creditable service under chapter 84 of title 5, United States Code, divided by (B) the total number of days of the employee's creditable service.

''(4) SPOUSAL AGREEMENT.—The term 'spousal agreement' means an agreement between an employee, former employee, or retired employee and such employee's spouse or qualified former spouse that—

''(A) is in writing, is signed by the parties, and is notarized;

''(B) has not been modified by court order; and

''(C) has been authenticated by the Director.

''(5) COURT ORDER.—The term 'court order' means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

''(c) ENTITLEMENT OF QUALIFIED FORMER SPOUSE TO RETIREMENT BENEFITS.—

''(1) ENTITLEMENT.—

''(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of benefits payable under subchapter II or V of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or V of chapter 84 of title 5, United States Code.

''(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

''(i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 50, United States Code; or

''(ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

''(2) ANNUITY SUPPLEMENT.—The benefits payable to an employee under subchapter II of chapter 84 of title 5, United States Code, shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of such title.

''(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before the commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

''(4) COMMENCEMENT AND TERMINATION.—

''(A) COMMENCEMENT.—The benefits of a qualified former spouse under this subsection commence on the later of—

''(i) the day on which the employee upon whose service the benefits are based becomes entitled to the benefits; or

''(ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order or spousal agreement, together with such additional information or documentation as the Director may prescribe.

''(B) TERMINATION.—The benefits of the qualified former spouse and the right thereto terminate on—

''(i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or

''(ii) the date on which the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

''(5) PAYMENTS TO RETIRED EMPLOYEES.—

''(A) CALCULATION OF SURVIVOR ANNUITY.—Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

''(i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, United States Code, and

''(ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under sections 8442 or 8445 of title 5, United States Code.

''(B) REDUCTION IN BASIC PAY UPON RECALL TO SERVICE.—If a retired employee whose annuity is reduced under paragraph (1) is recalled to service under section 302(c), the basic pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

''(6) SPECIAL RULES FOR DISABILITY ANNUITANTS.—Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

''(A) the annuity of such former spouse shall commence on the date on which the employee would qualify, on the basis of the employee's creditable service, for benefits under subchapter II of chapter 84 of title 5, United States Code, or on the date on which the disability annuity begins, whichever is later; and

''(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of such title.

''(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

''(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

''(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

''(8) TREATMENT OF PRO RATA SHARE UNDER INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

''(d) QUALIFIED FORMER SPOUSE SURVIVOR BENEFITS.—

''(1) ENTITLEMENT.—

''(A) IN GENERAL.—Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, United States Code, to an eligible surviving spouse of the employee.

''(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

''(i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5, United States Code; or

''(ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

''(2) SURVIVOR BENEFITS.—

''(A) The survivor benefits payable under this subsection to a qualified former spouse shall include the amount payable under section 8442(b)(1)(A) of title 5, United States Code, and any supplementary annuity under section 8442(f) of such title that would be payable if such former spouse were a widow or widower entitled to an annuity under such section.

''(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) shall be based on an 'assumed CIARDS annuity' rather than an 'assumed CSRS annuity' as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term 'assumed CIARDS annuity' means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

''(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

''(4) RESTORATION.—If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

''(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, United States Code, or under another retirement system for Government employees by reason of the remarriage; and

''(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

''(5) MODIFICATION OF COURT ORDER OR SPOUSAL AGREEMENT.—A modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

''(6) EFFECT OF TERMINATION OF QUALIFIED FORMER SPOUSE'S ENTITLEMENT.—After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within 2 years after the qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

''(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

''(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

''(B) if applicable—

''(i) 50 percent of the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), plus

''(ii) the survivor benefits referred to in subsection (d)(2)(A),

multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

''(e) QUALIFIED FORMER SPOUSE THRIFT SAVINGS PLAN BENEFIT.—

''(1) ENTITLEMENT.—

''(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of the balance of an account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of the balance in the employee's account in the Thrift Savings Fund on the date the divorce of the qualified former spouse and employee becomes final.

''(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals 50 percent of the employee's account balance in the Thrift Savings Fund that accrued during the period of marriage. For purposes of this subsection, the employee's account balance shall not include the amount of any outstanding loan.

''(2) PAYMENT OF BENEFIT.—

''(A) TIME OF PAYMENT.—The entitlement of a qualified former spouse under paragraph (1) shall be effective on the date the divorce of the qualified former spouse and employee becomes final. The qualified former spouse's benefit shall be payable after the date on which the Director receives the divorce decree or any applicable court order or spousal agreement, together with such additional information or documentation as the Director may require.

''(B) METHOD OF PAYMENT.—The qualified former spouse's benefit under this subsection shall be paid in a lump sum.

''(C) LIMITATION.—A spousal agreement or court order may not provide for payment to a qualified former spouse under this subsection of an amount that exceeds the employee's account balance in the Thrift Savings Fund.

''(D) DEATH OF QUALIFIED FORMER SPOUSE.—If the qualified former spouse dies before payment of the benefit provided under this subsection, such payment shall be made to the estate of the qualified former spouse.

''(E) BAR TO RECOVERY.—Any payment under this subsection to an individual bars recovery by any other individual.

''(3) CLOSED ACCOUNT.—No payment under this subsection may be made by the Director if the date on which the divorce becomes final is after the date on which the total amount of the employee's account balance has been withdrawn or transferred, or the date on which an annuity contract has been purchased, in accordance with section 8433 of title 5, United States Code.

''(f) PRESERVATION OF RIGHTS OF QUALIFIED FORMER SPOUSES.—An employee may not make an election or modification of election under section 8417 or 8418 of title 5, United States Code, or other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

''(g) PAYMENT OF SHARE OF LUMP-SUM CREDIT.—Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

''(h) PAYMENT TO QUALIFIED FORMER SPOUSES UNDER COURT ORDER OR SPOUSAL AGREEMENT.—In the case of any employee or retired employee who has a qualified former spouse who is covered by a court order or who is a party to a spousal agreement—

''(1) any right of the qualified former spouse to any retirement benefits under subsection (c) and to any survivor benefits under subsection (d), and the amount of any such benefits;

''(2) any right of the qualified former spouse to any Thrift Savings Plan benefit under subsection (e), and the amount of any such benefit; and

''(3) any right of the qualified former spouse to any payment of a lump-sum credit under subsection (g), and the amount of any such payment;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this section.

''(i) APPLICABILITY OF CIARDS FORMER SPOUSE BENEFITS.—

''(1) Except as provided in paragraph (2), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 shall apply to such employee's former spouse (as defined in section 102(a)(3)) who would otherwise be eligible for benefits under sections 224 and 225 but for the employee having elected to become subject to such chapter.

''(2) For the purposes of computing such former spouse's benefits under sections 224 and 225—

''(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A); and

''(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or regulations prescribed under section 307 of this Act.

''(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.

''SEC. 305. ADMINISTRATIVE PROVISIONS.

''(a) FINALITY OF DECISIONS OF DIRECTOR.—Section 201(c) of this Act shall apply in the administration of chapter 84 of title 5, United States Code, with respect to employees of the Agency.

''(b) EXCEPTION.—Notwithstanding subsection (a), section 8461(e) of title 5, United States Code, shall apply with respect to employees of the Agency who are not participants in the Central Intelligence Agency Retirement and Disability System and are not designated under section 302(a).

''SEC. 306. REGULATIONS.

''(a) REQUIREMENT.—The Director shall prescribe in regulations appropriate procedures to carry out this title. Such regulations shall be prescribed in consultation with the Director of the Office of Personnel Management and the Executive Director of the Federal Retirement Thrift Investment Board.

''(b) CONGRESSIONAL REVIEW.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.

''SEC. 307. TRANSITION REGULATIONS.

''(a) REGULATIONS.—The Director shall prescribe regulations providing for the transition from the Central Intelligence Agency Retirement and Disability System to the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, in a manner consistent with sections 301 through 304 of the Federal Employees' Retirement System Act of 1986.

''(b) CONGRESSIONAL REVIEW.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.''.

SEC. 803. CONFORMING AMENDMENTS.

(a) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) SECTION 14.—Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403n(a)) is amended by striking out ''sections 204, 221(b)(1)–(3), 221(f), 221(g)(2), 221(l), 221(m), 221(n), 221(o), 222, 223, 224, 225, 232(b), 234(c), 234(d), 234(e), and 263(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees'' and inserting in lieu thereof ''sections 102, 221(b)(1)–(3), 221(f), 221(g), 221(h)(2), 221(i), 221(l), 222, 223, 224, 225, 232(b), 241(b), 241(d), and 264(b) of the Central Intelligence Agency Retirement Act''.

(2) SECTION 18.—Section 18(a) of such Act (50 U.S.C. 403r(a)) is amended by striking out ''the Central Intelligence Agency Retirement Act of 1964 for Certain Employees'' and inserting in lieu thereof ''the Central Intelligence Agency Retirement Act''.

(3) SECTION 19.—Section 19 of such Act (50 U.S.C. 403s) is amended—

(A) in subsection (a)—

(i) by inserting ''OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—'' after ''(a)'';

(ii) by striking out ''the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended'' in clause (ii) and inserting in lieu thereof ''the Central Intelligence Agency Retirement Act'';

(iii) by inserting ''such'' in clause (iii) before ''section 203'';

(iv) by striking out ''such section 231'' in the matter after clause (iv) and inserting in lieu thereof ''section 231 of such Act''; and

(v) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(B) in subsection (b)—

(i) by inserting ''SURVIVORS OF OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—'' after ''(b)'';

(ii) by striking out ''the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended'' in clause (ii) and inserting in lieu thereof ''the Central Intelligence Agency Retirement Act'';

(iii) by striking out ''widow or widower, former spouse, and/or child or children as defined in section 204 and section 232 of such the Central Intelligence Agency Retirement Act of 1964 for Certain Employees'' in clause (iv) and inserting in lieu thereof ''surviving spouse, former spouse, or child as defined in section 102 of the Central Intelligence Agency Retirement Act'';

(iv) by striking out ''widow or widower, former spouse, and/or child or children'' in the matter after clause (iv) and inserting in lieu thereof ''surviving spouse, former spouse, or child'';

(v) by striking out ''such section 232'' in the matter after clause (iv) and inserting in lieu thereof ''section 231 of such Act''; and

(vi) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(C) by striking out subsections (c) and (d); and

(D) by redesignating subsection (e) as subsection (c) and in that subsection—

(i) by striking out ''(1)'' and inserting in lieu thereof ''ANNUITIES UNDER THIS SECTION DEEMED ANNUITIES UNDER CSRS.—'';

(ii) by striking out ''established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees'' and inserting in lieu thereof ''maintained pursuant to section 202 of the Central Intelligence Agency Retirement Act''; and

(iii) by striking out paragraph (2).

(b) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 9(b)(3) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out ''the Central Intelligence Agency Retirement Act of 1964 for Certain Employees'' and inserting in lieu thereof ''the Central Intelligence Agency Retirement Act''.

(c) TITLE 5, UNITED STATES CODE.—Sections 8347(n)(4)(A) and 8423(a)(1)(B)(i) of title 5, United States Code, are amended by striking out ''the Central Intelligence Agency Retirement Act of 1964 for Certain Employees'' and inserting in lieu thereof ''the Central Intelligence Agency Retirement Act''.

(d) TITLE 10, UNITED STATES CODE.—Section 1605(a) of title 10, United States Code, is amended in the second sentence—

(1) striking out ''the Central Intelligence Agency Retirement Act of 1964 for Certain Employees'' and inserting in lieu thereof ''the Central Intelligence Agency Retirement Act''; and

(2) by inserting ''(50 U.S.C. 403r)'' after ''the Central Intelligence Agency Act of 1949''.

SEC. 804. SAVINGS PROVISIONS.

(a) PRIOR ELECTIONS.—Any election made under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before the effective date specified in section 805 shall not be affected by the amendment made by section 802 and shall be deemed to have been made under the corresponding provision of that Act as restated by section 802 as the Central Intelligence Agency Retirement Act.

(b) REFERENCES.—Any reference in any other Act, or in any Executive order, rule, or regulation, to the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, or to a provision of that Act, shall be deemed to refer to that Act and to the corresponding provision of that Act, as restated by section 802 as the Central Intelligence Agency Retirement Act.

SEC. 805. EFFECTIVE DATE.

The amendments made by sections 802 and 803 shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence:

DAVE MCCURDY,
CHARLES WILSON,
BARBARA KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN SOLARZ,
NORM DICKS,
RONALD K. DELLUMS,
DAVID E. BONIOR,
MARTIN OLAV SABO,
WAYNE OWENS,
BUD SHUSTER (except for subsection 404(f)),
LARRY COMBEST (except for subsection 404(f)),
DOUG BEREUTER (except for subsection 404(f)),
R.K. DORNAN (except for subsection 404(f)),
BILL YOUNG (except for subsection 404(f)),
DAVID O'B. MARTIN (except for subsection 404(f)),
GEORGE W. GEKAS (except for subsection 404(f)),

From the Committee on Armed Services (for the consideration of Department of Defense tactical intelligence and related activities):

LES ASPIN,
IKE SKELTON,
Managers on the Part of the House.

DAVID L. BOREN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JACK DANFORTH,
WARREN B. RUDMAN,
SLADE GORTON,
JOHN CHAFEE,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. MCCURDY, the previous question was ordered on the conference report to its adoption or rejection and, under the operation thereof, the conference report was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶118.9 MESSAGE FROM THE PRESIDENT—RAILROAD RETIREMENT BOARD

The SPEAKER pro tempore, Mr. MAZZOLI, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1991, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

The Railroad Retirement Board (RRB) serves over 873,000 railroad retirees and their families and almost 283,000 railroad employees who rely on the system for retirement, unemployment, disability, and sickness insurance benefits. Beneficiaries depend on the financial integrity of the pension funds for payment of their benefits.

This report includes the Annual Actuarial Report, which concludes that the railroad retirement system will not experience a cash flow problem in the near future. The Chief Actuary at RRB, however, warns that ''the long term viability of the system * * * is still questionable.'' Based on the report's analysis, if employment trends continue as they have for over a quarter of a century, the trust funds will go broke sometime between 2010 and 2016.

I continue to strongly oppose the permanent diverting of Federal income taxes to the rail pension system. Since 1983 approximately $5.4 billion in taxpayer subsidies have been given to the rail pension fund, $1.72 billion of which were from the diversion of income taxes. The Railroad Retirement Board believes current resources are sufficient to pay benefits, except under the most pessimistic assumptions, thereby rendering Federal subsidies unnecessary. Railroad pensions should be financed solely by rail sector resources.

As I stated last year, I support all equitable reforms to the system, such as privatization and the extension of rules protecting private pensions (Employee Retirement Income Security Act) to the railroad's private pension system.

GEORGE BUSH.

The White House, *October 1, 1992.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Energy and Commerce and the Committee on Ways and Means.

¶118.10 MESSAGE FROM THE SENATE—VETO OF S. 323

The SPEAKER pro tempore, Mr. MAZZOLI, laid before the House a message from the Senate, which was read as follows:

The Senate having proceeded to reconsider the bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, returned by the Presi-

dent of the United States with his objections to the Senate, in which it originated, it was,

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The Clerk then read the veto message from the President, as follows:

To the Senate of the United States:

I am returning herewith without my approval S. 323, the ''Family Planning Amendments Act of 1992.'' This legislation would extend and amend the federal family planning program under title X of the Public Health Service Act.

If the scope of S. 323 were limited to family planning, I would approve it. My Administration has an excellent record in support of family planning. About this there can be no question. Our approach to reauthorizing title X was embodied in a bill transmitted to the Congress on February 25, 1991. We need a family planning program to deliver preventive, pre-pregnancy services.

Unfortuantely, S. 323 is unacceptable because it would override current regulations that are designed to maintain the title X program's integrity as a pre-pregnancy family planning program. The bill would require projects supported by title X family planning funds to counsel pregnant women on, and refer them for, abortions. Such a requirement is totally alien to the purpose of the title X program. Title X is a quality health care program that provides pre-pregnancy family planning information and services and refers pregnant women to health care providers who can ensure continuity of care.

Under current regulations, upheld by the United States Supreme Court, pregnant women who seek services from clinics funded by title X would be referred to qualified providers for prenatal care and other social services, including counseling. Moreover, nothing in these regulations prevents a woman from receiving complete medical information about her condition from a physician. The Supreme Court specifically found that the regulations regarding the title X program in no way violated free speech rights.

In a memorandum to Department of Health and Human Services Secretary Louis Sullivan on November 5, 1991, I reiterated my commitment to preserving the confidentiality of the doctor/patient relationship. In that memorandum, I also repeated my commitment to ensuring that the operation of the title X family planning program is compatible with free speech and the highest standards of medical care. My memorandum makes clear that there is no ''gag rule'' to interfere with the doctor/patient relationship. There can be no doubt that my Administration is committed to the protection of free speech.

I have repeatedly informed the Congress that I would disapprove any legislation that would transform this program into a vehicle for the promotion of abortion. Unfortunately, the Congress has seen fit to entangle this family planning program in the politics of abortion.

I believe that the title X family planning program should be reauthorized. I now urge the Congress to adopt a bill that promotes true family planning rather than requiring Federal tax dollars to be used in a manner that promotes abortion as a method of birth control.

GEORGE BUSH.

The White House, *September 25, 1992.*

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, announced that the objections of the President were ordered spread upon the pages of the Journal.

The question being on the passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

By unanimous consent, the previous question was ordered on the bill to its passage or rejection.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the negative ..... { Yeas ..... 266 / Nays 148

¶118.11 [Roll No. 452]

YEAS—266

Abercrombie
Ackerman
Alexander
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Jontz
Kennedy
Kennelly
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martin
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Porter
Price
Pursell
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Riggs
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (TX)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

NAYS—148

Allard
Annunzio
Applegate
Archer
Armey
Baker
Barrett
Barton
Bateman
Bennett
Bilirakis
Bliley
Boehner
Borski
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Combest
Costello
Cox (CA)
Crane
Cunningham
Dannemeyer
de la Garza
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Gallegly
Gaydos
Gillmor
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kanjorski
Kasich
Kildee
Kyl
LaFalce
Lagomarsino
Lent
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Luken
Manton
Marlenee
Mazzoli
McCollum
McDade
McEwen
McGrath
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nowak
Nussle
Oakar
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Perkins
Peterson (MN)
Petri
Poshard
Quillen
Rahall
Ray
Rhodes
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Shaw
Shuster
Skelton
Smith (NJ)
Smith (OR)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—19

Barnard
Blackwell
Bustamante
Conyers
Davis
Dymally
Flake
Foglietta
Guarini
Hall (OH)
Huckaby
Kaptur
Kolter
Lipinski
Mavroules
McCrery
Sensenbrenner
Staggers
Towns

The SPEAKER pro tempore, Mr. MAZZOLI, announced that 266 Members had voted in the affirmative and 148 Members had voted in the negative.

So, two-thirds of the Members present having not voted in favor thereof, the bill was not passed.

Ordered, That the Clerk notify the Senate thereof.

¶118.12 LEGISLATIVE APPROPRIATIONS

On motion of Mr. FAZIO, by unanimous consent, the bill (H.R. 5427) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. FAZIO, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶118.13 MOTION TO INSTRUCT CONFEREES—H.R. 5427

Mr. LEWIS of California moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 5427 be instructed to agree to the amendment of the Senate numbered 36.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that the yeas had it.

Mr. LEWIS of California objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 402 / Nays ..... 1 }

¶118.14 [Roll No. 453]

YEAS—402

Abercrombie, Ackerman, Allard, Allen, Andrews (ME), Andrews (NJ), Andrews (TX), Annunzio, Anthony, Applegate, Archer, Armey, Aspin, Atkins, AuCoin, Bacchus, Baker, Ballenger, Barrett, Barton, Bateman, Beilenson, Bennett, Bentley, Bereuter, Berman, Bevill, Bilbray, Bilirakis, Bliley, Boehlert, Boehner, Bonior, Borski, Boucher, Boxer, Brewster, Brooks, Broomfield, Browder, Brown, Bruce, Bryant, Bunning, Burton, Byron, Callahan, Camp, Campbell (CA), Campbell (CO), Cardin, Carper, Carr, Chapman, Clay, Clement, Clinger, Coble, Coleman (MO), Coleman (TX), Collins (IL), Collins (MI), Combest, Condit, Conyers, Cooper, Costello, Coughlin, Cox (CA), Cox (IL), Coyne, Cramer, Crane, Cunningham, Dannemeyer, Darden, de la Garza, DeFazio, DeLauro, DeLay, Dellums, Derrick, Dickinson, Dicks, Dingell, Dixon, Donnelly, Dooley, Doolittle, Dorgan (ND), Dornan (CA), Downey, Dreier, Duncan, Durbin, Dwyer, Early, Eckart, Edwards (CA), Edwards (TX), Emerson, Engel, English, Erdreich, Espy, Evans, Ewing, Fascell, Fawell, Fazio, Feighan, Fields, Fish, Ford (TN), Frank (MA), Franks (CT), Frost, Gallegly, Gallo, Gaydos, Gejdenson, Gekas, Geren, Gibbons, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Gonzalez, Goodling, Gordon, Goss, Gradison, Grandy, Green, Gunderson, Hall (TX), Hamilton, Hammerschmidt, Hancock, Hansen, Harris, Hastert, Hatcher, Hayes (IL), Hefley, Hefner, Herger, Hertel, Hoagland, Hobson, Hochbrueckner, Hopkins, Horn, Horton, Houghton, Hoyer, Hubbard, Hughes, Hunter, Hutto, Inhofe, Ireland, Jacobs, James, Jefferson, Jenkins, Johnson (CT), Johnson (SD), Johnson (TX), Johnston, Jones, Jontz, Kanjorski, Kasich, Kennedy, Kennelly, Kildee, Kleczka, Klug, Kolbe, Kolter, Kopetski, Kostmayer, Kyl, LaFalce, Lagomarsino, Lancaster, Lantos, LaRocco, Laughlin, Leach, Lehman (CA), Lehman (FL), Lent, Levin (MI), Levine (CA), Lewis (CA), Lewis (FL), Lewis (GA), Lightfoot, Livingston, Lloyd, Long, Lowey (NY), Luken, Machtley, Manton, Markey, Marlenee, Martin, Martinez, Matsui, Mavroules, Mazzoli, McCandless, McCloskey, McCollum, McCurdy, McDade, McDermott, McEwen, McGrath, McHugh, McMillan (NC), McMillen (MD), McNulty, Meyers, Mfume, Michel, Miller (CA), Miller (OH), Miller (WA), Mineta, Mink, Moakley, Molinari, Mollohan, Montgomery, Moody, Moorhead, Moran, Morella, Morrison, Mrazek, Murphy, Murtha, Myers, Nagle, Natcher, Neal (MA), Neal (NC), Nichols, Nowak, Nussle, Oakar, Oberstar, Obey, Olin, Olver, Ortiz, Orton, Owens (NY), Owens (UT), Oxley, Packard, Pallone, Panetta, Parker, Pastor, Patterson, Paxon, Payne (NJ), Payne (VA), Pease, Pelosi, Penny, Perkins, Peterson (FL), Peterson (MN), Petri, Pickett, Pickle, Porter, Poshard, Price, Pursell, Quillen, Rahall, Ramstad, Rangel, Ravenel, Ray, Reed, Regula, Rhodes, Richardson, Ridge, Riggs, Rinaldo, Ritter, Roberts, Roe, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Rose, Rostenkowski, Roth, Roukema, Rowland, Roybal, Russo, Sabo, Sanders, Sangmeister, Santorum, Sarpalius, Sawyer, Saxton, Schaefer, Scheuer, Schiff, Schroeder, Schulze, Schumer, Sharp, Shaw, Shays, Shuster, Sikorski, Sisisky, Skaggs, Skeen, Skelton, Slattery, Slaughter, Smith (FL), Smith (IA), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solarz, Solomon, Spence, Spratt, Stallings, Stark, Stearns, Stenholm, Stokes, Studds, Stump, Sundquist, Swett, Swift, Synar, Tallon, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (GA), Thomas (WY), Thornton, Torres, Torricelli, Towns, Traficant, Unsoeld, Upton, Valentine, Vander Jagt, Vento, Visclosky, Volkmer, Vucanovich, Walker, Walsh, Waters, Waxman, Weber, Weldon, Wheat, Whitten, Williams, Wilson, Wise, Wolf, Wolpe, Wyden, Wylie, Yates, Yatron, Young (AK), Young (FL), Zeliff, Zimmer

NAYS—1

Washington

NOT VOTING—29

Alexander, Anderson, Barnard, Blackwell, Bustamante, Chandler, Davis, Dymally, Edwards (OK), Flake, Foglietta, Ford (MI), Gephardt, Guarini, Hall (OH), Hayes (LA), Henry, Holloway, Huckaby, Hyde, Kaptur, Lipinski, Lowery (CA), McCrery, Savage, Sensenbrenner, Serrano, Staggers, Traxler

So the motion to instruct the managers on the part of the House was agreed to.

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

¶118.15 APPOINTMENT OF CONFEREES—H.R. 5427

Thereupon, the SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, announced the appointment of Messrs. FAZIO, SMITH of Florida, OBEY, MURTHA, TRAXLER, LEHMAN of Florida, WHITTEN, LEWIS of California, PORTER, Mrs. VUCANOVICH, and MCDADE, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶118.16 APPOINTMENT OF ADDITIONAL CONFEREES—H.R. 11

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent and pursuant to the authority granted on September 30, 1992, made the following additional appointments of conferees on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes:

As additional conferees from the Committee on Agriculture, for consideration of sections 7123, 7126, and title VIII of the House bill, and sections 7171 and 7173 of title VIII of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, TALLON, and COLEMAN of Missouri;

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Ms. OAKAR, and Mr. WYLIE;

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 9212 of the Senate amendment, and modifications committed to conference: Messrs. TORRES, HUBBARD, and MCCANDLESS;

As additional conferees from the Committee on Banking, Finance and

Urban Affairs, for consideration of section 9232 of the Senate amendment, and modifications committed to conference: Messrs. ANNUNZIO, HUBBARD, and WYLIE;

As additional conferees from the Committee on Education and Labor, for consideration of sections 7123 and 7125 of the House bill, and sections 2173, 4246, 7102, 7134(c), 7142–43, 7151, 7171, 7172, and 7176 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, WILLIAMS, MARTINEZ, OWENS of New York, and PERKINS, Mrs. ROUKEMA, Mr. FAWELL, and Mr. BALLENGER;

As additional conferees from the Committee on Education and Labor, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, GAYDOS, and GOODLING;

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 7104, 7123, 7125, and 7126 of the House bill, and sections 2171–73, 2175, 2177–85, 6220, 6231–51, 7109, 7121, 7136, 7171–74, 10011(b), 10201, 14111–40, titles XI, XV, and XVI of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mrs. COLLINS of Illinois, and Messrs. WAXMAN, SIKORSKI, BRUCE, LENT, DANNEMEYER, and BLILEY;

Provided, That solely for consideration of sections 10011(b) and 10201 and title XI of the Senate amendment, Messrs. MARKEY, SYNAR, and BOUCHER are appointed in lieu of Messrs. WAXMAN, SIKORSKI, and BRUCE;

That solely for consideration of sections 2180–85, 6220, 6231–41, and 14111–40 of the Senate amendment, Mr. BILIRAKIS is appointed in lieu of Mr. LENT;

That solely for consideration of sections 2173, 2175, 6251, 10011(b), and 10201 of the Senate amendment, Mr. MCMILLAN of North Carolina is appointed in lieu of Mr. BLILEY; and

That solely for consideration of title XI of the Senate amendment, Mr. RINALDO is appointed in lieu of Mr. BLILEY;

As additional conferees from the Committee on Energy and Commerce, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WAXMAN, and LENT.

As additional conferees from the Committee on the Judiciary, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SCHUMER, and SENSENBRENNER;

As additional conferees from the Committee on the Judiciary, for consideration of section 9204 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, EDWARDS of California, SYNAR, BRYANT, STAGGERS, FISH, MOORHEAD, and SMITH of Texas;

As additional conferees from the Committee on the Judiciary, for consideration of title X of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SCHUMER, HUGHES, BRYANT, SANGMEISTER, SENSENBRENNER, SCHIFF, and RAMSTAD;

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of titles XII and XIII of the Senate amendment, and modifications committed to conference: Messrs. STUDDS, HUBBARD, HUGHES, and TAUZIN, Mrs. UNSOELD, and Messrs. DAVIS, YOUNG of Alaska, and FIELDS; and

As additional conferees from the Committee on Ways and Means, for consideration of sections 7123, 7125, 7126, and title VIII of the House bill, and sections 2173, 7171, 7173, titles VIII and X of the Senate amendment, and modifications committed to conference: Messrs. JACOBS, FORD of Tennessee, JENKINS, DOWNEY, GUARINI, RUSSO, PEASE, SCHULZE, GRADISON, THOMAS of California, and MCGRATH.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶118.17 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3157. An Act to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 939. An Act to amend title 38, United States Code, with respect to housing loans for veterans, and for other purposes.

H.R. 1578. An Act to amend title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services.

H.R. 3665. An Act to establish the Little Canyon National Preserve in the State of Alabama.

H.R. 5686. An Act to make technical amendments to certain Federal Indian statutes.

The message also announced that the Senate agreed to the report of the committee on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) an Act entitled The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act''.

The message also announced that the Senate had passed bills and conucrrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 20. An Act to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 1664. An Act to establish the Keweenaw National Historical Park, and for other purposes.

S. 1704. An Act to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

S. 1893. An Act to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes.

S. 2890. An Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes.

S. 2973. An Act to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma while on active duty, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide care and services to women veterans, and for other purposes.

S. 2974. An Act to amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court of Veterans Appeals, and for other purposes.

S. 3100. An Act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes.

S. 3134. An Act to exapnd the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to impove school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes.

S. Con. Res. 138. Concurrent resolution to authorize a correction in the enrollment of H.R. 2042.

S. Con. Res. 139. Concurrent resolution to authorize a correction in the enrollment of H.R. 1628.

¶118.18 WAIVING CERTAIN RULES, MAKING IN ORDER SUSPENSION OF THE RULES AND RECESSES FOR REMAINDER OF 2D SESSION, 102D CONGRESS

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 591):

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is hereby waived with respect to any resolution reported from that committee for the remainder of the second session of the One Hundred Second Congress to provide for the consideration or disposition of: (1) a general appropriation bill, an amendment thereto, or a conference report thereon; (2) a conference report and any amendment reported in disagreement therewith; or (3) a joint resolution making continuing appropriations for the fiscal year 1993, an amendment thereto, or a conference report thereon.

SEC. 2. Notwithstanding the provisions of clause 2 of rule XXVIII and clause 8 of rule XXI, it shall be in order at any time for the remainder of the second session of the One Hundred Second Congress to consider a conference report and any amendments reported from conference in disagreement on the same day reported or any day thereafter if copies of the conference report and accompanying statement, together with the text of any amendment reported from conference in disagreement, have been available to Members for at least two hours before the beginning of such consideration. Such a conference report, amendments in disagreement,

and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement shall be considered as read.

SEC. 3. It shall be in order at any time for the remainder of the second session of the One Hundred Second Congress for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least two hours prior to its consideration.

SEC. 4. It shall be in order at any time for the remainder of the second session of the One Hundred Second Congress for the Speaker to declare recesses subject to the call of the Chair.

SEC. 5. Prior to the scheduling of any legislation under the special authorities provided for in this resolution, the Speaker or his designee shall consult with the Minority Leader or his designee.

When said resolution was considered.

After debate,

On motion of Mr. MOAKLEY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that the yeas had it.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 316 / Nays ..... 93 }

¶118.19 [Roll No. 454]

YEAS—316

Abercrombie, Ackerman, Alexander, Anderson, Andrews (ME), Andrews (NJ), Andrews (TX), Annunzio, Anthony, Applegate, Aspin, Atkins, AuCoin, Bacchus, Barrett, Bateman, Beilenson, Bennett, Berman, Bevill, Bilirakis, Bliley, Boehlert, Bonior, Borski, Boucher, Boxer, Brewster, Brooks, Broomfield, Browder, Brown, Bruce, Bryant, Byron, Camp, Campbell (CO), Cardin, Carper, Chapman, Clay, Clement, Clinger, Coble, Coleman (TX), Collins (MI), Combest, Condit, Cooper, Costello, Cox (IL), Coyne, Cramer, Darden, Davis, de la Garza, DeFazio, DeLauro, Dellums, Derrick, Dickinson, Dicks, Dingell, Dixon, Donnelly, Dorgan (ND), Dornan (CA), Downey, Dreier, Durbin, Dwyer, Early, Eckart, Edwards (CA), Edwards (OK), Edwards (TX), Engel, English, Erdreich, Espy, Evans, Fascell, Fazio, Feighan, Fish, Ford (MI), Ford (TN), Frank (MA), Frost, Gallo, Gaydos, Gejdenson, Gephardt, Geren, Gibbons, Gilchrest, Gilman, Gingrich, Glickman, Gonzalez, Gordon, Gradison, Green, Guarini, Gunderson, Hall (TX), Hamilton, Hansen, Harris, Hatcher, Hayes (IL), Hayes (LA), Hefner, Hertel, Hoagland, Hobson, Hochbrueckner, Horn, Horton, Houghton, Hoyer, Hubbard, Hughes, Hutto, Ireland, Jacobs, Jefferson, Jenkins, Johnson (SD), Johnston, Jones, Jontz, Kanjorski, Kasich, Kennedy, Kennelly, Kildee, Kleczka, Kolbe, Kolter, Kopetski, Kostmayer, LaFalce, Lancaster, Lantos, LaRocco, Laughlin, Leach, Lehman (FL), Lent, Levin (MI), Levine (CA), Lewis (CA), Lewis (GA), Lightfoot, Livingston, Lloyd, Long, Lowery (CA), Lowey (NY), Luken, Machtley, Manton, Markey, Martin, Martinez, Matsui, Mavroules, Mazzoli, McCandless, McCloskey, McCollum, McCurdy, McDade, McDermott, McGrath, McHugh, McMillan (NC), McMillen (MD), McNulty, Meyers, Mfume, Michel, Miller (CA), Miller (WA), Mineta, Mink, Moakley, Molinari, Mollohan, Montgomery, Moody, Moran, Morella, Morrison, Mrazek, Murphy, Murtha, Nagle, Natcher, Neal (MA), Oakar, Oberstar, Obey, Olin, Olver, Ortiz, Orton, Owens (NY), Owens (UT), Pallone, Panetta, Parker, Pastor, Patterson, Payne (NJ), Payne (VA), Pease, Pelosi, Penny, Perkins, Peterson (FL), Peterson (MN), Petri, Pickett, Pickle, Porter, Poshard, Price, Pursell, Quillen, Rahall, Rangel, Ravenel, Ray, Reed, Regula, Rhodes, Richardson, Ridge, Rinaldo, Roe, Roemer, Rogers, Rose, Rostenkowski, Roukema, Rowland, Roybal, Sabo, Sanders, Sangmeister, Sarpalius, Sawyer, Saxton, Scheuer, Schroeder, Schumer, Serrano, Sharp, Shays, Shuster, Sikorski, Sisisky, Skaggs, Skeen, Skelton, Slattery, Slaughter, Smith (IA), Smith (TX), Solarz, Solomon, Spratt, Stallings, Stark, Stenholm, Stokes, Studds, Swett, Swift, Synar, Tallon, Tanner, Tauzin, Taylor (MS), Thomas (CA), Thomas (GA), Thornton, Torres, Torricelli, Towns, Traficant, Traxler, Unsoeld, Valentine, Vento, Visclosky, Volkmer, Walsh, Washington, Waters, Waxman, Weldon, Wheat, Whitten, Williams, Wilson, Wise, Wolf, Wolpe, Wyden, Wylie, Yates, Yatron, Young (AK), Lipinski, McCrery, Nowak, Russo, Savage, Sensenbrenner, Smith (FL), Staggers

NAYS—93

Allard, Allen, Archer, Armey, Baker, Ballenger, Barton, Bentley, Bereuter, Bilbray, Boehner, Bunning, Burton, Callahan, Campbell (CA), Carr, Coleman (MO), Conyers, Cox (CA), Crane, Cunningham, Dannemeyer, DeLay, Dooley, Doolittle, Duncan, Emerson, Ewing, Fawell, Fields, Franks (CT), Gallegly, Gekas, Gillmor, Goodling, Goss, Grandy, Hammerschmidt, Hancock, Hastert, Hefley, Herger, Hopkins, Hunter, Hyde, Inhofe, James, Johnson (CT), Johnson (TX), Kyl, Lagomarsino, Lehman (CA), Lewis (FL), Marlenee, McEwen, Miller (OH), Moorhead, Myers, Neal (NC), Nichols, Nussle, Oxley, Packard, Paxon, Ramstad, Riggs, Ritter, Roberts, Rohrabacher, Ros-Lehtinen, Roth, Santorum, Schaefer, Schiff, Schulze, Shaw, Smith (NJ), Smith (OR), Snowe, Spence, Stearns, Stump, Sundquist, Taylor (NC), Thomas (WY), Upton, Vander Jagt, Vucanovich, Walker, Weber, Young (FL), Zeliff, Zimmer

NOT VOTING—23

Barnard, Blackwell, Bustamante, Chandler, Collins (IL), Coughlin, Dymally, Flake, Foglietta, Hall (OH), Henry, Holloway, Huckaby, Kaptur, Klug

So the resolution was agreed to.

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

¶118.20 PROVIDING FOR THE CONSIDERATION OF S. 1696

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 590):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI or clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour, with forty-five minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against amendments printed in the report are waived. If more than one of the amendments is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion expect one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. GORDON, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

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

¶118.21 MONTANA NATIONAL FOREST MANAGEMENT

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 590 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill of the Senate (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes.

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, designated Mr. DONNELLY as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally for an announcement pursuant to House Resolution 591.

The SPEAKER pro tempore, Mr. BONIOR, assumed the Chair.

¶118.22 SUSPENSION OF THE RULES

The SPEAKER pro tempore, Mr. BONIOR, pursuant to section 3 of House Resolution 591, at 4 o'clock and 53 minutes p.m. announced the placing of a list at the Speaker's table and in each cloakroom describing the object of each motion to suspend the rules that may be considered no sooner than two hours after said notice.

The Committee resumed its sitting; and after some further time spent therein,

The SPEAKER pro tempore, Mr. MCNULTY, assumed the Chair.

When Mr. DONNELLY, Chairman, pursuant to House Resolution 590, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be referred to as the ''Montana National Forest Management Act of 1992''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Many areas of undeveloped National Forest System lands in the State of Montana possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wild land for the benefit of the American people.

(2) The existing Department of Agriculture Land and Resource Management Plans for Forest System lands in the State of Montana have identified areas which, on the basis of their land form, ecosystem, associated wildlife, and location will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System.

(3) The existing Department of Agriculture Land and Resource Management Plans for National Forest System lands in the State of Montana and the related congressional review of such lands have also identified areas that do not possess outstanding wilderness attributes or possess outstanding energy, mineral, timber, grazing, dispersed recreation, or other values. Such areas should not be designated as components of the National Wilderness Preservation System but should be available for multiple uses under the land management planning process and other applicable law.

(b) PURPOSES.—The purposes of this Act are to—

(1) designate certain National Forest System lands in the State of Montana as components of the National Wilderness Preservation System, in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, and physical and mental challenge; and

(2) ensure that certain other National Forest System lands in the State of Montana will be managed under the national forest land and resource management plans.

SEC. 3. WILDERNESS DESIGNATIONS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964, the following lands in the State of Montana are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Beaverhead, Bitterroot, and Deerlodge National Forests, which comprise approximately 31,660 acres, as generally depicted on a map entitled ''Anaconda-Pintler Wilderness Additions—Proposed'' (North Big Hole, Storm Lake, Upper East Fork), dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Anaconda-Pintler Wilderness.

(2) Certain lands in the Beaverhead National Forest, which comprise approximately 25,000 acres, as generally depicted on a map entitled ''Italian Peaks Wilderness—Proposed'', dated September 1992, and which shall be known as the Italian Peaks Unit of the Great Divide Wilderness.

(3) Certain lands in the Beaverhead National Forest, which comprise approximately 80,500 acres, as generally depicted on a map entitled ''East Pioneer Wilderness—Proposed'', dated September 1992, and which shall be known as the East Pioneer Wilderness.

(4) Certain lands in the Beaverhead National Forest, Montana, comprising approximately 35,000 acres, as generally depicted on a map entitled ''West Big Hole Wilderness—Proposed'', dated September 1992, and which shall be known as the West Big Hole Unit of the Great Divide Wilderness.

(5) Certain lands in the Bitterroot, Deerlodge, and Lolo National Forests, which comprise approximately 64,800 acres, as generally depicted on a map entitled ''Stony Mountain Wilderness—Proposed'', dated September 1992, and which shall be known as the Stony Mountain Wilderness.

(6) Certain lands in the Bitterroot and Lolo National Forests, which comprise approximately 55,600 acres, as generally depicted on maps entitled ''Selway-Bitterroot Wilderness Additions—Proposed'', dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Selway-Bitterroot Wilderness.

(7) Certain lands in the Custer National Forest, which comprise approximately 8,000 acres, as generally depicted on a map entitled ''Lost Water Canyon Wilderness—Proposed'', dated September 1992, and which shall be known as the Lost Water Canyon Wilderness.

(8) Certain lands in the Custer National Forest, which comprise approximately 6,000 acres, as generally depicted on a map entitled ''Custer Absaroka Beartooth Wilderness Additions—Proposed'' (Burnt Mountain, Timberline Creek, Stateline and Mystic Lake), dated November 1991, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(9) Certain lands in the Deerlodge and Helena National Forests, which comprise approximately 19,000 acres, as generally depicted on a map entitled ''Blackfoot Meadow-Electric Peak Wilderness—Proposed'', dated September 1992, and which shall be known as the Blackfoot Meadow Unit of the Great Divide Wilderness.

(10) Certain lands in the Flathead and Kootenai National Forests, which comprise approximately 118,000 acres, as generally depicted on a map entitled ''North Fork Wilderness—Proposed (Tuchuck, Thompson-Seton, and Mount Hefty)'', dated September 1992, and which shall be known as the North Fork Wilderness.

(11) Certain lands in the Flathead, Helena, Lolo, and Lewis and Clark National Forests, which comprise approximately 232,980 acres, as generally depicted on maps entitled ''Arnold Bolle Additions to the Bob Marshall Wilderness—Proposed'' (Silver King-Falls Creek, Renshaw, Clearwater-Monture, Deep Creek, Teton High Peak, Volcano Reef, Slippery Bill, Limestone Cave, Choteau Mountain, and Crown Mountain), dated September 1992, which shall be known as the Arnold Bolle-Bob Marshall Wilderness Additions and are incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness.

(12) Certain lands in the Flathead National Forest, which comprise approximately 960 acres, as generally depicted on a map entitled ''Mission Mountains Wilderness Additions—Proposed'', dated September 1991, and which are hereby incorporated in and shall be deemed to be a part of the Mission Mountain Wilderness.

(13) Certain lands in the Flathead and Lolo National Forests, comprising approximately 173,500 acres, as generally depicted on maps entitled ''Jewel Basin/Swan Wilderness—Proposed'', dated September 1992. Those lands contiguous to the west slope of the Bob Marshall Wilderness referred to in this paragraph are hereby incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness, while the remaining lands shall be known as the Swan Crest Wilderness.

(14) Certain lands in the Gallatin National Forest, which comprise approximately 14,440 acres, as generally depicted on a map entitled ''Gallatin Absaroka Beartooth Wilderness Additions—Proposed'' (Dexter Point Tie Creek and Mt. Rae), dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(15) Certain lands in the Gallatin and Beaverhead National Forests, which comprise approximately 20,100 acres, as generally depicted on a map entitled ''Lee Metcalf Cowboys Heaven Addition—Proposed'', dated September 1992, and which are hereby incorporated in and shall be deemed to be a part of the Lee Metcalf Wilderness.

(16) Certain lands in the Gallatin National Forest, which comprise approximately 19,440 acres, as generally depicted on a map entitled ''Earthquake Wilderness—Proposed'', dated September 1992, and which shall be

known as the Earthquake Unit of the Great Divide Wilderness.

(17) Certain lands in the Helena National Forest, which comprise approximately 24,000 acres, as generally depicted on a map entitled ''Camas Creek Wilderness—Proposed'', dated September 1992, and which shall be known as the Camas Creek Wilderness.

(18) Certain lands in the Helena National Forest, which comprise approximately 15,000 acres, as generally depicted on a map entitled ''Mount Baldy Wilderness—Proposed'', dated September 1991, and which shall be known as the Mount Baldy Wilderness.

(19) Certain lands in the Helena National Forest, Montana, which comprise approximately 10,500 acres, as generally depicted on a map entitled ''Gates of the Mountains Wilderness Additions—Proposed'' (Big Log), dated September 1992, and which are hereby incorporated in and shall be deemed to be part of the Gates of the Mountain Wilderness.

(20) Certain lands in the Helena National Forest, which comprise approximately 8,500 acres, as generally depicted on a map entitled ''Black Mountain Wilderness—Proposed'', dated September 1992, and which shall be known as the Black Mountain Unit of the Great Divide Wilderness.

(21) Certain lands in the Kootenai National Forest, which comprise approximately 34,840 acres, as generally depicted on a map entitled ''Cabinet Mountains Wilderness Additions—Proposed'', dated September 1992, and which are hereby incorporated in and shall be deemed to be part of the Cabinet Mountains Wilderness.

(22) Certain lands in the Kaniksu and Kootenai National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled ''Scotchman Peaks Wilderness—Proposed'', dated September 1991, which shall be known as the Scotchman Peaks Wilderness.

(23) Certain lands in the Kootenai National Forest which comprise approximately 22,000 acres, as generally depicted on a map entitled ''Yaak Wilderness-Proposed'' (Roderick Mountain), dated September 1992, which shall be known as the Yaak Wilderness.

(24) Certain lands in the Kootenai and Lolo National Forests, which comprise approximately 17,900 acres, as generally depicted on a map entitled ''Catarack Peak Wilderness—Proposed'', dated September 1991, which shall be known as the Cataract Peak Wilderness.

(25) Certain lands in the Lolo National Forest, which comprise approximately 19,900 acres, as generally depicted on a map entitled ''Cube Iron/Mount Silcox Wilderness—Proposed'', dated September 1992, which shall be known as the Cube Iron/Mount Silcox Wilderness.

(26) Certain lands in the Lolo National Forest, which comprise approximately 94,700 acres, as generally depicted on a map entitled ''Great Burn Wilderness—Proposed'', dated September 1991, which shall be known as the Great Burn Wilderness.

(27) Certain lands in the Lolo National Forest, which comprise approximately 60,100 acres, as generally depicted on a map entitled ''Quigg Peak Wilderness—Proposed'', dated September 1991, which shall be known as the Quigg Peak Wilderness.

(28) Certain lands in the Lewis and Clark National Forest, which comprise approximately 40,000 acres, as generally depicted on a map entitled ''Crazy Mountain Wilderness—Proposed'', dated September 1992, and which shall be known as the Crazy Mountain Wilderness.

(29) Certain lands in the Kootenai National Forest, which comprise approximately 25,000 acres, as generally depicted on a map entitled ''Trout Creek Wilderness—Proposed'', dated September 1992, and which shall be known as the Trout Creek Wilderness.

(30) Certain lands in the Deerlodge National Forest, which comprise approximately 40,300 acres, as generally depicted on a map entitled ''Flint Creek Wilderness—Proposed'', dated September 1992, and which shall be known as the Flint Creek Wilderness.

(31) Certain lands in the Helena National Forest, which comprise approximately 19,000 acres, as generally depicted on a map entitled ''Nevada Mountain Wilderness—Proposed'', dated September 1992, and which shall be known as the Nevada Mountain Unit of the Great Divide Wilderness.

(32) Certain lands in the Helena National Forest, which comprise approximately 60,000 acres, as generally depicted on a map entitled ''Elkhorn Wilderness—Proposed'', dated September 1992, and which shall be known as the Elkhorn Wilderness.

(33) Certain lands in the Gallatin National Forest, which comprise approximately 500 acres, as generally depicted on a map entitled ''North Absaroka Wilderness Addition—Proposed (Republic Mountain)'', dated September 1992, and which are hereby incorporated in and shall be deemed a part of the North Absaroka Wilderness.

(b) MAPS AND LEGAL DESCRIPTIONS.—(1) The Secretary of Agriculture (hereinafter referred to as the ''Secretary'') shall file the maps referred to in this section and legal descriptions of each wilderness area designated by this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act.

(2) The Secretary may correct clerical and typographical errors in the maps and the legal descriptions submitted pursuant to this section.

(3) Each map and legal description referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, D.C. and at the office of the Regional Forester of the Northern Region.

(c) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated by this section shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964, except that, with respect to any area designated in this section, any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) WILDERNESS AREA PERIMETERS.—Congress does not intend that the designation of wilderness areas in this section will lead to the creation of protective perimeters or buffer zones around such areas. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) GRAZING.—The grazing of livestock, where established prior to the date of enactment of this Act, in wilderness areas designated in this section shall be administered in accordance with section 4(d)(4) of the Wilderness Act of 1964 and section 108 of an Act entitled ''An Act to designate certain National Forest System Lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes'' (94 Stat. 3271; 16 U.S.C. 1133 note).

(f) STATE FISH AND GAME AUTHORITY.—In accordance with section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Montana with respect to wildlife and fish in the national forests of Montana.

(g) HUNTING.—Nothing in this Act or the Wilderness Act of 1964 shall be construed to prohibit hunting within the wilderness areas designated in this section.

(h) COLLECTION DEVICES.—(1) Within the wilderness areas designated in this section, the installation and maintenance of essential hydrological, meteorological, or climatological collection devices and ancillary facilities is permitted, subject to such conditions as the Secretary deems desirable.

(2) Access to the devices and facilities described in paragraph (1) shall be by the means historically used, if that method is the least intrusive practicable means available. Access, installation, and maintenance shall be compatible with the provisions of the Wilderness Act.

SEC. 4. WATER.

(a) RESERVATION.—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes for which such area is designated. The priority date of such reserved rights shall be the date of enactment of this act.

(b) IMPLEMENTATION.—The Secretary of Agriculture, and all other officers of the United States shall take all steps necessary to protect the rights reserved by subsection (a), including the filing of claims for quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of Montana in which the United States has been or is hereafter properly joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 5460; 43 U.S.C. 666), commonly referred to as the ''McCarran Amendment''.

(c) CONSTRUCTION.—(1) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Montana on or before the date of enactment of this Act.

(2) Nothing in this Act shall be construed as establishing a precedent with regard to any future designations, including designations of wilderness, or as constituting an interpretation of any other Act or designations made pursuant thereto.

SEC. 5. SPECIAL MANAGEMENT AREAS.

(a) DESIGNATIONS.—For the purposes of conserving, protecting and enhancing the exceptional scenic, fish and wildlife, biological, educational and recreational values of certain National Forest System lands in the State of Montana, the following designations are made:

(1) The Mount Helena National Education and Recreation Area located in the Helena National Forest, comprising approximately 5,120 acres, as generally depicted on a map entitled ''Mount Helena National Education and Recreation Area—Proposed'', dated September 1992.

(2) The Hyalite National Education and Recreation Area located in the Gallatin National Forest, comprising approximately 18,900 acres, as generally depicted on a map entitled ''Hyalite National Education and Recreation Area—Proposed'', dated September 1992.

(3) The Northwest Peak National Recreation Area located in the Kaniksu and Kootenai National Forests, comprising approximately 16,700 acres, as generally depicted on a map entitled ''Northwest Peak National Recreation and Scenic Area—Proposed'', dated September 1991.

(4) The Buckhorn Ridge National Recreation Area located in the Kaniksu and Kootenai National Forests, comprising approximately 20,000 acres, as generally depicted on a map entitled ''Buckhorn Ridge

National Recreation Area—Proposed'', dated September 1991.

(5) The West Big Hole National Recreation Area located in the Beaverhead National Forest, comprising approximately 90,000 acres, as generally depicted on a map entitled ''West Big Hole National Recreation Area—Proposed'', dated September 1992, and which shall be known as the West Big Hole National Recreation Area.

(b) MAPS.—The Secretary shall file the maps referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps may be made. Each such map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Regional Forester of the Northern Region.

(c) MANAGEMENT.—(1) Except as otherwise may be provided in this subsection, the Secretary shall administer the areas designated in subsection (a) so as to achieve the purposes of their designation and in accordance with the laws and regulations applicable to the National Forest System.

(2) Subject to valid existing rights, all federally owned lands within the areas designated in subsection (a) are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(3) Commercial timber harvesting is prohibited in the areas designated by this section with the following exceptions:

(A) Nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

(B) Fuel wood, post and pole gathering may be permitted.

(C) Commercial timber harvesting may be permitted in the Hyalite National Recreation and Education Area, but must be compatible with the purposes of its designation.

(4) Where the Secretary determines that such use is compatible with the purposes for which an area is designated, the use of motorized equipment may be permitted in the areas subject to applicable law and applicable land and resource management plans.

(5) The grazing of livestock, where established prior to the date of enactment of this Act may be permitted to continue subject to applicable law and regulations of the Secretary.

(d) NATIONAL RECREATION AREAS.—The Secretary shall manage the Mount Helena and Hyalite National Education and Recreation Areas with a focus on education. All management activities shall be conducted in a manner that provides the public with an opportunity to become better informed about natural resource protection and management.

(e) LAND AND RESOURCE MANAGEMENT PLANS.—Those areas established pursuant to subsection (a) shall be administered as components of the national forests wherein they are located. Land and resource management plans for the affected national forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, shall achieve the purposes for which the areas are designated. The provisions of the national forest land and resource management plan, relating to each area designated by this section, shall also be available to the public in a document separate from the rest of the forest plan.

SEC. 6. WILDERNESS STUDY AREAS.

(a) DESIGNATION.—The following areas are hereby designated as wilderness study areas and shall be managed in accordance with the provisions of this section:

(1) Certain lands in the Custer National Forest, comprising approximately 22,000 acres, as generally depicted on a map entitled ''Line Creek Plateau Wilderness Study Area—Proposed'', dated September 1992.

(2) Certain lands on the Gallatin National Forest, comprising approximately 21,500 acres, as generally depicted on a map entitled ''Sawtooth Mountain Wilderness Study Area—Proposed'', dated September 1992.

(3) Certain lands in the Lolo National Forest which comprise approximately 22,000 acres, as generally depicted on a map entitled ''Sheep Mountain Wilderness Study Area—Proposed'', dated November 1991.

(4) Certain lands in the Lewis and Clark and Gallatin National Forests, which comprise approximately 75,000 acres, as generally depicted on a map entitled ''Crazy Mountain Wilderness Study Area—Proposed'', dated September 1992. The Forest Service shall complete a study of public and private land consolidation alternatives for this area which shall be submitted to the appropriate committees of Congress 2 years after the date of the enactment of this Act.

(5) Certain lands in the Gallatin National Forest, which comprise approximately 4,500 acres, as generally depicted on a map entitled ''South Cottonwood Wilderness Study Area—Proposed,'' dated September, 1992, and shall be managed as part of the Gallatin Wilderness Study Area in accordance with Public Law 95–150.

(b) REPORT.—When the forest plans are revised, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives containing recommendations as to whether the areas designated in subsection (a) should be added as components of the National Wilderness Preservation System.

(c) MANAGEMENT.—Subject to valid existing rights, the wilderness study areas designated in subsection (a) shall be managed to protect their suitability for inclusion in the National Wilderness Preservation System.

(d) MAPS.—The Secretary shall file the maps referred to in this section with the Committee on Interior and Insular Affairs, United States House of Representatives, and the Committee on Energy and Natural Resources, United States Senate, and each such map shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in these maps may be made. Each map shall be on file and available for public inspection in the office of the Chief of the Forest Service and the Regional Forester of the Northern Region.

(e) ADJUSTMENT.—Certain lands in the Beaverhead National Forest, which comprise approximately 700 acres, as generally depicted on a map entitled ''The West Pioneers Boundary Adjustment-Proposed,'' dated September 1992, shall be deleted from the West Pioneers Wilderness Study Area and shall no longer be subject to the provisions of Public Law 95–150.

SEC. 7. BADGER-TWO MEDICINE AREA.

(a) WITHDRAWAL.—(1) Subject to valid existing rights including rights held by the Blackfeet nation under existing treaties and statute, all federally owned lands as depicted on a map entitled ''Badger-Two Medicine Area'', dated September 1991, comprising approximately 116,600 acres, are withdrawn from all forms of entry, appropriation, and disposal under the mining and public land laws and from disposition under the geothermal and mineral leasing laws. Until otherwise directed by Congress, the Secretary shall manage this area so as to protect its wilderness qualities.

(2) Nothing in this section shall preclude the gathering of timber by the Blackfeet Tribe (the ''Tribe'') in exercise of valid treaty rights within the Badger-Two Medicine Area.

(3)(A) With respect to oil and gas leases on Federal lands within the Badger-Two Medicine Area, no surface disturbance shall be permitted pursuant to such leases until Congress determines otherwise.

(B) Notwithstanding any other law, the term of any oil and gas lease subject to the limitations imposed by this section shall be extended for a period of time equal to the term that such limitation remains in effect.

(b) REVIEW.—The Secretary shall conduct a review of the area referred to in subsection (a) in accordance with the Wilderness Act of 1964 and the provisions of this subsection. Not later than 5 years after the date of enactment of this Act, the Secretary shall report to Congress. In conducting this review:

(1) The Secretary shall establish a committee composed of 1 representative each from the Blackfeet Tribal Business Council, the Blackfeet Tribal traditionalists, and the National Park Service, as well as at least one representative of various concerned user groups, including proportional representation for environmental groups and industry groups. The Committee shall not exceed eleven members. The Blackfeet Tribal Business Council shall choose the 2 Tribal representatives. The Blackfeet Tribal Business Council shall conduct a public meeting to receive recommendations of the community regarding the selection of these members. The committee shall regularly advise the Secretary during the preparation of the report required in this subsection and submit its findings to Congress concurrently with those of the Secretary.

(2) Special consideration shall be given to the religious, wilderness and wildlife uses of the area, taking into account any treaties the United States has entered into with the Blackfeet Nation.

(3) In consultation with the committee, the Secretary shall establish a process to provide information to the Tribe and interested public about options for future designation of the Badger-Two Medicine Area.

(c) RIGHTS.—Nothing in this section shall be construed to diminish, prejudice, add to, or otherwise affect the treaty rights of the Blackfeet Tribe or the rights of the United States.

SEC. 8. SEVERED MINERALS EXCHANGE.

(a) FINDINGS.—The Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated (hereinafter collectively referred to in this section as the ''company'');

(2) there are federally owned minerals underlying privately owned lands lying outside those areas;

(3) the company has agreed in principle with the Department of Agriculture to an exchange of mineral rights to consolidate Federal surface and subsurface ownerships and to avoid potential conflicts with the surface management of such areas; and

(4) it is desirable that an exchange be completed within 2 years after the date of enactment of this Act.

(b) DESCRIPTION OF MINERAL INTERESTS.—(1) Pursuant to an exchange agreement between the Secretary and the company, the Secretary may acquire mineral interests owned by the company underlying surface lands owned by the United States located in the areas depicted on the maps entitled

''Severed Minerals Exchange, Clearwater-Monture Area'', dated September 1988 and ''Severed Minerals Exchanges, Gallatin Area'', dated September 1988, or in fractional sections adjacent to those areas.

(2) In exchange for the mineral interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and the company may agree upon.

(c) EQUAL VALUE.—(1) The value of mineral interests exchanged pursuant to this section shall be approximately equal based on available information.

(2) To ensure that the wilderness or other natural values of the areas are not affected, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, but the Secretary and the company shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and the company may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—(1) Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which were owned by the company or its predecessor on September 16, 1987.

(2) If there are not sufficient federally owned mineral interests of approximately equal value underlying the lands identified in paragraph (1), the Secretary and the Secretary of the Interior may identify for exchange any other federally owned mineral interest in land in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—(1) The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in such an agreement of a provision calling for the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and the company.

(f) DEFINITION.—For purposes of this section, the term ''mineral interests'' includes all locatable and leasable minerals, including oil and gas, geothermal resources, and all other subsurface rights.

(g) ENVIRONMENTAL LAW.—The execution and performance of an exchange agreement and the taking of other actions pursuant to this section shall not be deemed a major Federal action significantly affecting the quality of the environment within the meaning of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), nor shall they require the preparation of an environmental assessment under this Act.

SEC. 9. LANDS ADMINISTERED BY BUREAU OF LAND MANAGEMENT.

(a) FINDING.—The Congress has reviewed the suitability of a portion of the Axolotl Lakes Wilderness Study Area (MT–076–069, BLM Wilderness Study Number) as generally depicted on a map entitled ''Released portion of Axolotl Lakes WSA'', dated September 1992, for wilderness designation and finds that this portion has been sufficiently studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) DIRECTION.—The area described in subsection (a) shall no longer be subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(c) ADMINISTRATIVE JURISDICTION.—Those lands designated as wilderness pursuant to paragraphs (3) and (27) of section 3(a) of this Act, which, as of the date of enactment of this Act, are administered by the Secretary of the Interior as public lands (as defined in the Federal Land Policy and Management Act of 1976), are hereby transferred to the jurisdiction of the Secretary of Agriculture, and shall be added to and managed as part of the National Forest System, and the boundaries of the adjacent National Forests are hereby modified to include such lands.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of affected National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as if they were the boundaries of the National Forests as of January 1, 1965. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein in furtherance of the purposes of this Act.

SEC. 10. NORTHERN ROCKIES ECOSYSTEM AND ECONOMICS STUDY.

(a) PURPOSE.—The purpose of this section is to protect and enhance ecological values of the Northern Rockies Ecosystem and to assure that disruptions to communities and local economies are minimized through the sustainable use of the natural resources in the Northern Rockies. To accomplish the purpose, the Secretary shall—

(1) assess current environmental and economic conditions in the Northern Rockies ecosystem;

(2) evaluate the recent and likely trends in those conditions under current management;

(3) determine sustainable environmental conditions and economies dependent thereon; and

(4) identify opportunities and requirements to achieve and improve sustainability of the natural resources and the economy.

(b) STUDY.—(1) The Secretary of Agriculture, acting through the Forest Service Research Branch, shall undertake a Northern Rockies Ecosystem and Economics Study (''Study''). In conducting the study, the Forest Service shall draw from expertise throughout the Research Branch and cooperate with other Federal agencies, relevant State agencies, local governments, Tribal governments, and the relevant departments (such as biology, ecology, forestry, range, wildlife and fish, recreation, business, economics, law, etc.) of public universities in the Northern Rockies.

(2) The Secretary of Agriculture shall establish an Advisory Panel consistent with the Federal Advisory Committee Act to meet to review and comment on: (A) the study plan; (B) contractor, background, and interim reports, if any; and (C) the final report. The Advisory Panel shall represent a balance of groups and individuals interested in or affected by natural resource management, and shall represent regional interests and the national concerns in an equitable manner.

(3) The Study shall address the following topics:

(A) The current ecological trends and conditions, environmental sustainability of the Northern Rockies Ecosystem, including but not limited to—

(i) air and water quality;

(ii) timber quantity, quality, and growth;

(iii) rangeland quality;

(iv) riparian areas;

(v) diversity of native plant and animal species;

(vi) connectivity among isolated ecosystems;

(vii) uncommon, rare, threatened, and endangered species;

(viii) populations of animals for consumptive and nonconsumptive uses;

(ix) wilderness areas;

(x) dispersed recreation opportunities; and

(xi) developed recreation facilities.

(B) The current contribution of commodity and noncommodity uses and output of natural resources to the local and regional economies, including, but not limited to—

(i) distinguishing among the various resource uses and outputs;

(ii) examining the distribution of resource-related economic activities among local communities; and

(iii) distinguishing the contributions from each landowner class: Federal, State, Tribal, other government, forest industry, other major private corporations, and other private (nonindustrial) landowners.

(C) The sustainable contribution of commodity and noncommodity uses and outputs of natural resources, using the same distinctions specified in subparagraph (B), and assuming:

(i) achievement of State air and water quality standards; and

(ii) maintenance of or increase in the quality of natural resources in the region, including: the timber available; range lands grazed by livestock; riparian areas; the diversity of plant and animal species; connectivity among isolated ecosystems; uncommon, rare, threatened, and endangered native species; populations of animals for consumptive and nonconsumptive uses; wilderness areas; dispersed recreation opportunities and developed recreation facilities.

(D) Opportunities to improve environmental conditions that could permit an expansion of the sustainable contribution of commodity and noncommodity uses and outputs of natural resources. The assessment shall identify the financial and nonfinancial costs for the various opportunities, and the likely or possible incidence of those costs. Opportunities shall include each of the following:

(i) Increasing desirable natural vegetative growth including: reforestation with native species, thinning and other timber stand modifications, prescribed burning, and seeding or planting native grasses, forbs, and shrubs.

(ii) Improving the quality of other biological resources (such as species diversity and animal populations), including: habitat restoration, extended timber rotations, alternative timber harvesting systems and grazing regimes, reserves to protect and improve connectivity among isolated ecosystems, and different standards and methods for road construction, maintenance, closure, and eradication.

(iii) Enhancing the quality of nonbiological resources (such as recreation trails and facilities, wilderness areas, and watersheds and streams), including: site restoration and rehabilitation, demand management (user regulation and enforcement, marketing to shift timing and location of uses, etc.) and different standards and methods for road construction, maintenance, closure, and eradication.

(E) Recommendations on investments and practices for agencies responsible for natural resource management.

(c) SCHEDULE.—(1) The study plan shall be ready for review by the Advisory Panel within one year after the enactment of this Act.

(2) Contractor, background, and interim reports shall be presented to the Advisory Panel as they are completed.

(3) The draft report shall be ready for review by the Advisory Panel within 2 years after the Panel's meeting to review the study plan. With Advisory Committee input, the Secretary shall arrange peer review of the draft report among appropriate independent experts in the relevant fields.

(4) The final report shall be presented to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, to the Chief of the Forest Service, and to the heads of other Federal and State agencies who have jurisdiction over wild land management or are responsible for regulating management practices or impacts in the Northern Rockies Ecosystem Area.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) REDESIGNATION.—Those lands comprising the Rattlesnake National Recreation Area and Wilderness, as designated in Public Law 96–476 are hereby redesignated as the ''Rattlesnake National Education and Recreation Area and Wilderness''.

(b) WITHDRAWAL.—Those lands comprising approximately 24,000 acres, as generally depicted on a map entitled ''Gibson Reservoir Mineral Withdrawal Area—Proposed'', dated November 1991, are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(c) ACREAGES.—All acreages cited in this Act are approximate and in the event of discrepancies between cited acreage and the lands depicted on referenced maps, the maps shall control.

(d) ACCESS.—It is the policy of Congress that the Forest Service acquire and maintain reasonable public access to National Forest System lands in the State of Montana.

(e) SCAPEGOAT AND GREAT BEAR WILDERNESS NAMES.—In order to consolidate existing contiguous wilderness areas, those lands comprising the Great Bear Wilderness Area designated by Public Law 95–946 and any amendments thereto and the Scapegoat Wilderness Area designated by Public Law 92–395 and any amendments thereto are hereby incorporated in and deemed to be a part of the Bob Marshall Wilderness. The designations of the Great Bear Wilderness and Scapegoat Wilderness shall refer to units within the Bob Marshall Wilderness.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) such sums as are necessary for the development of a wilderness education and ranger training complex at the Ninemile Ranger Station, Lolo National Forest, Montana; and

(2) such sums as are necessary to carry out this Act.

SEC. 13. WILDERNESS REVIEW.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has studied the suitability of roadless areas for inclusion in the National Wilderness Preservation System; and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Montana and the environmental impacts associated with alternative allocations of such areas.

(b) RELEASE.—Those National Forest System lands in the State of Montana which were not designated as wilderness, special management, national recreation, or wilderness study areas by this Act shall be managed for multiple use in accordance with land and resource management plans developed pursuant to section 6 of the forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, and those areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land and resource management plans.

(c) PLAN REVISIONS.—In the event that revised land management plans in the State of Montana are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation, need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation.

(d) FURTHER REVIEW.—Unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Montana for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(e) PREVIOUS PLANS.—Except as specifically provided in sections 3, 5, 6, and 7 of this Act and in Public Law 95–150, with respect to the National Forest System lands in the State of Montana which were reviewed by the Department of Agriculture under Public Law 94–557, the unit plans that were in effect prior to completion of RARE II, the 1978 Forest Plan for the Beaverhead National Forest, that such reviews shall be deemed an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the Land and Resource Management Plans.

(f) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Foreign Management Act, the term ''revision'' shall not include an amendment to a land and resource management plan.

(g) SIZE.—The provisions of this section shall apply to those National Forest System roadless lands in the State of Montana which are less than 5,000 acres in size.

SEC. 14. PLUM CREEK LAND EXCHANGE—GALLATIN AREA.

(a) IN GENERAL.—The Secretary shall, subject to the provisions of section 15 and section 16 and, notwithstanding any other law, acquire by exchange and cash equalization in the amount of $3,400,000, certain lands and interests in land of the Plum Creek Timber, L.P. (referred to in this section as the ''company'') in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other land in the Gallatin National Forest in accordance with this section.

(b)(1) DESCRIPTION OF LANDS.—If the company offers to the United States the fee title, including mineral interests, to approximately 37,752 and 15/100 acres of land owned by the company which is available for exchange to the United States as depicted on a map entitled ''Plum Creek Timber and Forest Service Proposed Gallatin Land Exchange'', dated May 20, 1988, the Secretary shall accept a warranty deed to such land and, in exchange therefor, and subject to valid existing rights, recommend that the Secretary of the Interior convey, subject to valid existing rights, by patent the fee title to approximately 12,414 and 6/100 acres of National Forest System lands available for exchange to the company as depicted on such map, subject to—

(A) the reservation of ditches and canals required by the Act entitled ''An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes'', approved August 30, 1890 (26 Stat. 391; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 40389, 53670, 40215, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations and exceptions as may be agreed upon by the Secretary of Agriculture and the company.

(2) On termination or relinquishment of the leases referred to in paragraph (1), all the rights and interests in land granted therein shall immediately vest in the company, its successors and assigns, and the Secretary shall give notice of that event by a document suitable for recording in the country wherein the leased lands are situated.

(c) EASEMENTS.—At closing on the conveyances authorized by this section—

(1) in consideration of the easements conveyed by the company as provided in paragraph 2 of this subsection, the Secretary of Agriculture shall, under authority of the National Forest Roads and Trails Act of October 13, 1964, or the Federal Land Policy and Management Act of 1976, execute and deliver to the company such easements and authorizations over federally owned lands included in this exchange as may be agreed to by the Secretary and the company in the exchange agreement.

(2) In consideration of the easements conveyed by the United States as provided in paragraph (1), the company shall execute and deliver to the United States such easements and authorizations across company-owned lands included in this exchange as may be agreed to by the Secretary and the company in the exchange agreement.

(d) MAPS.—The maps referred to in subsection (b) are subject to such minor corrections as may be agreed upon by the Secretary and the company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs to the United States House of Representatives of any corrections made pursuant to the subsection.

(e) TIMING OF TRANSACTION.—It is the intent of Congress that the conveyances authorized by this section be completed within 90 days after the date of enactment of an Act making the appropriation authorized by subsection (g).

(f) FOREST LANDS.—All lands conveyed to the United States pursuant to this section shall become national forest system lands to be administered by the Secretary in accordance with applicable law.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the sum $3,400,000, which amount the Secretary shall, when appropriated, pay to the company to equalize the value of the exchange of land authorized by this section.

(h) QUALITY OF TITLE.—Title to the properties referenced in this section and sections 15, 16, and 17 to be offered to the United States by Big Sky Lumber Company, its assignees or successors in interest, shall be inclusive of the entire surface and subsurface estates without reservation or exception. The owner shall be required to reacquire any outstanding interest in mineral or mineral rights, timber or timber rights, water or water rights, or any other outstanding interest in the property, except reservations by the United States or the State of Montana by patent, in order to assure that title to the

property is transferred as described in this section and sections 15, 16, and 17. The agreement shall clearly evidence that the owners have the legal capacity to accomplish the foregoing requirements. Title standards for acquisition shall otherwise be in compliance with Forest Service policies and procedures.

(i) REFERENCES.—The reference and authorities of this section referring to Plum Creek Timber Company, L.P., shall also refer to its successors.

SEC. 15. LAND CONSOLIDATION; PORCUPINE AREA.

(a) IN GENERAL.—The exchange described in section 14 of this Act shall not be consummated by the Secretary until the conditions of this section are met.

(b) CONDITIONS.—The Secretary or a qualified section 501(c)(3) conservation entity, acting on its behalf for later disposition to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Porcupine property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. Any appraisal for exchange purposes shall be conducted by the same parties, utilizing the same standards noted above.

(c) DESCRIPTION OF LANDS.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled ''Porcupine Area'', dated September, 1992.

(d) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(f) AUTHORIZATION OF EXCHANGE.—The Secretary is authorized to offer the lands and interests described on a map entitled ''Porcupine Exchange Lands'', dated September, 1992, to Big Sky Lumber Company, its assignee or successors in interest to fulfill the purposes of this section: *Provided*, That the lands shall not transfer to the company until the provisions of this section and section 16 are met.

(g) EQUAL VALUE.—Any exchange of lands between Big Sky Lumber Company and the United States shall be for equal value.

(h) REFERENCES.—The reference and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors.

SEC. 16. LAND CONSOLIDATION—TAYLOR FORK AREA.

(a) IN GENERAL.—The exchange described in section 14 of this Act shall not be consummated by the Secretary until the conditions of this section are met.

(b) CONDITIONS.—The Secretary or a qualified section 501(c)(3) conservation entity, acting on its behalf for later disposition to the United States, shall have acquired, by purchase or option to acquire, or exchange, all of the Taylor Fork property for its fair market value, determined at the time of acquisition in accordance with appraisal standards acceptable to the Secretary by an appraiser acceptable to the Secretary and the owner. Any appraisal for exchange purposes shall be conducted by the same parties, utilizing the same standards noted above.

(c) DIRECTION.—The Secretary is directed to provide Congress, within 2 years, recommendations designed to acquire by purchase or exchange Taylor Fork Area lands owned by Big Sky Timber Company: *Provided*, That such recommendations are agreed to by Big Sky Lumber Company: *Provided further*, That nothing in this section limits the Secretary's authority to acquire or purchase said lands.

(d) DESCRIPTION OF LANDS.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled ''Taylor Fork Area'', dated September, 1992.

(e) LAND ACQUISITION AUTHORITIES.—Acquisition pursuant to this section shall be under existing authorities available to the Secretary: *Provided*, That notwithstanding any other law, exchanges authorized in this section shall not be restricted within the same State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(g) EQUAL VALUE.—Any exchange of lands between Big Sky Lumber Company and the United States shall be for equal value.

(h) REFERENCES.—The reference and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors.

(i) REPORTS TO CONGRESS.—For a period of 2 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

SEC. 17. LAND CONSOLIDATION—GALLATIN AREA.

(a) IN GENERAL.—The Secretary shall work diligently to assure all lands within what is generally known as the Gallatin Range owned by Big Sky Lumber Company, its assignee or successors in interest, not acquired, purchased or exchanged pursuant to sections 14 and 15 of this Act are acquired by the United States through exchange or purchase.

(b) DIRECTION.—The Secretary is directed to provide Congress, within 3 years, recommendations designed to acquire by purchase or exchange Gallatin Area lands owned by Big Sky Timber Company: *Provided*, That such recommendations are agreed to by Big Sky Lumber Company: *Provided further*, That nothing in this section limits the Secretary's authority to acquire or purchase said lands.

(c) DESCRIPTION OF LANDS.—The Secretary is authorized and directed to acquire by purchase or exchange the lands and interests therein as depicted on a map entitled ''Gallatin Area'', dated September, 1992.

(d) LAND ACQUISITION AUTHORITIES.—Acquisitions pursuant to this section shall be under existing authorities available to the Secretary: *Provided*, That notwithstanding any other law, exchanges authorized in this section shall not be restricted within the same State.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section. Funds necessary for land acquisition are authorized to be appropriated from the Land and Water Conservation Fund.

(f) EQUAL VALUE.—Any exchange of lands between Big Sky Lumber Company and the United States shall be for equal value.

(g) REFERENCES.—The reference and authorities of this section referring to the Big Sky Lumber Company, shall also refer to its successors.

(h) REPORTS TO CONGRESS.—For a period of 3 years from the date of enactment of this Act, the Secretary shall report annually to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, on the status of the negotiations with the company or its successors in interest to effect the land consolidation authorized by this section.

The bill, as amended, was ordered to be read a third time, and was read a third time by title.

The question being put, viva voce,

Will the House pass said bill, as amended?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. WILLIAMS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 282 / Nays 123

¶118.23 [Roll No. 455]

YEAS—282

Abercrombie	Early	Kolter
Ackerman	Eckart	Kopetski
Alexander	Edwards (CA)	LaFalce
Anderson	Edwards (TX)	Lancaster
Andrews (ME)	Engel	Lantos
Andrews (NJ)	English	LaRocco
Andrews (TX)	Erdreich	Laughlin
Annunzio	Espy	Leach
Applegate	Fascell	Lehman (CA)
Aspin	Fawell	Levin (MI)
AuCoin	Fazio	Levine (CA)
Bacchus	Feighan	Lewis (FL)
Bennett	Fish	Lewis (GA)
Bereuter	Flake	Lloyd
Berman	Ford (MI)	Long
Bevill	Ford (TN)	Lowey (NY)
Bilbray	Frank (MA)	Luken
Bilirakis	Frost	Machtley
Boehlert	Gallo	Manton
Bonior	Gaydos	Markey
Borski	Gejdenson	Martinez
Boucher	Gephardt	Matsui
Brewster	Geren	Mavroules
Brooks	Gibbons	Mazzoli
Browder	Gilchrest	McCloskey
Brown	Gillmor	McCollum
Bruce	Gilman	McCurdy
Bryant	Glickman	McDermott
Bustamante	Gonzalez	McHugh
Byron	Gordon	McMillan (NC)
Camp	Goss	McMillen (MD)
Campbell (CA)	Gradison	McNulty
Cardin	Green	Meyers
Carper	Gunderson	Mfume
Carr	Hall (TX)	Miller (CA)
Chapman	Hamilton	Miller (WA)
Clay	Harris	Mineta
Clement	Hastert	Mink
Coleman (TX)	Hatcher	Moakley
Collins (IL)	Hayes (IL)	Mollohan
Collins (MI)	Hefner	Montgomery
Condit	Hertel	Moody
Cooper	Hoagland	Moran
Costello	Hobson	Morella
Cox (CA)	Hochbrueckner	Mrazek
Cox (IL)	Horn	Murphy
Coyne	Horton	Murtha
Cramer	Houghton	Nagle
Darden	Hoyer	Natcher
Davis	Hubbard	Neal (MA)
de la Garza	Hughes	Neal (NC)
DeFazio	Hutto	Nowak
DeLauro	Jacobs	Oakar
Dellums	James	Oberstar
Derrick	Jenkins	Obey
Dicks	Johnson (SD)	Olin
Dingell	Johnston	Olver
Dixon	Jones	Ortiz
Donnelly	Kanjorski	Owens (NY)
Dooley	Kaptur	Pallone
Dorgan (ND)	Kennelly	Panetta
Downey	Kildee	Parker
Durbin	Kleczka	Pastor
Dymally	Klug	Patterson

Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Weldon
Wheat
Whitten
Williams
Wilson
Wolpe
Wyden
Yates
Yatron
Young (FL)
Zimmer

NAYS—123

Allard
Allen
Archer
Armey
Atkins
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bentley
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Campbell (CO)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Evans
Ewing
Fields
Franks (CT)
Gallegly
Gekas
Gingrich
Goodling
Grandy
Hammerschmidt
Hancock
Hansen
Hefley
Herger
Hopkins
Hunter
Hyde
Inhofe
Johnson (CT)
Johnson (TX)
Jontz
Kasich
Kennedy
Kolbe
Kostmayer
Kyl
Lagomarsino
Lent
Lewis (CA)
Lightfoot
Lowery (CA)
Marlenee
Martin
McCandless
McDade
McEwen
McGrath
Michel
Miller (OH)
Molinari
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Owens (UT)
Oxley
Packard
Paxon
Payne (VA)
Penny
Pursell
Ray
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Roth
Santorum
Schaefer
Schiff
Schulze
Shuster
Sikorski
Skeen
Slaughter
Smith (OR)
Smith (TX)
Solomon
Stallings
Stearns
Studds
Stump
Sundquist
Synar
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vander Jagt
Vucanovich
Walker
Waxman
Weber
Wolf
Wylie
Young (AK)
Zeliff

NOT VOTING—27

Anthony
Barnard
Blackwell
Boxer
Chandler
Conyers
Crane
Dwyer
Foglietta
Guarini
Hall (OH)
Hayes (LA)
Henry
Holloway
Huckaby
Ireland
Jefferson
Lehman (FL)
Lipinski
Livingston
McCrery
Quillen
Sensenbrenner
Solarz
Staggers
Thomas (GA)
Wise

So the bill was passed.

A motion to reconsider the vote whereby 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 amendment.

¶118.24 MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

¶118.25 MESSAGE FROM THE PRESIDENT—RETURN OF ENROLLMENT—H.R. 3379

The SPEAKER pro tempore, Mr. MCNULTY, laid before the House a message from the President, which was read as follows:

To the House of Representatives:

Pursuant to House Concurrent Resolution 366, I am hereby returning the enrolled bill H.R. 3379, ''An Act to amend section 574 of title 5, United States Code, relating to the authorities of the Administrative Conference,'' to the House of Representatives for the purpose of making necessary corrections.

GEORGE BUSH.

THE WHITE HOUSE, *October 2, 1992.*

¶118.26 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 2532

Mr. BEILENSON, by direction of the Committee on Rules, reported (Rept. No. 102–976) the resolution (H. Res. 592) waiving points of order against the conference report to accompany the bill (S. 2532) entitled the ''Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act'', and against the consideration of such conference report.

When said resolution and report were referred to the House Calendar and ordered printed.

¶118.27 PROVIDING FOR THE CONSIDERATION OF S. 2681

Mr. BEILENSON, by direction of the Committee on Rules, reported (Rept. No. 102–977) the resolution (H. Res. 593) providing for consideration of the bill (S. 2681) relating to Native Hawaiian Health Care, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶118.28 SUBMISSION OF CONFERENCE REPORT—H.R. 707

Mr. DE LA GARZA submitted a conference report (Rept. No. 102–978) on the bill (H.R. 707) to improve the regulation of futures trading, authorize appropriations for the Commodity Futures Trading Commission, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶118.29 TASK FORCE TO INVESTIGATE AMERICAN HOSTAGES IN IRAN

Mr. BEILENSON, by direction of the Committee on Rules, called up the following resolution (H. Res. 585):

Resolved, That the provisions of clause 5 of rule XI requiring the adoption of one primary expense resolution for the payment from the contingent fund of the House of the expenses of the Task Force to Investigate Certain Allegations Concerning the Holding of Americans as Hostages in Iran in 1980 in the second session of the One Hundred Second Congress are hereby waived, to the end that the provisions of House Resolution 258 of the One Hundred Second Congress shall be deemed to satisfy the requirements of that clause and that, notwithstanding the adjournment of the second session of the One Hundred Second Congress sine die, the task force shall be authorized to file a final report with the Clerk of the House at any time after the adjournment of the second session of the One Hundred Second Congress sine die and before noon on January 3, 1993. The expenses of the task force may not exceed the amounts listed in the first section of House Resolution 512, as recommended to be amended by the Committee on House Administration in House Report 102–930.

When said resolution was considered.

After debate,

On motion of Mr. BEILENSON, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. MCEWEN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 181

¶118.30 [Roll No. 456]

AYES—221

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Hall (TX)
Hamilton
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jenkins
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett

Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wolpe
Wyden
Yates
Yatron

NOES—181

Allard
Allen
Applegate
Archer
Armey
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Herger
Hobson
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Schulze
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—30

Baker
Barnard
Boxer
Chandler
Crane
Davis
Dorgan (ND)
Dwyer
Foglietta
Guarini
Hall (OH)
Hayes (LA)
Henry
Holloway
Horton
Huckaby
Ireland
Jefferson
Johnson (SD)
Lipinski
Livingston
Machtley
McCrery
Olin
Quillen
Sensenbrenner
Staggers
Thomas (GA)
Wilson
Wise

So the resolution was agreed to.

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

¶118.31 OVERSEAS PRIVATE INVESTMENT CORPORATION

On motion of Mr. GEJDENSON, by unanimous consent, the bill (H.R. 4996) to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. GEJDENSON, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, announced the appointment of Messrs. FASCELL, GEJDENSON, FEIGHAN, JOHNSTON, BROOMFIELD, and ROTH, as managers on the part of the House at said conference.

By unanimous consent, the Speaker reserved the authority to make additional appointments of conferees.

Ordered, That the Clerk notify the Senate thereof.

¶118.32 FEDERAL FIRE PREVENTION AND CONTROL

On motion of Mr. BOUCHER, by unanimous consent, the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fire Administration Authorization Act of 1992''.

TITLE I-UNITED STATES FIRE ADMINISTRATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(D) $25,550,000 for the fiscal year ending September 30, 1992;

''(E) $26,521,000 for the fiscal year ending September 30, 1993; and

''(F) $27,529,000 for the fiscal year ending September 30, 1994.''.

SEC. 102. PRIORITY ACTIVITIES OF THE UNITED STATES FIRE ADMINISTRATION

(a) PRIORITY ACTIVITIES.—In expending funds appropriated pursuant to the amendments made by section 101 of this Act, the United States Fire Administration shall give priority to—

(1) reducing the incidence of residential fires, especially in residences of the very old, the very young, or the disabled in urban and rural areas, through the development and dissemination of public education and awareness programs, through arson research and technical assistance programs, and through research and development on new technologies;

(2) working with State Fire Marshals and other State level fire safety offices to identify fire problems that are national in scope;

(3) disseminating information about the activities and programs of the United States Fire Administration to State and local fire services;

(4) enhancing the residential sprinkler programs, including research, demonstration activities, and technical assistance to the public and private sectors;

(5) enhancing research into sprinkler programs in areas or structure, with limited or no domestic water supply;

(6) through the National Fire Academy, enhancing the residential and field program in support of State level training programs, particularly those that support the volunteer fire service; and

(7) strengthening programs that help protect the lives and safety of fire and emergency medical services personnel, including research into causes of death and injuries, research and development on new technologies to mitigate and prevent injuries, dissemination of information, and technical assistance to State and local fire departments.

(b) REPORT TO CONGRESS.—The United States Fire Administration shall, within 1 year after the date of enactment of this Act, submit a report to the Congress on the activities undertaken pursuant to subsection (a)(1).

SEC. 103. REPORT ON IMPLEMENTATION OF HOTEL AND MOTEL FIRE SAFETY ACT OF 1990.

The United States Fire Administration shall, within 6 months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on its progress in implementing the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391; 104 Stat. 747), including amendments made by that Act. The report shall specify the nature of expenditures made as of the date of the report, as well as including an estimate of the costs and a specific schedule for implementation.

SEC. 104. LISTINGS OF DESIGNATED PLACES OF PUBLIC ACCOMMODATION.

Section 28 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2224) is amended—

(1) by striking ''Certified'' in the section heading; and

(2) in subsection (a)—

(A) by inserting ''(acting through its Governor or the Governor's designee)'' immediately after ''each State'' wherever it appears; and

(B) by striking ''the Governor of the State or his designee certifies''.

SEC. 105. FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION.

(a) EXCEPTIONS FOR CERTAIN AUTOMATIC SPRINKLER SYSTEMS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) the following new subsection:

''(b) EXCEPTIONS.—(1) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce with an automatic sprinkler system installed before October 25, 1992, if the automatic sprinkler system is installed in compliance with an applicable standard (adopted by the governmental authority having jurisdiction, and in effect, at the time of installation) that required the placement of a sprinkler head in the sleeping area of each guest room.

''(2) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce to the extent that such place of public accommodation affecting commerce is subject to a standard that includes a requirement or prohibition that prevents compliance with a provision of National Fire Protection Association Standard 13 or 13–R. In such a case, the place of public accommodation affecting commerce is exempt only from that specific provision.''.

(b) DEFINITIONS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by adding at the end of subsection (d), as redesignated by this section, the following new paragraph:

''(3) The term 'governmental authority having jurisdiction' means the Federal, State, local, or other governmental entity with statutory or regulatory authority for the approval of fire safety systems, equipment, installations, or procedures within a specified locality.''.

SEC. 106. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

(a) AMENDMENT.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end of following new section:

''SEC. 31. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

''(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) The term 'affordable cost' means the cost to a Federal agency of leasing office space in a building that is protected by an automatic sprinkler system or equivalent level of safety, which cost is no more than 10 percent greater than the cost of leasing available comparable office spaced in a building that is not so protected.

''(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire—

''(A) will protect human lives by discharging water over the fire area in accordance with the National Fire Protection Association Standard 13, 13D, or 13R, whichever is appropriate for the type of building and occupancy being protected, or any successor standard thereto; and

''(B) includes an alarm signaling system with appropriate warning signals (to the extent such alarm systems and warning signals are required by Federal, State, or local laws or regulations) installed in accordance with the National Fire Protection Association Standard 72, or any successor standard thereto.

''(3) The term 'equivalent level of safety' means an alternative design or system (which may include automatic sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic sprinkler systems.

''(4) The Term 'Federal employee office building' means any office building in the United States, whether owned or leased by the Federal Government, that is regularly occupied by more than 25 full-time Federal employees in the course of their employment.

''(5) The term 'housing assistance'—

''(A) means assistance provided by the Federal Government to be used in connection with the provision of housing, that is provided in the form of a grant, contract, loan, loan guarantee, cooperative agreement, interest subsidy, insurance, or direct appropriation; and

''(B) does not include assistance provided by the Secretary of Veterans Affairs; the Federal Emergency Management Agency; the Secretary of Housing and Urban Development under the single family mortgage insurance programs under the National Housing Act or the homeownership assistance program under section 235 of such Act; the National Homeownership Trust; the Federal Deposit Insurance Corporation under the affordable housing program under section 40 of the Federal Deposit Insurance Act; or the Resolution Trust Corporation under the affordable housing program under section 21A(c) of the Federal Home Loan Bank Act.

''(6) The term 'hazardous areas' means those areas in a building referred to as hazardous areas in National Fire Protection Association Standard 101, known as the Life Safety Code, or any successor standard thereto.

''(7) The term 'multifamily property' means—

''(A) in the case of housing for Federal employees or their dependents, a residential building consisting of more than 2 residential units that are under one roof; and

''(B) in any other case, a residential building consisting of more than 4 residential units that are under one roof.

''(8) The term 'prefire plan' means specific plans for fire fighting activities at a property or location.

''(9) The term 'rebuilding' means the repairing or reconstructing of portions of a multifamily property where the cost of the alterations is 70 percent or more of the replacement cost of the completed multifamily property, not including the value of the land on which the multifamily property is located.

''(10) the term 'renovated' means the repairing or reconstructing of 50 percent or more of the current value of a Federal employee office building, not including the value of the land on which the Federal employee office building is located.

''(11) The term 'smoke detectors' means single or multiple station, self-contained alarm devices designed to respond to the presence of visible or invisible particles of combustion, installed in accordance with the National Fire Protection Association Standard 74 or any successor standard thereto.

''(12) The term 'United States' means the States collectively.

''(b) FEDERAL EMPLOYEE OFFICE BUILDINGS.—(1)(A) No Federal funds may be used for the construction or purchase of a Federal employee office building of 6 or more stories unless during the period of occupancy by Federal employees the building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the construction or purchase of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the building are protected by automatic sprinkler systems or an equivalent level of safety.

''(B)(i) Except as provided in clause (ii), no Federal funds may be used for the lease of a Federal employee office building of 6 or more stories, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless during the period of occupancy by Federal employees the entire Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the lease of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the entire Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

''(ii) The first sentence of clause (i) shall not apply to the lease of a building the construction of which is completed before the date of enactment of this section if the leasing agency certifies that no suitable building with automatic sprinkler systems or an equivalent level of safety is available at an affordable cost.

''(iii) Within 3 years after such date of enactment, and periodically thereafter, the Comptroller General shall audit a selection of certifications made under clause (ii) and report to Congress on the results of such audit.

''(2) Paragraph (1) shall not apply to—

''(A) a Federal employee office building that was owned by the Federal Government before the date of enactment of this section;

''(B) space leased in a Federal employee office building if the space was leased by the Federal Government before such date or enactment;

''(C) space leased on a temporary basis for not longer than 6 months;

''(D) a Federal employee office building that becomes a Federal employee office building pursuant to a commitment to move Federal employees into the building that is made prior to such date of enactment; or

''(E) a Federal employee office building that is owned or managed by the Resolution Trust Corporation.

Nothing in this subsection shall require the installation of an automatic sprinkler system or equivalent level of safety by reason of the leasing, after such date of enactment, of space below the sixth floor in a Federal employee office building.

''(3) No Federal funds may be used for the renovation of a Federal employee office building of 6 or more stories that is owned by the Federal Government unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the renovation of any other Federal employee office building that is owned by the Federal Government unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

''(4) No Federal funds may be used for entering into or renewing a lease of a Federal employee office building of 6 or more stories that is renovated after the date of enactment of this section, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for entering into or renewing a lease of any other Federal employee office building that is renovated after such date of enactment of this section, unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

''(c) HOUSING.—(1)(A) No Federal funds may be used for the construction, purchase, lease, or operation by the Federal Government of housing in the United States for Federal employees or their dependents unless-

''(i) in the case of a multifamily property acquired or rebuilt by the Federal Government after the date of enactment of this section, the housing is protected, before occupancy by Federal employees or their dependents, by an automatic sprinkler system (or equivalent level of safety) and hard-wired smoke detectors; and

''(ii) in the case of any other housing, the housing, before—

''(I) occupancy by the first Federal employees (or their dependents) who do not occupy such housing as of such date of enactment; or

(II) the expiration of 3 years after such date of enactment.

whichever occurs first, is protected by hard-wired smoke detectors.

''(B) Nothing in this paragraph shall be construed to supersede any guidelines or requirements applicable to housing for Federal employees that call for a higher level of fire safety protection than is required under this paragraph.

''(2)(A)(i) Housing assistance may not be used in connection with any newly constructed multifamily property, unless after the new construction the multifamily property is protected by an automatic sprinkler system and hard-wired smoke detectors.

''(ii) For purposes of clause (i), the term 'newly constructed multifamily property' means a multifamily property of 4 or more stories above ground level—

''(I) that is newly constructed after the date of enactment of this section; and

''(II) for which (a) housing assistance is used for such new construction, or (b) a binding commitment is made, before commencement of such construction, to provide housing assistance for the newly constructed property.

''(iii) Clause (i) shall not apply to any multifamily property for which, before such date of enactment, a binding commitment is made to provide housing assistance for the new construction of the property or for the newly constructed property.

''(B)(i) Except as provided in clause (ii), housing assistance may not be used in connection with any rebuilt multifamily property, unless after the rebuilding the multifamily property complies with the chapter on existing apartment buildings of National Fire Protection Association Standard 101 (known as the Life Safety Code), as in effect at the earlier of (I) the time of any approval by the Department of Housing and Urban Development of the specific plan or budget for rebuilding, or (II) the time that a binding commitment is made to provide housing assistance for the rebuilt property.

''(ii) If any rebuilt multifamily property is subject to, and in compliance with, any provision of a State or local fire safety standard or code that prevents compliance with a specific provision of National Fire Protection Association Standard 101, the requirement under clause (i) shall not apply with respect to such specific provision.

''(iii) For purposes of this subpararaph, the term 'rebuilt multifamily property' means a multifamily property of 4 or more stories above ground level— S

''(I) that is rebuilt after the last day of the second fiscal year that ends after the date of enactment of this section; and

''(II) for which (a) housing assistance is used for such rebuilding, or (b) a binding commitment is made, before commencement of such rebuilding, to provide housing assistance for the rebuilt property.

''(C) After the expiration of the 180-day period beginning on the date of enactment of this section, housing assistance may not be used in connection with any other dwelling unit, unless the unit is protected by a hard-wired or battery-operated smoke detector. For purposes of this subparagraph, housing assistance shall be considered to be used in connection with a particular dwelling unit only if such assistance is provided (i) for the particular unit, in the case of assistance provided on a unit-by-unit basis, or (ii) for the multifamily property in which the unit is located, in the case of assistance provided on a structure-by-structure basis.

''(d) REGULATIONS.—The Administrator of General Services, in cooperation with the United States Fire Administration, the National Institute of Standards and Technology, and the Department of Defense, within 2 years after the date of enactment of this section, shall promulgate regulations to further define the term 'equivalent level of safety', and shall, to the extent practicable, base those regulations on nationally recognized codes.

''(e) STATE AND LOCAL AUTHORITY NOT LIMITED.—Nothing in this section shall be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard that establishes requirements concerning fire prevention and control. Nothing in this section shall be construed to reduce fire resistance requirements which otherwise would have been required.

''(f) PREFIRE PLAN.—The head of any Federal agency that owns, leases, or operates a building or housing unit with Federal funds shall invite the local agency or voluntary organization having responsibility for fire protection in the jurisdiction where the building or housing unit is located to prepare, and biennially review, a prefire plan for the building or housing unit.

''(g) REPORTS TO CONGRESS.—(1) Within 3 years after the date of enactment of this section, and every 3 years thereafter, the Administrator of General Services shall transmit to Congress a report on the level of fire safety in Federal employee office buildings subject to fire safety requirements under this section. Such report shall contain a description of such buildings for each Federal agency.

''(2) Within 10 years after the date of enactment of this section, each Federal agency providing housing to Federal employees or housing assistance shall submit a report to Congress on the progress of that agency in implementing subsection (c) and on plans for continuing such implementation.

''(3)(A) The National Institute of Standards and Technology shall conduct a study and submit a report to Congress on the use, in combination, of fire detection systems, fire suppression systems, and compartmentation. Such study shall—

''(i) quantify performance and reliability for fire detection systems, fire suppression systems, and compartmentation, including a field assessment of performance and determination of conditions under which a reduction or elimination of 1 or more of those systems would result in an unacceptable risk of fire loss; and

''(ii) include a comparative analysis of compartmentation using fire resistive materials and compartmentation using noncombustible materials.

''(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed $750,000. The study shall not commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after the date of enactment of this section.

''(h) RELATION TO OTHER REQUIREMENTS.—In the implementation of this section, the process of meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefor.''.

(b) EFFECTIVE DATE.—Subsection (b) of section 31 of the Federal Fire Prevention and Control Act of 1974, as added subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act.

TITLE II—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Fallen Firefighters Foundation Act''.

SEC. 202. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Fallen Firefighters Foundation (hereafter in this title referred to as the ''Foundation''). The Foundation is a charitable and nonprofit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with it;

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;

(3) to assist State and local efforts to recognize firefighters who die in the line of duty; and

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP—

(1) VOTING MEMBERS.—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the ''Board''), which shall consist of nine voting members, of whom—

(A) one member shall be an active volunteer firefighter;

(B) one member shall be an active career firefighter;

(C) one member shall be a Federal firefighter; and

(D) six members shall have a demonstrated interested in the fire service.

(2) NONVOTING MEMBER.—The Administrator of the United States Fire Administration of the Federal Emergency Management Agency (hereafter in this title referred to as the ''Administrator'') shall be an ex officio nonvoting member of the Board.

(3) STATUS OF BOARD MEMBERS.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(4) COMPENSATION.—Members of the Board shall serve without compensation.

(b) APPOINTMENT AND TERMS.—Within 3 months after the date of enactment of this act, the Administrator shall appoint the voting members of the Board. The voting members shall be appointed for terms of 6 years, except that the Administrator, in making the initial appointments to the Board, shall appoint—

(1) three members to a term of 2 years;

(2) three members to a term of 4 years; and

(3) three members to a term of 6 years.

(c) VACANCY.—A vacancy on the Board shall be filled within 60 days in the manner in which the original appointment was made.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its voting members for a 2-year term.

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member of the Board misses three consecutive meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (c).

(g) GENERAL POWERS.—

(1) ACTIONS BY THE BOARD.—The Board may complete the organization of the Foundation by—

(A) appointing no more than two officers or employees;

(B) adopting a constitution and bylaws consistent with this title; and

(C) undertaking other such acts as may be necessary to carry out this title.

(2) LIMITATION.—Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services.

(h) OFFICERS AND EMPLOYEES.—

(1) STATUS.—Officers and employees of the Foundation shall not be considered Federal employees, shall be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) MAXIMUM SALARY.—No officer or employee may receive pay in excess of the annual rate of basic pay prescribed for level GS–15 of the General Schedule under section 5107 of title 5, United States Code.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Maryland; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the State of Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income therefrom;

(4) to enter into contracts and other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(5) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

The Administrator may provide personnel, facilities, and other administrative services to the Foundation and shall require and accept reimbursements for such personnel, facilities, and services that shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services. Notwithstanding any other provision of law, Federal personnel and stationery shall not be used to solicit funding for the Foundation.

SEC. 206. VOLUNTEER STATUS.

The Administrator may accept, without regard to the Federal civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the United States Fire Administration, as volunteers in the performance of the functions authorized under this title.

SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Foundation shall, within 4 months after the end of each fiscal year, prepare and submit to the appropriate committees of the Congress a report of the Foundation's proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF FOR CERTAIN FOUNDATION ACTS OR FAILURES TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes set forth in section 202(b); or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so,

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 208. IMMUNITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

TITLE III—WORKER'S FAMILY PROTECTION

SEC. 301. WORKERS' FAMILY PROTECTION

(a) SHORT TITLE.—This section may be cited as the ''Workers' Family Protection Act''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulation may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.

(1) STUDY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the ''Director''), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers.

(B) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(vi) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(A) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director shall establish a working group, to be known as the ''Workers' Family Protection Task Force''. The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each

appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagraph (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from sums otherwise authorized to be appropriated, for each fiscal year such sums as may be necessary to carry out this section.

On motion of Mr. BOUCHER, 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.

¶118.33 ENROLLMENT CORRECTION—H.R. 2042

On motion of Mr. BOUCHER, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 138):

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: With respect to section 209—

(1) strike out subparagraph (A) of subsection (d)(1) and insert in lieu thereof the following new subparagraph:

''(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and well be sufficient, or if additional regulations or standards are needed with regard to employee transported releases of hazardous materials; and''; and

strike out paragraph (2) of subsection (d) and insert in lieu thereof the following new paragraph:

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate, pursuant to the Secretary's authority under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), such regulations or standards as determined to be appropriate not later than 3 years after such determination.''.

When said concurrent resolution was considered and agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶118.34 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 5006

Mr. FROST, by direction of the Committee on Rules, called up the following resolution (H. Res. 588):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

After debate,

On motion of Mr. FROST, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

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

¶118.35 PROVIDING FOR CONSIDERATION OF S. 3144

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 589):

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes. Debate on the bill shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

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

¶118.36 LIBRARY OF CONGRESS SPECIAL FACILITIES CENTER

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 5575) to authorize certain uses of real property acquired by the Architect of the Capitol for use by the Librarian of Congress, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. CLAY and Mr. GINGRICH, 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. MONTGOMERY, 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 authorize certain additional uses of the Library of Congress Special Facilities Center, 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.

¶118.37 RESCISSIONS CONSIDERATION

Mr. DERRICK moved to suspend the rules and pass the bill (H.R. 2164) to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. DER-

RICK and Mr. SABO, 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. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STENHOLM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Saturday, October 3, 1992, pursuant to the prior announcement of the Chair.

¶118.38 FUTURES TRADING PRACTICES

Mr. DE LA GARZA, pursuant to the special order of the House of Thursday, October 1, 1992, called up the following conference report (Rept. No. 102–978):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 707), to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Futures Trading Practices Act of 1992''.

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

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. References to the Commodity Exchange Act.

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

Sec. 101. Dual trading.
Sec. 102. Restrictions on trading among members of broker associations.
Sec. 103. Broker association disclosure.

TITLE III—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

Sec. 201. Duties of contract markets; audit trails.
Sec. 202. Commission oversight; deficiency orders.
Sec. 203. Oral Orders.
Sec. 204. Telemarketing fraud.
Sec. 205. Undercover operations and enforcement.
Sec. 206. Self-regulatory organization disciplinary committees and governing boards.
Sec. 207. Required registration of floor traders.
Sec. 208. Enhancement of registration requirements.
Sec. 209. Enforcement of civil money penalties.
Sec. 210. Ethics training for registrants.
Sec. 211. Nationwide service of process and venue.
Sec. 212. Increased penalties.
Sec. 213. Contract market emergency actions.
Sec. 214. Prohibition against insider trading.
Sec. 215. Qualifications of Commissioners.
Sec. 216. Commission operations.
Sec. 217. Prohibition on voting by interested members.
Sec. 218. Study of assessments on transactions.
Sec. 219. Competitiveness study.
Sec. 220. Computerized futures trading.
Sec. 221. Money penalties in civil court actions.
Sec. 222. Civil damages; liability of futures commission merchants.
Sec. 223. Customer restitution.
Sec. 224. Complaints against registered persons; class action suits.
Sec. 225. Penalties study and guidelines.
Sec. 226. Publication of Commission opinions.
Sec. 227. Suspension of registrants charged with felonies.
Sec. 228. Appeals by registered futures associations.
Sec. 229. Risk assessment for holding companies.

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

Sec. 301. Subpoena authority.
Sec. 302. Cooperation with foreign futures authorities.
Sec. 303. Investigative assistance to foreign futures authorities.
Sec. 304. Disclosure of information received from foreign futures authorities.
Sec. 305. Disclosure of information to foreign futures authorities.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

Sec. 401. Authorization of appropriations.
Sec. 402. Technical amendments.
Sec. 403. Effective date.
Sec. 404. Definitions.

TITLE V—INTERMARKET COORDINATION

Sec. 501. Margin on stock index futures.
Sec. 502. Exemptive authority.

SEC. 2. REFERENCES TO THE COMMODITY EXCHANGE ACT.

Except as otherwise specifically provided, whenever in this Act 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 Commodity Exchange Act (7 U.S.C. 1 et seq.).

TITLE I—LIMITATIONS ON CERTAIN TRADING PRACTICES

SEC. 101. DUAL TRADING.

(a) PROHIBITION.—Section 4j (7 U.S.C. 6j) is amended—

(1) by redesignating paragraphs (1) and (2) as subsections (b) and (c), respectively;

(2) in subsection (b), as so redesignated, by striking ''The Commission shall within nine months after the effective date of the Commodity Futures Trading Commission Act of 1974, and subsequently when it determines that changes are required,'' and inserting ''If, in addition to the regulations issued pursuant to subsection (a), the Commission has reason to believe that dual trading-related or facilitated abuses are not being or cannot be effectively addressed by subsection (a), the Commission shall''; and

(3) by inserting a new subsection (a) to read as follows:

''(a)(1) The Commission shall issue regulations to prohibit the privilege of dual trading on each contract market which has not been exempted from such regulations under paragraph (3). The regulations issued by the Commission under this paragraph—

''(A) shall provide that the prohibition of dual trading thereunder shall take effect not less than 30 days after the issuance of the regulations;

''(B) shall provide for exceptions, as the Commission determines necessary and appropriate, to ensure fairness and orderly trading in affected contract markets, including—

''(i) transition measures and a reasonable phase-in period,

''(ii) exceptions for spread transactions and the correction of trading errors,

''(iii) allowance for a customer to designate in writing not less than once annually a named floor broker to execute orders for such customer, notwithstanding the regulations to prohibit the privilege of dual trading required under this paragraph, and

''(iv) other measures reasonably designed to accommodate unique or special characteristics of individual boards of trade or contract markets, to address emergency or unusual market conditions, or otherwise to further the public interest;

''(C) shall establish procedures for the application for an issuance of exemptions under paragraph (3) which, among other things, shall specify the relevant data required to be submitted by the board of trade with each application;

''(D) shall specify the methodology by which it shall determine the average daily trading volume on a contract market for purposes of paragraph (4) based on a moving daily average of either 6 or 12 months; and

''(E) shall establish an expeditious procedure to revoke an exemption granted under paragraph (3) providing sufficient notice, opportunity for hearing, and findings to assure fundamental fairness.

''(2) As used in this section, the term 'dual trading' means the execution of customer orders by a floor broker during any trading session in which the floor broker executes any trade in the same contract market for—

''(A) the account of such floor broker;

''(B) an account for which such floor broker has trading discretion; or

''(C) an account controlled by a person with whom such floor broker is subject to trading restrictions under section 4j(d).

''(3) The Commission shall exempt a contract market from the regulations issued under paragraph (1), either unconditionally or on stated conditions (including stated periods of time) relevant to the attainment or maintenance of compliance with the standards in subparagraphs (A) and (B), upon finding that—

''(A) the trade monitoring system in place at the contract market satisfies the requirements of section 5a(b) with regard to violations attributable to dual trading at such contract market; or

''(B)(i) there is a substantial likelihood that a dual trading suspension would harm the public interest in hedging or price basing at such contract market, and

''(ii) other corrective actions, such as those described in section 8e, are sufficient and appropriate to bring the contract market into compliance with the standard in subparagraph (A).

''(4)(A) The regulations issued by the Commission under paragraph (1) shall not apply to any contract market in which the Commission determines that the average daily trading volume is less than the threshold trading level established for the contract market under this paragraph.

''(B) The threshold trading level shall be set initially at 8,000 contracts.

''(C) The Commission may, by rule or order—

''(i) increase, or

''(ii) at any time following the date three years after the date of enactment of this paragraph, decrease,

the threshold trading level for specific contract markets after taking into consideration the actual or potental effects of a dual trading ban on the public interest in hedging or price basing at the affected contract market.

''(D) The Commission shall provide the affected contract market with adequate notice of any such increase or decrease.

''(5) Before the Commission denies an application for an exemption under paragraph (3) or exempts a contract market subject to conditions, it shall—

''(A) provide the affected board of trade with notice of the reason or reasons that the application was not approved as submitted, including—

''(i) any reason the Commission has to believe that the trade monitoring system in place at the contract market does not satisfy the requirements of paragraph (3)(A) and the basis for such reason;

''(ii) any corrective action or actions, such as those described in section 8e, that the Commission believes the affected contract market must take to satisfy the requirements of paragraph (3)(A), and an acceptable timetable for such corrective action; and

''(iii) any conditions or limitations that the Commission proposes to attach to the exemption under paragraph (3);

''(B) provide the affected board of trade with an opportunity for a hearing through submission of written data, views, or arguments and, under terms set by the Commission at the request of the board of trade, through an oral presentation of views and comments to the Commission, in order to make the demonstration required under paragraph (3) or otherwise to petition the Commission with respect to its application; and

''(C) make findings, based on the information, views, and arguments place before it in connection with the application, as to whether—

''(i) the standard in either paragraph (3)(A) or (3)(B) applies; and

''(ii) any conditions or limitations which the Commission proposes to attach under paragraph (3) are appropriate in light of the purposes of this subsection.

The Commission shall publish in the Federal Register notice of any exemptive petitions filed under paragraph (3) and any proposed or final actions the Commission may take on such petitions.

''Unless the Commission determines that more immediate action is appropriate in the public interest, any Commission order denying an application or exempting a contract market conditionally shall not take effect for at least 20 days following the issuance of the order.

''(6) Violation of an order issued under this subsection shall be considered a violation of an order of the Commission for purposes of—

''(i) establishing liability and assessing penalties against a contract market or any director, officer, agent, or employee thereof under section 6b or 6c; or

''(ii) initiating proceedings under section 5b or 6(a).

''(7) Any board of trade which has applied to the Commission to exempt a contract market from the regulations issued under paragraph (1) may obtain judicial review of any final action of the Commission to deny such application, to issue an exemption subject to conditions, or to revoke an exemption, only in the United States Court of Appeals for the circuit in which the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, under the standards applicable to rulemaking proceedings under section 553 of title 5, United States Code.

''(8)(A) The Commission shall issue the regulations required under paragraph (1) not later than 270 days after the enactment of this section. If, prior to the effective date of the prohibition on dual trading under such regulations, a board of trade submits to the Commission an application for an exemption for a contract market under paragraph (3), the Commission shall not apply the prohibition against dual trading under paragraph (1) to the contract market until the Commission has approved or denied the application.

''(B) The Commission shall approve or deny any application for an exemption under paragraph (3) within 75 days after receipt of the application, or as soon as practicable.''.

SEC. 102. RESTRICTIONS ON TRADING AMONG MEMBERS OF BROKER ASSOCIATIONS.

(a) IN GENERAL.—Section 4j (7 U.S.C. 6j) is amended by adding at the end the following new subsection:

''(d)(1) Except as provided in paragraph (2), a floor broker may not execute an order of a customer if such floor broker knows the opposite party to the transaction to be a floor broker or floor trader with whom such trader or broker has a relationship involving trading on such contract market as—

''(A) a partner in a partnership;

''(B) an employer or employee; or

''(C) such other affiliation as the Commission may specify by rule.

''(2) Paragraph (1) shall not apply—

''(A) if the Commission has adopted rules that the Commission certifies to Congress require procedures and standards designed to prevent violations of this Act attributable to the trading described in paragraph (1); or

''(B) to any contract market that has implemented rules designed to prevent violations of this Act attributable to the trading desribed in paragraph (1), except that, if the Commission determines, by rule or order, that such rules are not adequate to prevent such violations, paragraph (1) shall become effective with respect to such contract market after a resonable period determined by the Commission.''.

(b) Effective Date.—The amendment made by subsection (a) shall become effective 270 days afte the date of enactment of this Act.

SEC. 103. BROKER ASSOCIATION DISCLOSURE.

Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by sections 201(a)(1) and 217 of this Act) is further amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

''(13) provide for disclosure to the contract market and the Commission of any trade, business, or financial partnership, cost-, profit-, or capital-sharing agreements or other formal arrangement among or between floor brokers and traders on such contract market where such partnership agreement or arrangement is material and known to the floor broker or floor trader;''.

TITLE II—ENHANCEMENT OF REGULATORY AND ENFORCEMENT ACTIVITIES

SEC. 201. DUTIES OF CONTRACT MARKETS: AUTIT TRIALS.

(a) IN GENERAL.—Section 5a (7 U.S.C. 7a) is amended—

(1) by inserting ''(a)'' after the section designation; and

(2) by adding at the end the following new subsection:

''(b)(1) Each contract market shall maintain and utilize a system to monitor trading to detect and deter violations of the contract market's rules and regulations committed in the making of trades and the execution of customer orders on the floor or subject to the rules of such contract market. The system shall include—

''(A) physical observation of trading areas;

''(B) audit trial and recordkeeping systems able to capture esential data on the terms, participants, and sequence of transactions (including relevant data on unmatched trades and out-trades);

''(C) systems capable of reviewing, and used to review, data on trades effectively on a regular basis to detect violations committed in making trades and executing customer orders on the floor or subject to the rules of such contract market, including—

''(i) all types of violations attributable to dual trading; and

''(ii) to the full extent feasible, as determined by the Commission, all other types of violations involving the making of trades and the execution of customer orders;

''(D) the use of information gathered through such system on a consistent basis to bring appropriate disciplinary actions against violators;

''(E) the commitment of resources to such system necessary for such system to be effective in detecting and deterring such violations, including adequate staff to develop and prosecute disciplinary actions; and

''(F) the assessment of meaningful penalties against violators and the referral of appropriate cases to the Commission.

''(2) The audit trail system of the contract market shall, consistent with Commission regulations, accurately record—

''(A) the times of trades in increments of no more than 1 minute in length; and

''(B) the sequence of trades for each floor trader and broker.

''(3) Beginning 3 years after the date of enactment of this subsection, the audit trail system of each contract market, except as provided in paragraph (5) and except to the extent the Commission determines that circumstances beyond the control of the contract market prevent compliance despite the contract market's affirmative good faith efforts to comply, shall—

''(A) for all trades, record accurately and promptly the essential data on terms, participants, and times as required by the Commission by rule, including the time of execution of such trade, through a means that—

''(i) records such data in a form which cannot be altered except in a manner that will leave a complete and independent record of such alteration;

''(ii) continually provides such data to the contract market;

''(iii) identifies such time, to the extent practicable as determined by the Commission—

''(I) independently of the person making the trade;

''(II) through a mechanism that records the time automatically when entered by the person making the trade; or

''(III) through such other means that will capture a similarly reliable time; and

''(iv) is adequately precise to determine, to the extent practicable as determined by the Commission by rule or order—

''(I) the sequence of all trades by each floor trader; and

''(II) the sequence of all trades by each floor broker; and

''(B) to the extent practicable as determined by the Commission by rule or order, for customer trades, record the time that each order is received on the floor of the board of trade, is received by the floor broker for execution (or when such order is transmitted in an extremely rapid manner to the broker), and is reported from the floor of the board of trade as executed, through a means that—

''(i) records such times in a form which cannot be altered except in a manner that will leave a complete and independent record of such alteration;

''(ii) continually provides such data to the contract market;

''(iii) identifies such time—

''(I) independently of the person making the trade or processing the order;

''(II) through a mechanism that records the time automatically when entered by the person making the trade or processing the order, as appropriate; or

''(III) through such other means as will capture a similarly reliable time; and

''(iv) is adequately precise to determine—

''(I) the sequence in which, for each futures commission merchant, floor broker, or member firm, as applicable, all orders are received on and reported from the floor of the contract market; and

''(II) the sequence in which orders are received by each floor broker for execution.

''(4) The Commission may, by rule, establish standards under which the audit trail systems required under paragraph (3) shall record, to the extent practicable—

''(A) the sequence of all trades made by all floor traders and floor brokers; and

''(B) the interval between the time of receipt and the time of execution of each order by the floor broker executing the order.

''(5)(A) The Commission shall, by rule or order, make exemptions from the requirements of paragraph (3)—

''(i) for an exchange with respect to which the Commission finds that—

''(I) the volume of trading on such exchange is relatively small and the exchange has demonstrated substantial compliance with the objectives of such paragraph; and

''(II) the trade monitoring system at such exchange otherwise maintains a high level of compliance with this subsection; and

''(ii) to the extent determined appropriate by the Commission, for categories of customer orders with respect to which the Commission finds that such orders are transmitted to and reported from the trading pit in an extremely rapid manner such that substantial compliance with the objectives of paragraph (3) can be otherwise achieved.

''(B) For purposes of subparagraph (A)(i)(I) the Commission shall find that the volume of trading at an exchange is relatively small if, among other things, the Commission determines that the average daily trading volume for each contract market for which the board of trade is designated is less than the threshold trading level established for the contract market under section 4j(a)(4).

''(6) Any rule or order adopted by the Commission under paragraphs (4) and (5) shall become effective 30 legislative days or 90 calendar days, whichever is later, after submission of such rule or order to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. For purposes of this paragraph, the term 'legislative day' means any day on which either House of Congress is in session.

(b) Study.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commodity Future Trading Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains—

(A) an assessment of the progress of each contract market in developing and implementing systems to record the times of transactions independently, precisely, and completely as required under section 5a(b) of the Commodity Exchange Act (as added by subsection (a) of this section); and

(B) recommendations as to whether any extension of time for the completion of such systems or any modification of the standards contained in such section is appropriate.

(2) GAO Views.—The Comptroller General of the United States shall state to Congress the views of the Comptroller General with regard to the issues addressed in such report.

(c) AUDIT TRAIL COMPLIANCE AS CONDITION FOR CONTRACT MARKET DESIGNATION.—Section 5 (7 U.S.C. 7) is amended by—

(1) indenting the left margin of subdivisions (a) through (g) by 2 ems;

(2) striking ''(a)'', ''(b)'', ''(c)'', ''(d)'', ''(e)'', ''(f)'', and ''(g)'', and inserting ''(1)'', ''(2)'', ''(3)'', ''(4)'', ''(5)'', ''(6)'', and ''(7)'', respectively; and

(3) adding at the end the following:

''(8) When such board of trade demonstrates that every contract market for which such board of trade is designated complies with the requirements of section 5a(b).''.

SEC. 202. COMMISSION OVERSIGHT; DEFICIENCY ORDERS.

(a) IN GENERAL.—The Act is amended by inserting after section 8d (7 U.S.C. 12d) the following new section:

''SEC. 8e. COMMISSION OVERSIGHT; DEFICIENCY ORDERS.

''(a) ASSESSMENTS.—At least once every 2 years, to the extent practicable, the Commission shall assess whether the trade monitoring system of each contract market satisfies section 5a(b).

''(b) DEFICIENCY ORDERS.—

''(1) CAUSES.—The Commission may issue a proposed deficiency order in accordance with paragraph (2), or take such other administrative or enforcement action as the Commission determines is appropriate, if, based on its assessment or on other information, the Commission at any time has reason to believe that a contract market's trade monitoring system implemented pursuant to section 5a(b) does not satisfy one or more of the requirements of such section.

''(2) CONTENTS.—A proposed deficiency order issued under this subsection shall specify—

''(A) the deficiencies the Commission has reason to believe exist in the trade monitoring system of the contract market and a statement of reasons supporting the Commission's belief that those deficiencies exist;

''(B) the corrective action that the Commission believes that the contract market must take and an acceptable timetable for such corrective action; and

''(C) a date, not less than 20 days from the date of issuance of the proposed deficiency order, when such deficiency order will become final, subject to subsection (d).

''(3) REMEDIES.—On becoming final, the Commission deficiency order may—

''(A) require the contract market to—

''(i) institute appropriate improvements in its trade monitoring system necessary to correct the deficiencies noted therein;

''(ii) satisfy stated objective performance criteria to correct such deficiencies;

''(iii) upgrade or reconfigure existing systems for collecting or processing relevant data on trading and trader or broker activity, including, where appropriate, the commitment of additional resources; or

''(B) revoke any exemption of the contract market from the regulations prohibiting the privilege of dual trading under section 4j(a), if the deficiency noted in such deficiency order relates to—

''(i) the audit trail system the contract market is required to maintain under paragraphs (2), (3), or (4) of section 5a(b); or

''(ii) the prevention, detection, or disciplining of violations attributable to such trading at such contract market, subject to the standards, exceptions, and duration provisions of section 4j(a); or

''(C) take any combination of the actions described in subparagraphs (A) and (B).

''(4) REMOVAL.—If the Commission finds, after notice and opportunity for a hearing on the record prior to such deficiency order becoming final, that a named officer, director, committee member, or employee of such contract market has willfully—

''(A) violated this Act, the rules or regulations of the Commission thereunder, or the rules of such contract market;

''(B) abused the authority of such person; or

''(C) without reasonable justification or excuse, failed to enforce compliance with any provision of the rules of such contract market by any member or person associated with a membe thereof,

the Commission may issue a deficiency order under this section to remove such officer, director, committee member, or employee.

''(5) DESIGNATION AS CONTRACT MARKET.—Notwithstanding section 6, during the period that a proposed or final deficiency order under this section is in effect, the Commission may refrain from approving any application for designation as a contract market made by the board of trade whose contract market is the subject of such deficiency order.

''(6) DELEGATION.—The Commission shall not delegate the authority to issue deficiency orders under this subsection.

''(c) RESCISSION, MODIFICATION, OR DELAY OF DEFICIENCY ORDERS.—Before any proposed deficiency order issued by the Commission under subsection (b) may become final, the Commission shall—

''(1) provide the affected contract market with an opportunity for a hearing through submission of written data, views, or arguments and, under terms set by the Commission at the request of the contract market, through an oral presentation of views and comments to the Commission, in order to petition the Commission to rescind, modify, or delay such deficiency order; and

''(2) rule on such petition, not less than 20 days before the deficiency order takes effect, making findings, as appropriate, as to whether—

''(A) the deficiencies cited by the Commission have been corrected or are being corrected under an expeditious timetable acceptable to the Commission;

''(B) the trade monitoring system of the contract market is deficient as noted in the deficiency order; or

''(C) the timetable for corrective action by the contract market in the proposed deficiency order, and the particular corrective action proposed, is appropriate in light of the deficiencies noted and the purposes of this Act.

''(d) PENALTIES.—Violation of a final deficiency order issued under subsection (c) shall be considered a violation of an order of the Commission for purposes of—

''(1) establishing liability and assessing penalties against a contract market or any director, officer, agent, or employee thereof under section 6b or 6c; or

''(2) initiating proceedings under section 5b or 6(a).

''(e) JUDICIAL REVIEW.—

''(1) PERSONS.—Any person, other than a contract market, aggrieved by a deficiency order issued under subsection (b)(4), may obtain review of such deficiency order when issued by the Commission under the terms and conditions in section 6(b).

''(2) CONTRACT MARKETS.—Any contract market that has petitioned the Commission to rescind, modify, or delay any proposed deficiency order issued under subsection (b) may obtain judicial review of any final such deficiency order only in the United States Court of Appeals for the circuit in which the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, under the standards applicable to rulemaking proceedings under section 553 of title 5, United States Code.''.

SEC. 203. ORAL ORDERS.

(a) IN GENERAL.—Section 4c (7 U.S.C. 6c) is amended by adding at the end the following new subsection:

''(g) The Commission shall adopt rules requiring that a contemporaneous written record be made, as practicable, of all orders for execution on the floor or subject to the rules of each contract market placed by a member of the contract market who is present on the floor at the time such order is placed.''.

(b) EFFECTIVE DATE.—The commission shall adopt the rules required by the amendment made under subsection (a) within 270 days after the date of enactment of this Act.

SEC. 204. TELEMARKETING FRAUD.

(a) IN GENERAL.—Section 17(p) (7 U.S.C. 321(p)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) establish special supervisory guidelines to protect the public interest relating to the solicitation by telephone of new futures or options accounts and make such guidelines applicable to those members determined to require such guidelines in accordance with standards established by the Commission consistent with this Act. Such guidelines may include a requirement that, with respect to a customer with no previous futures or commodity options trading experience, the member may not enter an order for the account of such customer for a period of 3 days following opening of the account and receipt of a signed acknowledgment by the customer of receipt of a risk disclosure statement.''.

(b) IMPLEMENTATION.—The guidelines required under section 17(p)(4) of the Commodity Exchange Act (as added by subsection (a) of this section) shall be submitted by a futures association registered with the Commodity Futures Trading Commission on the date of enactment of this Act to the Commission for the approval of the Commission not later than 180 days after the date of enactment of this Act.

SEC. 205. UNDERCOVER OPERATIONS AND ENFORCEMENT.

Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by—

(1) inserting ''(1)'' after ''(a)''; and

(2) adding at the end the following:

''(2) In conducting investigations authorized under this subsection or any other provision of this Act, the Commission shall continue, as the Commission determines necessary, to request the assistance of and cooperate with the appropriate Federal agencies in the conduct of such investigations, including undercover operations by such agencies. The Commission and the Department of Justice shall assess the effectiveness of such undercover operations and, within 2 years of the date of enactment of the Futures Trading Practices Act of 1992, shall recommend to Congress any additional undercover or other authority for the Commission that the Commission or the Department of Justice believes to be necessary.''.

SEC. 206. SELF REGULATORY ORGANIZATION DISCIPLINARY COMMITTEES AND GOVERNING BOARDS.

(A) CONTRACT MARKETS.—

(1) GOVERNING BOARDS AND DISCIPLINARY COMMITTEES.—Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by sections 201(a)(1) and 217 of this Act) is further amended by adding at the end the following new paragraphs:

''(14)(A) provide for meaningful representation on the governing board of the contract market's board of trade of a diversity of interests, including—

''(i) futures commission merchants;

''(ii) producers of, and consumers, processors, distributors, or merchandisers of, principal commodities traded on the board of trade;

''(iii) floor brokers and traders; and

''(iv) participants in a variety of pits or principal groups of commodities traded on the exchange.

''(B) provide that no less than 20 percent of the regular voting members of such board be comprised of nonmembers of such contract market's board of trade with—

''(i) expertise in futures trading, or the regulation thereof, or in commodities traded through contracts on the board of trade; or

''(ii) other eminent qualifications making such person capable of participating in and contributing to board deliberations.

''(C) provide that no less than 10 percent of the regular voting members of such board be comprised where applicable of farmers, producers, merchants, or exporters of principal commodities traded on the exchange;

''(15)(A) provide on all major disciplinary committees for a diversity of membership sufficient to ensure fairness and to prevent special treatment or preference for any person in the conduct of disciplinary proceedings and the assessment of penalties.

''(B) Consistent with Commission rules, a major disciplinary committee hearing a disciplinary matter shall include—

''(i) a majority of qualified persons representing a trading status other than that of the subject of the proceeding; and

''(ii) where appropriate to carry out the purposes of this Act, qualified persons who are not members of the exchange.

''(C) For purposes of this paragraph, a trading status on a contract market may include, consistent with Commission rules, such categories as (i) floor brokers and traders; (ii) producers, consumers, processors, distributors, or merchandisers of commodities, (iii) futures commission merchants; and (iv) members of the aforementioned categories who participate in particular contract markets or principal groups of commodities on the board of trade.

''(D) If a contract market takes final disciplinary action against a member for a violation that involves the execution of a customer transaction and results in financial harm to such customer, the contract market shall promptly inform the futures commission merchant identified on the records of such contract market as having cleared such transaction, and such futures commission merchant shall promptly inform the person identified on its records as the owner of the account for which such transaction was executed, of the disciplinary action and the principal facts thereof;

''(16) provide that no member found by the Commission, a contract market, a registered futures association, or a court of competent jurisdiction to have committed any violation of this Act or any other provision of law that would reflect on the fitness of the member may serve on any contract market oversight or disciplinary panel for an appropriate period (as defined by Commission rule); and''.

(2) Major disciplinary rule violations.—Section 8c (7 U.S.C. 12c) is amended—

(A) by redesignating subsections (1) through (4) as subsections (a) through (d);

(B) in subsection (a), as so redesignated—

(i) by striking ''(A)'' and inserting ''(1)''; and

(ii) by striking ''(B)'' and inserting ''(2)'';

(C) in subsection (c), as so redesignated, by striking ''subsection (2)'' each place it appears and inserting ''subsection (b)'';

(D) in subsection (d), as so redesignated, by striking ''subsection (1)'' and inserting ''subsection (a)''; and

(E) by adding at the end the following:

''(e)(1) The Commission shall issue regulations requiring each contract market to establish and make available to the public a schedule of major violations of any rule within the disciplinary jurisdiction of such contract market.

''(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any individual who is found to have committed any major violation from service on the governing board of any contract market or registered futures association, or on any disciplinary committee thereof.''.

(b) Registered Futures Associations.—

(1) Governing boards and disciplinary committees.—Section 17(b) (7 U.S.C. 21(b)) is amended—

(A) in subparagraphs (A) and (B) of paragraph (3) by striking ''or'' at the end;

(B) in paragraphs (3)(D), (4)(A), (4)(B), (4)(C), (4)(D), (4)(F), (5), (6), (7), (8), (9), (9)(A), (9)(B), and (9)(D) by striking the period at the end and inserting a semicolon;

(C) in paragraphs (4)(E), (9)(C), and (10) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraphs:

''(11) such association provides for meaningful representation on the governing board of such association of a diversity of membership interests and provides that no less than 20 percent of the regular voting members of such board be comprised of qualified nonmembers of or persons who are not regulated by such association.

''(12)(A) such association provides on all major disciplinary committees for a diversity of membership sufficient to ensure fairness and to prevent special treatment or preference for any person in the conduct of disciplinary proceedings and the assessment of penalties.

''(13) A major disciplinary committee hearing a disciplinary matter shall include—

''(A) qualified persons representing segments of the association membership other than that of the subject of the proceeding; and

''(B) where appropriate to carry out the purposes of this paragraph, qualified persons who are not members of the association.''.

(2) MAJOR DISCIPLINARY RULE VIOLATIONS.—Section 17 (7 U.S.C. 21), as amended by section 204, is amended by inserting after subsection (p) the following:

''(q)(1) The Commission shall issue regulations requiring each registered futures association to establish and make available to the public a schedule of major violations of any rule within the disciplinary jurisdiction of such registered futures association.

''(2) The regulations issued by the Commission pursuant to this subsection shall prohibit, for a period of time to be determined by the Commission, any member of a registered futures association who is found to

have committed any major violation from service on the governing board of any registered futures association or contract market, or on any disciplinary committee thereof.''.

(c) IMPLEMENTATION.—Not later than 270 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall adopt such rules as are necessary to carry out the amendments made by subsections (a) and (b), including rules that—

(1) specify membership categories that shall be represented on disciplinary panels;

(2) define ''major disciplinary committee'' for purposes of sections 5a(a)(15) and 17(b)(12) of the Commodity Exchange Act (as added by subsections (a) and (b), respectively); and

(3) specify the conditions under which such panels shall include qualified persons who are not members of the exchange or association, which shall include at a minimum—

(A) any disciplinary action where the subject of such action is a member of the contract market or association governing board or of any major disciplinary committee of such contract market or association; and

(B) any disciplinary action based on facts related to a claim that the subject of such action manipulated or attempted to manipulate the price of a commodity or future or option.

SEC. 207. REQUIRED REGISTRATION OF FLOOR TRADERS.

(a) REQUIREMENT.—Section 4e (7 U.S.C. 6e) is amended to read as follows:

''Sec. 4e. It shall be unlawful for any person to act as floor trader in executing purchases and sales, or as floor broker in executing any orders for the purchase or sale, of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have registered, under this Act, with the Commission as such floor trader or floor broker and such registration shall not have expired nor been suspended nor revoked.''.

(b) CONFORMING AMENDMENTS.—The Act is amended—

(1) in sections 4f(1), 4g(1), and 6d(1) (7 U.S.C. 6f(1), 6g(1), 13a–2(1)), by striking ''or floor broker'' and inserting ''floor broker, or floor trader'';

(2) in section 6d(8)(A) (7 U.S.C. 13a–2(8)(A)), by inserting '', floor trader,'' after ''floor broker'';

(3) in section 8a(1), (7 U.S.C. 12a(1)), by striking ''and floor brokers'' and inserting ''floor brokers, and floor traders''; and

(4) in sections 8a(2)(C)(i), 8a(2)(D)(ii), and 8a(3)(E)(ii) (7 U.S.C. 12a(2)(C)(i), 12a(2)(D)(ii), and 12a(3)(E)(ii)), by inserting ''floor trader,'' after ''floor broker,''.

(c) REGULATIONS.—The amendments made by this section shall become effective 180 days after the date of enactment of this Act, and the Commodity Futures Trading Commission shall issue any regulations necessary to implement the amendments made by this section no later than 180 days after the date of enactment of this Act.

SEC. 208. ENHANCEMENT OF REGISTRATION REQUIREMENTS.

(a) INJUNCTIONS.—Section 8a(2)(C)(ii) (7 U.S.C. 12a(2)(C)(ii)) is amended to read as follows:

''(ii) engaging in or continuing any activity where such activity involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, gambling, or any transaction in or advice concerning contracts of sale of a commodity for future delivery, concerning matters subject to Commission regulation under section 4c or 19, or concerning securities''.

(b) CERTAIN VIOLATIONS OF LAW.—Section 8a(2)(D)(iv) (7 U.S.C. 12a(2)(D)(iv)) is amended by—

(1) inserting ''1001,'' after ''152,'';

(2) striking ''or'' after ''1342,'';

(3) inserting ''1503, 1623, 1961, 1962, 1963, or 2314,'' after ''1343,''; and

(4) inserting '', or section 7201 or 7206 of the Internal Revenue Code of 1986'' after ''Code''.

(c) OTHER VIOLATIONS OF LAW.—Section 8a(2)(E) (7 U.S.C. 12a(2)(E)) is amended—

(1) by striking ''by any court of competent jurisdiction,'' and inserting ''in a proceeding brought''; and

(2) in clause (i) by inserting ''chapter 96 of title 18 of the United States Code,'' after ''1977,''.

(d) REGISTRATION REVOCATION BASED ON INACCURATE STATEMENTS.—Section 8a(2)(G) (7 U.S.C. 12a(2)(G)) is amended by—

(1) striking ''subparagraphs (A) through (F) of this paragraph,'' and inserting ''this paragraph and paragraph (3),'';

(2) striking ''material'' the first place it appears and inserting ''materially''; and

(3) striking ''application'' and inserting ''application or any update thereto''.

(e) GENERAL FELONY CONVICTIONS.—Section 8a(3)(D) (7 U.S.C. 12a(3)(D)) is amended by—

(1) inserting ''pleaded guilty to or'' after ''person'';

(2) inserting a comma after ''section'' the first place it appears;

(3) striking ''within ten years preceding the filing of the application or at any time thereafter,'';

(4) striking '', including a felony''; and

(5) striking '', more than'' and inserting ''more than''.

(f) SPECIAL FELONY CONVICTIONS.—Section 8a(3)(E) (7 U.S.C. 12a(3)(E)) is amended—

(1) by inserting ''pleaded guilty to or'' after ''person'';

(2) by striking ''within two years preceding the filing of the application for registration or at any time thereafter''; and

(3) in clause (iv) by inserting '', or section 7203, 7204, 7205, or 7207 of the Internal Revenue Code of 1986'' after ''Code''.

(g) REGISTRATION DENIED OR CONDITIONED BASED ON INACCURATE STATEMENTS.—Section 8a(3)(G) (7 U.S.C. 12a(3)(G)) is amended by—

(1) striking ''material'' the first place it appears and inserting ''materially'';

(2) striking the comma after ''application'';

(3) inserting ''or any update thereto,'' after ''application'';

(4) striking ''thereunder, or'' and inserting ''thereunder,''; and

(5) inserting ''or in any registration disqualification proceeding'' after ''Commission''.

(h) NON-FEDERAL CRIMINAL CONDUCT.—Section 8a(3)(H) (7 U.S.C. 12a(3)(H)) is amended by inserting '', in a United States military court,'' after ''State court''.

(i) EXSTING RESTRICTIONS ON MEMBERSHIPS.—Section 8a(3)(J) (7 U.S.C. 12a(3)(J)) is amended by—

(1) striking ''or'' after ''association,'' the first place it appears;

(2) inserting ''or any foreign regulatory body that the Commission recognizes as having a comparable regulatory program,'' after ''organization,'' the first place it appears;

(3) striking ''or'' after ''association,'' the second place it appears; and

(4) striking ''organization;'' and inserting ''organization, or foreign regulatory body;''.

SEC. 209. ENFORCEMENT OF CIVIL MONEY PENALTIES.

(a) MONEY PENALTIES.—Section 6 (7 U.S.C. 8 et seq.) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting ''(a)'' after ''Sec. 6.'';

(3) in subsection (a), as so redesignated, by striking ''paragraph (a)'' and inserting ''subsection (b)'';

(4) in subsection (d), as so redesignated—

(A) by striking ''paragraph (b) of this section'' and inserting ''subsection (c)''; and

(B) by striking ''section 6(b) of this Act'' and inserting ''subsection (c)''; and

(5) by amending subsection (e), as so redesignated, to read as follows:

''(e)(1) In determining the amount of the money penalty assessed under subsection (c), the Commission shall consider the appropriateness of such penalty to the gravity of the violation.

''(2) Unless the person against whom a money penalty is assessed under subsection (c) shows to the satisfaction of the Commission within 15 days from the expiration of the period allowed for payment of such penalty that either an appeal as authorized by subsection (c) has been taken or payment of the full amount of the penalty then due has been made, at the end of such 15-day period and until such person shows to the satisfaction of the Commission that payment of such amount with interest thereon to date of payment has been made—

''(A) such person shall be prohibited automatically from trading on all contract markets; and

''(B) if such person is registered with the Commission, such registration shall be suspended automatically.

''(3) If a person against whom a money penalty is assessed under subsection (c) takes an appeal and if the Commission prevails or the appeal is dismissed, unless such person shows to the satisfaction of the Commission that payment of the full amount of the penalty then due has been made by the end of 30 days from the date of entry of judgment on the appeal—

''(A) such person shall be prohibited automatically from trading on all contract markets; and

''(B) if such person is registered with the Commission, such registration shall be suspended automatically.

If the person against whom the money penalty is assessed fails to pay such penalty after the lapse of the period allowed for appeal or after the affirmance of such penalty, the Commission may refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.''.

(b) CONFORMING AMENDMENTS.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) in section 2(a)(1)(B)(iv)—

(A) in subclause (I) by striking ''section 6(b)'' and inserting ''section 6(c)''; and

(B) in subclause (II) by striking ''section 6(a)'' and inserting ''section 6(b)'';

(2) in section 5(6), as so redesignated by section 201(c)(2), by striking ''paragraph (b) of section 6'' and inserting ''section 6(c)'';

(3) in section 5b by striking ''paragraph (a) of section 6'' and inserting ''section 6(b)'';

(4) in section 6a(1) by striking ''paragraph (a) of section 6'' and inserting ''section 6(b)'';

(5) in section 6b by striking ''paragraph (a) of section 6'' and inserting ''section 6(b)'';

(6) in section 8a—

(A) in the first proviso to paragraph (2) by striking ''section 6(b)'' and inserting ''section 6(c)'';

(B) in the second proviso to paragraph (3) by striking ''section 6(b)'' and inserting ''section 6(c)''; and

(C) in paragraph (4) by striking ''section 6(b)'' each place it appears and inserting ''section 6(c)'';

(7) in section 14(e) by striking ''paragraph (b) of section 6'' and inserting ''section 6(c)''; and

(8) in section 17—

(A) in subsection (b)—

(i) in paragraph (3)(B) by striking ''section 6(b)'' and inserting ''section 6(c)''; and

(ii) in paragraph (4)(F) by striking ''subsection (b) of section 6'' and inserting ''section 6(c)'';

(B) in subsection (i)(4) by striking ''section 6(b)'' and inserting ''section 6(c)''; and

(C) in subsection (o)(4) by striking ''section 6(b)'' and inserting ''section 6(c)''.

SEC. 210. ETHICS TRAINING FOR REGISTRANTS.

(a) MANDATORY TRAINING FOR REGISTRANTS.—Section 4p (7 U.S.C. 6p) is amended by —

(1) inserting ''(a)'' after ''sec. 4p.''; and

(2) adding at the end the following:

''(b) The Commission shall issue regulations to require new registrants, within 6 months after receiving such registration, to attend a training session, and all other registrants to attend periodic training sessions, to ensure that registrants understand their responsibilities to the public under this Act, including responsibilities to observe just and equitable principles of trade, any rule or regulation of the Commission, any rule of any appropriate contract market, registered futures association, or other self-regulatory organization, or any other applicable Federal or state law, rule or regulation.''.

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue the regulations required by section 4p(b) of the Commodity Exchange Act, as added by subsection (a), no later than 180 days after the date of enactment of this Act.

SEC. 211. NATIONWIDE SERVICE OF PROCESS AND VENUE.

Section 22(c) (7 U.S.C. 25(c)) is amended to read as follows:

''(c) The United States district courts shall have exclusive jurisdiction of actions brought under this section. Any such action shall be brought not later than 2 years after the date the cause of action arises. Any action brought under subsection (a) of this section may be brought in any judicial district wherein the defendant is found, resides, or transacts business, or in the judicial district wherein any act or transaction constituting the violation occurs. Process in such action may be served in any judicial district of which the defendant is an inhabitant or wherever the defendant may be found.''.

SEC. 212. INCREASED PENALTIES.

(a) FELONY VIOLATIONS.—Section 9 (7 U.S.C. 13) is amended—

(1) by—

(A) striking subsections (a), (b), and (c);

(B) redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(C) inserting before subsection (c), as redesignated, the following new subsections:

''(a) It shall be a felony punishable by a fine of not more than $1,000,000 (or $500,000 in the case of a person who is an individual) or imprisonment for not more than 5 years, or both, together with the costs of prosecution, for:

''(1) Any person registered or required to be registered under this Act, or any employee or agent thereof, to embezzle, steal, purloin, or with criminal intent convert to such person's use or to the use of another, any money, securities, or property having a value in excess of $100, which was received by such person or any employee or agent thereof to margin, guarantee, or secure the trades or contracts of any customer or accruing to such customer as a result of such trades or contracts or which otherwise was received from any customer, client, or pool participant in connection with the business of such person. The word 'value' as used in this paragraph means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

''(2) Any person to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any contract market, or to corner or attempt to corner any such commodity or knowingly to deliver or cause to be delivered for transmission through the mails or interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce, or knowingly to violate the provisions of section 4, section 4b, subsections (a) through (e) of subsection 4c, section 4h, section 40(1), or section 19.

''(3) Any person knowingly to make, or cause to be made, any statement in any application, report, or document required to be filed under this Act or any rule or regulation thereunder or any undertaking contained in a registration statement required under this Act, or by any contract market or registered futures association in connection with an application for membership or participation therein or to become associated with a member thereof, which statement was false or misleading with respect to any material fact, or knowingly to omit any material fact required to be stated therein or necessary to make the statements therein not misleading.

''(4) Any person willfully to falsify, conceal, or cover up by any trick, scheme, or artifice a material fact, make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry to a contract market, board of trade, or futures association designated or registered under this Act acting in furtherance of its official duties under this Act.

''(5) Any person willfully to violate any other provision of this Act, or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this Act, but no person shall be subject to imprisonment under this paragraph for the violation of any rule or regulation if such person proves that he had no knowledge of such rule or regulation.

''(b) Any person convicted of a felony under this section shall be suspended from registration under this Act and shall be denied registration or reregistration for 5 years or such longer period as the Commission may determine, and barred from using, or participating in any manner in, any market regulated by the Commission for 5 years or such longer period as the Commission shall determine, on such terms and conditions as the Commission may prescribe, unless the Commission determines that the imposition of such suspension, denial of registration or reregistration, or market bar is not required to protect the public interest. The Commission may upon petition later review such disqualification and market bar and for good cause shown reduce the period thereof.'';

(2) in subsection (c) (as redesignated by paragraph (1) of this section) by striking ''$100,000'' and inserting ''$500,000''; and

(3) in subsection (d) (as redesignated by paragraph (1) of this section) by striking ''$100,000'' and inserting ''$500,000''.

(b) OTHER VIOLATIONS.—Sections 6(c) and 6(d) (7 U.S.C. 9 and 13b), as such subsections are redesignated by section 209, are each amended by striking ''$100,000'' each place it appears and inserting ''the higher of $100,000 or triple the monetary gain to such person''.

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b (7 U.S.C. 13a) is amended—

(1) by striking ''$100,000'' each place it appears and inserting ''$500,000''; and

(2) in the last sentence, by striking ''the appropriateness of such penalty to the net worth of the offending person and''.

SEC. 213. CONTRACT MARKET EMERGENCY ACTIONS.

(a) PRIOR COMMISSION NOTIFICATION REQUIRED.—Section 5a(a)(12) (7 U.S.C. 7a(12)), as redesignated by section 201, is amended—

(1) by striking ''(12) except'' and inserting ''(12)(A) except''; and

(2) by striking the last two sentences of paragraph (12)(A), as so redesignated, and inserting the following:

''(B)(i) The Commission shall issue regulations to specify the terms and conditions under which, in an emergency as defined by the Commission, a contract market may, by a two-thirds vote of its governing board, make a rule (hereinafter referred to as an 'emergency rule') effective on a temporary basis without prior Commission approval, or without compliance with the 10-day notice requirement under subparagraph (A), or during any period of review by the Commission, if the contract market makes every effort practicable to notify the Commission of such emergency rule, along with a complete explanation of the emergency involved, prior to making the emergency rule effective. If the contract market does not provide the Commission with such notification and explanation before making the emergency rule effective, the contract market shall provide the Commission with such notification and explanation at the earliest possible date. The Commission may delegate the power to receive such notification and explanation to such individuals as the Commission determines necessary and appropriate.

(ii) Within 10 days of the receipt from a contract market of notification of such an emergency rule and an explanation of the emergency involved, or as soon as practicable, the Commission shall determine whether it is appropriate either—

''(I) to permit such rule to remain in effect during the pendency of the emergency, or

''(II) to suspend the effect of such rule pending review either under the procedures of subparagraph (A) or otherwise.

The Commission shall submit a report on its determination and the basis thereof with respect to such emergency rule to the affected contract market, to the Committee on Agriculture of the House of Representatives and the Committee Agriculture, Nutrition, and Forestry of the Senate. If the report is submitted more than 20 days after the Commission's receipt of notification of such an emergency rule from a contract market, the report shall explain why submission within such 10-day period was not practicable. A determination by the Commission to suspend the effect of a rule under this subparagraph shall be subject to judicial review on the same basis as an emergency determination under section 8a(9). Nothing in this paragraph shall be construed to limit the authority of the Commission under section 8a(9);''.

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations to implement section 5a(12)(B) of the Commodity Exchange Act, as added by subsection (a), no later than 180 days after the date of enactment of this Act. Until the effective date of such regulations, any regulation of the Commission that implements the last 2 sentences of section 5a(12), as such sentences were in effect immediately before the date of enactment of this Act, shall remain in effect.

SEC. 214. PROHIBITION AGAINST INSIDER TRADING.

(a) IN GENERAL.—Section 9 (7 U.S.C. 13) is amended by adding at the end the following:

''(f) It shall be a felony for any person—

(1) who is an employee, member of the governing board, or member of any committee

of a board of trade, contract market, or registered futures association, in violation of a regulation issued by the Commission, willfully and knowingly to trade for such person's own account, or for or on behalf of any other account, in contracts for future delivery or options thereon on the basis of, or willfully and knowingly to disclose for any purpose inconsistent with the performance of such person's official duties as an employee or member, any material nonpublic information obtained through special access related to the performance of such duties.

(2) willfully and knowingly to trade for such person's own account, or for or on behalf of any account, in contracts for future delivery or options thereon on the basis of any material nonpublic information that such person knows was obtained in violation of paragraph (1) from an employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association.

Such felony shall be punishable by a fine of not more than $500,000, plus the amount of any profits realized from such trading or disclosure made in violation of this subsection, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.''.

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue regulations to implement the amendment made by subsection (a) not later than 360 days after the date of enactment of this Act.

SEC. 215. QUALIFICATIONS OF COMMISSIONERS.

Section 2(a)(2)(A) (7 U.S.C. 4a(a)(1)) is amended by striking the second and third sentences and inserting the following: ''The Commission shall be composed of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. In nominating persons for appointment, the President shall—

''(i) select persons who shall each have demonstrated knowledge in futures trading or its regulation, or the production, merchandising, processing or distribution of one or more of the commodities or other goods and articles, services rights and interests covered by this Act; and

''(ii) seek to ensure that the demonstrated knowledge of the Commissioners is balanced with respect to such areas.''.

SEC. 216. COMMISSION OPERATIONS.

Section 12(b)((7 U.S.C. 16(b)) is amended—

(1) by designating the first through third sentences as paragraphs (1) through (3), respectively; and

(2) by adding at the end of the following new paragraph:

''(4) The Commission may request (in accordance with the procedures set forth in subchapter II of chapter 31 of title 5, United States Code) and the Office of Personnel Management shall authorize pursuant to the request, eight positions in the Senior Executive Service in addition to the number of such positions authorized for the Commission on the date of enactment of this sentence.''.

SEC. 217. PROHIBITION ON VOTING BY INTERESTED MEMBERS.

Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by sections 201(a) and 206(a)(1) of this Act) is further amended by adding at the end the following:

''(17)(A) provide for the avoidance of conflict of interest in deliberations by the governing board and any disciplinary and oversight committees. In order to comply with this subparagraph, each contract market shall adopt rules and procedures to require, at a minimum, that

''(i) any member of a governing board or a disciplinary or other oversight committee must abstain from confidential deliberations and voting on any matter where the named party in interest is the member, the member's employer, the member's employee, or any other person that has a business, employment, or family relationship with the member that warrants abstention by the member;

''(ii) any member of a governing board or a disciplinary or other oversight committee must abstain from voting on any significant action that would not be submitted to the Commission for its prior approval, if as determined in accordance with regulations promulgated by the Commission, the member knowingly has a direct and substantial financial interest in the result of the vote, based either on positions held personally or at an affiliated firm;

''(iii) prior to the deliberations of the governing board, disciplinary board, or other oversight committee, acting directly or indirectly through an authorized member or contract market official, the positions of the members of such board or committee, and positions of the firm or firms with which such members are affiliated, are reviewed (provided, however, that no contract market or official, employee, member, other than the member whose position or positions are being reviewed, or agent thereof shall be subject to liability, except for liability in an action initiated by the Commission, for having conducted this review and for having taken or not taken further action); and

''(iv) the board or committee shall clearly reflect, in the minutes of such meeting, that the review required in clause (iii) occurred and any decisions by a member to abstain or by the board or committee whether to direct a member or members to abstain from deliberations or voting on the matter before the board or committee.

Any member prohibited from voting on a rule pursuant to this paragraph shall not be included in determining whether there has been a two-thirds vote of members of the governing board or committee as required by subparagraph (12).

''(B) For the purposes of this paragraph, the term 'significant action that would not be submitted to the Commission for its prior approval' includes—

''(i) any nonphyscial emergency rule; or

''(ii) any changes in margin levels designed to respond to extraordinary market conditions that are likely to have a substantial affect on prices in any contract traded on such contract market,

but does not include any rule not submitted for prior Commission approval because such rule is unrelated to terms and conditions of any contract traded on such market.

''(C) Notwithstanding the provisions of subparagraph (A)(ii), the Commission shall issue rules establishing the conditions under which a member of a board or committee who is required to abstain from voting on a significant action, as provided in subparagraph (A)(ii), may participate in deliberations on that action prior to such vote, where the member's participation is consistent with the public interest.''.

SEC. 218. STUDY OF ASSESSMENTS ON TRANSACTIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether—

(1) it is feasible to fund some or all of the enforcement and market surveillance activities of the Commodity Futures Trading Commission, as required by the amendments to the Commodity Exchange Act made by the Futures Trading Practices Act of 1992, through the imposition of an assessment on commodity futures and options transactions executed pursuant to the Commodity Exchange Act; and

(2) a program of assessment-based funding for some or all of such enforcement and market surveillance activities would better provide resources to the Commodity Futures Trading Commission to enable the Commission to—

(A) protect the interests of market users (including hedgers and speculators), producers of commodities traded on the futures markets, and the general public; and

(B) maintain and enhance the credibility of such futures and options markets.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the Comptroller General's determinations pursuant to subsection (a), together with any appropriate recommendations for the implementation of such a program of assessment-based funding for some or all of the Commodity Futures Trading Commission's enforcement and market surveillance activities.

SEC. 219. COMPETITIVENESS STUDY.

(a) IN GENERAL.—No later than 18 months following the enactment of this Act, the Commodity Futures Trading Commission shall study the competitiveness of boards of trade over which it has jurisdiction compared with the boards of trade (or their foreign equivalent) over which foreign futures authorities, as defined in section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)), have jurisdiction, and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of its findings with respect to—

(1) the overall competitive status of United States boards of trade in the world market;

(2) a comparison of applicable statutes, rules, or regulations as they relate to futures and options administered and enforced by the Commission and those administered and enforced by foreign futures authorities;

(3) any trends in, or movements of, volume of futures and options trading to or from United States boards of trade during the period of the study, and whether such trends or movements, if any, were the result of the adoption of statutes, regulations, or other enforcement mechanisms in foreign countries or the United States, as opposed to other competitive, economic, regional, or commercial factors;

(4) any significant harms or risks to the public interest, market users, traders, and commerce in relation to futures or options traded on such foreign boards of trade which may result from the absence of statutes, regulations, or other enforcement mechanisms in foreign countries or the United States or disparities in regulatory protections offered by United States and foreign authorities; and

(5) any recommendations the Commission may have as a result of the study to enhance the competitive status of United States boards of trade in the world market, or to enhance the regulation of markets in the global environment, that will not impair customer confidence in United States boards of trade.

(b) COOPERATION.—To promote the efficient use of resources, the Commission shall endeavor, as it determines appropriate, to obtain the assistance of the General Accounting Office, the Office of the United States Trade Representative, or other appropriate offices of the Federal Government in order to obtain information with regard to trading at foreign boards of trade and the regulation of such boards of trade by foreign futures authorities.

SEC. 220. COMPUTERIZED FUTURES TRADING.

(a) INTERNATIONAL COMPETITIVENESS OF ELECTRONIC TRADING SYSTEMS.—Section 12 (7

U.S.C. 16) (as amended by section 303 of this Act) is further amended by adding at the end the following new subsection:

''(g) Consistent with its responsibilities under section 18, the Commission is directed to facilitate the development and operation of computerized trading as an adjunct to the open outcry auction system. The Commission is further directed to cooperate with the Office of the United States Trade Representative, the Department of the Treasury, the Department of Commerce, and the Department of State in order to remove any trade barriers that may be imposed by a foreign nation on the international use of electronic trading systems.''.

(b) STUDY—The Commodity Futures Trading Commission shall conduct a study to assess—

(1) the progress made under initiatives to conduct trading in futures and options subject to the jurisdiction of the Commission under the Commodity Exchange Act through systems of computers or by other electronic means; and

(2) whether the experience with such systems of trading indicates that they may be useful or effective to enhance access to the futures and options markets by potential market participants, improve the ability of the Commission to audit the activities of the futures and options markets, reduce the opportunity for trading abuses, and otherwise be in the public interest or raise other related issues.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under subsection (a), together with any appropriate recommendations.

SEC. 221. MONEY PENALTIES IN CIVIL COURT ACTIONS.

Section 6c (7 U.S.C. 13c) is amended—

(1) by designating the first, second, third, fourth, fifth, and sixth sentences as subsections (a), (b), (c), (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) (as so designated) the following new subsection:

''(d)(1) In any action brough under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation a civil penalty in the amount of not more than the higher of $100,000 or triple the monetary gain to the person for each violation.

''(2) If a person on whom such a penalty is imposed fails to pay the penalty within the time prescribed in the court's order, the Commission may refer the matter to the Attorney General who shall recover the penalty by action in the appropriate United States district court.''.

SEC. 222. CIVIL DAMAGES; LIABILITY OF FUTURES COMMISSION MERCHANTS.

(a) DUTIES OF CONTRACT MARKETS.—Subsection (a)(11) of section 5a (7 U.S.C. 7a) (as amended by section 201(a)(1) of this Act) is further amended—

(1) by striking ''(i)'' and inserting ''(A)'';

(2) by striking ''voluntary and (ii)'' and inserting ''voluntary, (B)''; and

(3) by inserting after the word ''market'' the following: '', and (C) in the case of a claim arising from a violation in the execution of an order on the floor of a contract market, such procedure shall provide, to the extent appropriate—

''(i) for payment of actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

''(ii) where the violation is willful and intentional, for payment to the customer of punitive or exemplary damages, in addition to losses proximately caused by the violation, in an amount equal to no more than two times the amount of such losses. If punitive or exemplary damages are awarded against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of such order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy the award of punitive or exemplary damages if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation;''.

(b) COMPLAINTS AGAINST REGISTERED PERSONS.—Section 14(a) (7 U.S.C. 18(a)) is amended by striking ''awarding actual damages proximately caused by such violation.'' and inserting ''awarding—

''(1) actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

''(2) in the case of any action arising from a willful and intentional violation in the execution of an order on the floor of a contract market, punitive or exemplary damages equal to no more than two times the amount of such actual damages. If an award of punitive or exemplary damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.''.

(c) REGISTERED FUTURES ASSOCIATIONS.—Section 17(b)(10) (7 U.S.C. 21(b)(10)) (as amended by section 206(b)(1) of this Act) is further amended—

(1) by striking ''(i)'' and inserting ''(A)'';

(2) by striking ''voluntary and (ii)'' and inserting ''voluntary, (B)''; and

(3) by inserting after the word ''association'' the following: '', and (C) in the case of a claim arising from a violation in the execution of an order on the floor of a contract market, such procedure shall provide, to the extent appropriate—

''(i) for payment of actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

''(ii) where the violation is willful and intentional, for payment to the customer of punitive or exemplary damages, in addition to losses proximately caused by the violation, in an amount equal to no more than two times the amount of such losses. If punitive or exemplary damages are awarded against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of such order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy the award of punitive or exemplary damages if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation''.

(d) PRIVATE RIGHTS OF ACTION.—Section 22(a) (7 U.S.C. 25(a)) is amended by adding at the end the following new paragraph:

''(3) In any action arising from a violation in the execution of an order on the floor of a contract market, the person referred to in paragraph (1) shall be liable for—

''(A) actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award; and

''(B) where the violation is willful and intentional, punitive or exemplary damages equal to no more than two times the amount of such actual damages. If an award of punitive or exemplary damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.''.

SEC. 223. CUSTOMER RESTITUTION.

The tenth sentence of section 6(c) (7 U.S.C. 9) (as redesignated by section 209(a)(1) of this Act) is amended—

(1) by inserting ''(1)'' after ''may'' the first place it appears;

(2) by striking ''and, if'' and inserting ''(2) if'';

(3) by striking ''may suspend'' and inserting ''suspend'';

(4) by striking ''and may'' and inserting ''(3)''; and

(5) by inserting before the period the following: ''and (4) require restitution to customers of damages proximately caused by violations of such persons''.

SEC. 224. COMPLAINTS AGAINST REGISTERED PERSONS; CLASS ACTION SUITS.

Section 14(a) (7 U.S.C. 18(a)) (as amended by section 222(b) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' after the subsection designation; and

(3) by adding at the end the following new paragraph:

''(2)(A) An action may be brought under this subsection by any one or more persons described in this subsection for and in behalf

of such person or persons and other persons similarly situated, if the Commission permits such actions pursuant to a final rule issued by the Commission.

''(B) Not later than 270 days after the date of enactment of this paragraph the Commission shall propose and publish for public comment such rules as are necessary to carry out subparagraph (A). In developing such rules, the Commission shall consider the potential impact of such actions on resources available to the reparations system established under this Act and the relative merits of bringing such actions in Federal court.''.

SEC. 225. PENALTIES STUDY AND GUIDELINES.

(a) STUDY.—The Commodity Futures Trading Commission shall study the penalties the Commission imposes against persons found to have violated the Commodity Exchange Act (7 U.S.C. 1 et seq.) and the penalties imposed by contract markets and registered futures associations against persons found to have violated their respective rules established under such Act.

(b) REPORT. Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (a). The report shall—

(1) include an analysis of whether systematic differences exist among penalties imposed by various contract markets and registered futures associations for similar offense, and, if so, the causes of such differences;

(2) propose industry-wide guidelines or rules to make penalty levels among contract markets and registered futures associations consistent, including, if appropriate, minimum penalties or penalty ranges for various offenses; and

(3) propose guidelines or rules to make Commission penalty levels consistent, including, if appropriate, minimum penalties or penalty ranges for various offenses.

SEC. 226. PUBLICATION OF COMMISSION OPINIONS.

Section 2(a)(9) (7 U.S.C. 4a(h)) is amended by adding at the end the following new subparagraph:

''(C) Whenever the Commission issues for official publication any opinion, release, rule, order, interpretation, or other determination on a matter, the Commission shall provide that any dissenting, concurring, or separate opinion by any Commissioner on the matter be published in full along with the Commission opinion, release, rule, order, interpretation, or determination.''.

SEC. 227. SUSPENSION OF REGISTRANTS CHARGED WITH FELONIES.

Section 8a (7 U.S.C. 12a) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(11)(A) by written notice served on the person and pursuant to such rules, regulations, and orders as the Commission may adopt, to suspend or modify the registration of any person registered under this Act who is charged (in any information, indictment, or complaint authorized by a United States attorney or an appropriate official of any State) with the commission of or participation in a crime involving a violation of this Act, or a violation of any other provision of Federal or state law that would reflect on the honesty or the fitness of the person to act as a fiduciary (including an offense specified in subparagraph (D) or (E) of paragraph (2)) that is punishable by imprisonment for a term exceeding 1 year, if the Commission determines that continued registration of the person may pose a threat to the public interest or may threaten to impair public confidence in any market regulated by the Commission.

''(B) Prior to the suspension or modification of the registration of a person under this paragraph, the person shall be afforded an opportunity for a hearing at which the Commission shall have the burden of showing that the continued registration of the person does, or is likely to, pose a threat to the public interest or threaten to impair public confidence in any market regulated by the Commission.

''(C) Any notice of suspension or modification issued under this paragraph shall remain in effect until such information, indictment, or complaint is disposed of or until terminated by the Commission.

''(D) On disposition of such information, indictment, or complaint, the Commission may issue and serve on such person an order pursuant to paragraph (2) or (4) to suspend, restrict, or revoke the registration of such person.

''(E) A finding of not guilty or other disposition of the charge shall not preclude the Commission from thereafter instituting any other proceedings under this Act.

''(F) A person aggrieved by an order issued under this paragraph may obtain review of such order in the same manner and on the same terms and conditions as are provided in section 6(b).''.

SEC. 228. APPEALS BY REGISTERED FUTURES ASSOCIATIONS.

Section 17(i)(4) (7 U.S.C. 21(i)(4)) is amended by striking ''(other than a registered futures association)''.

SEC. 229. RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.

Section 4f (7 U.S.C. 6f) (as amended by section 207(b)(1) of this Act) is further amended—

''(1) by redesignating paragraphs (1) and (2) as subsections (a) an (b), respectively;

''(2) in subsection (b) (as so redesignated), by striking ''this paragraph (2)'' and inserting ''this subsection''; and

''(3) by adding at the end the following new subsection:

''(c)(1) As used in this subsection:

''(i) The term 'affiliated person' means any person directly or indirectly controlling, controlled by, or under common control with a futures commission merchant, as the Commission, by rule or regulation, may determine will effectuate the purposes of this subsection.

''(ii) The term 'Federal banking agency' shall have the same meaning as the term 'appropriate Federal banking agency' in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(2)(A) Each registered futures commission merchant shall obtain such information and make and keep such records as the Commission, by rule or regulation, prescribes concerning the registered futures commission merchant's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of its affiliated persons, other than a natural person.

''(B) The records required under subparagraph (A) shall describe, in the aggregate, each of the futures and other financial activities conducted by, and the customary sources of capital and funding of, those of its affiliated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of the futures commission merchant, including its adjusted net capital, its liquidity, or its ability to conduct or finance its operations.

''(C) The Commission, by rule or regulation, may require summary reports of such information to be filed by the futures commission merchant with the Commission no more frequently than quarterly.

''(3)(A) If, as a result of adverse market conditions or based on reports provided to the Commission pursuant to paragraph (2) or other available information, the Commission reasonably concludes that the Commission has concerns regarding the financial or operational condition of any registered futures commission merchant, the Commission may require the futures commission merchant to make reports concerning the futures and other financial activities of any of such person's affiliated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of the futures commission merchant.

''(B) The Commission, in requiring reports pursuant to this paragraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission or to a contract market or other self-regulatory organization with primary responsibility for examining the registered futures commission merchant's financial and operational condition.

''(4)(A) In developing and implementing reporting requirements pursuant to paragraph (2) with respect to affiliated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency. If a Federal banking agency comments in writing on a proposed rule of the Commission under this subsection that has been published for comment, the Commission shall respond in writing to the written comment before adopting the proposed rule. The Commission shall, at the request of the Federal banking agency, publish the comment and response in the Federal Register at the time of publishing the adopted rule.

''(B)(i) Except as provided in clause (ii), a registered futures commission merchant shall be considered to have complied with a recordkeeping or reporting requirement adopted pursuant to paragraph (2) concerning an affiliated person that is subject to examination by, or reporting requirements of, a Federal banking agency if the futures commission merchant utilizes for the recordkeeping or reporting requirement copies of reports filed by the affiliated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes (12 U.S.C. 161), section 9 of the Federal Reserve Act (12 U.S.C. 321 et seq.), section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)), section 10(b) of the Home Owners' Loan Act (12 U.S.C. 1467(a)(b)), or section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844).

''(ii) The Commission may, by rule adopted pursuant to paragraph (2), require any futures commission merchant filing the reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that the supplemental information is necessary to inform the Commission regarding potential risks to the futures commission merchant. Prior to requiring any such supplemental information, the Commission shall first request the Federal banking agency to expand its reporting requirements to include the information.

''(5) Prior to making a request pursuant to paragraph (3) for information with respect to an affiliated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

''(A) notify the agency of the information required with respect to the affiliated person; and

''(B) consult with the agency to determine whether the information required is available from the agency and for other purposes, unless the Commission determines that any delay resulting from the consultation would be inconsistent with ensuring the financial and operational condition of the futures commission merchant or the stability or integrity of the futures markets.

''(6) Nothing in this subsection shall be construed to permit the Commission to require any futures commission merchant to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained in the report.

''(7) No information provided to or obtained by the Commission from any Federal banking agency pursuant to a request under paragraph (5) regarding any affiliated person that is subject to examination by or reporting requirements of a Federal banking agency may be disclosed to any other person (other than as provided in section 8 or section 8a(6)), without the prior written approval of the Federal banking agency.

''(8) The Commission shall notify a Federal banking agency of any concerns of the Commission regarding significant financial or operational risks resulting from the activities of any futures commission merchant to any affiliated person thereof that is subject to examination by or reporting requirements of the Federal banking agency.

''(9) The Commission, by rule, regulation, or order, may exempt any person or class of persons under such terms and conditions and for such periods as the Commission shall provide in the rule, regulation, or order, from this subsection and the rules and regulations issued under this subsection. In granting the exemption, the Commission shall consider, among other factors—

''(A) whether information of the type required under this subsection is available from a supervisory agency (as defined in section 1101(7) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(7))), a State insurance commission or similar State agency, the Securities and Exchange Commission, or a similar foreign regulator;

''(B) the primary business of any affiliated person;

''(C) the nature and extent of domestic or foreign regulation of the affiliated person's activities;

''(D) the nature and extent of the registered futures commission merchant's commodity futures and options activities; and

''(E) with respect to the registered futures commission merchant and its affiliated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States futures markets.

''(10) Information required to be provided pursuant to this subsection shall be subject to section 8. Except as specifically provided in section 8 and notwithstanding another provision of law, the Commission shall not be compelled to disclose any information required to be reported under this subsection, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any affiliated person of a registered futures commission merchant.

''(11) Nothing in paragraphs (1) through (10) shall be construed to supersede or to limit in any way the authority of powers of the Commission pursuant to any other provision of this Act or regulations issued under this Act.''.

TITLE III—ASSISTANCE TO FOREIGN FUTURES AUTHORITIES

SEC. 301. SUBPOENA AUTHORITY.

The third sentence of section 6(c) (7 U.S.C. 15) (as redesignated by section 209(a)(1)) is amended—

(1) by striking ''Act and'' and inserting ''Act,''; and

(2) by striking ''Act, any'' and inserting ''Act, and for the purpose of any action taken under section 12(f), any''.

SEC. 302. COOPERATION WITH FOREIGN FUTURES AUTHORITIES.

Section 12(a) (7 U.S.C. 16(a)) is amended by inserting after ''thereof,'' the following: ''any foreign futures authority, any department or agency of a foreign government or political subdivision thereof,''.

SEC. 303. INVESTIGATIVE ASSISTANCE TO FOREIGN FUTURES AUTHORITIES.

Section 12 (7 U.S.C. 16) is amended by adding at the end the following:

''(f)(1) On request from a foreign futures authority, the Commission may, in its discretion, provide assistance in accordance with this section if the requesting authority states that the requesting authority is conducting an investigation which it deems necessary to determine whether any person has violated, is violating, or is about to violate any laws, rules or regulations relating to futures or options matters that the requesting authority administers or enforces. The Commission may conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance. Such assistance may be provided without regard to whether the facts stated in the request would also constitute a violation of the laws of the United States.

''(2) In deciding whether to provide assistance under this subsection, the Commission shall consider whether—

''(A) the requesting authority has agreed to provide reciprocal assistance to the Commission in futures and options matters; and

''(B) compliance with the request would prejudice the public interest of the United States.

''(3) Notwithstanding any other provision of law, the Commission may accept payment and reimbursement, in cash or in kind, from a foreign futures authority, or made on behalf of such authority, for necessary expenses incurred by the Commission, its members, and employees in carrying out any investigation, or in providing any other assistance to a foreign futures authority, pursuant to this section. Any payment or reimbursement accepted shall be considered a reimbursement to the appropriated funds of the Commission.''.

SEC. 304. DISCLOSURE OF INFORMATION RECEIVED FROM FOREIGN FUTURES AUTHORITIES.

Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended—

(1) by adding at the end of subsection (a)(1) (as so redesignated by section 205(1)), the following:

''The Commission shall not be compelled to disclose any information or data obtained from a foreign futures authority if—

''(A) the foreign futures authority has in good faith determined and represented to the Commission that disclosure of such information or data by that foreign futures authority would violate the laws applicable to that foreign futures authority; and

''(B) the Commission obtains such information pursuant to—

''(i) such procedure as the Commission may authorize for use in connection with the administration or enforcement of this Act; or

''(ii) a memorandum of understanding with that foreign futures authority;

except that nothing in this subsection shall prevent the Commission from disclosing publicly any information or data obtained by the Commission from a foreign futures authority when such disclosure is made in connection with a congressional proceeding, an administrative or judicial proceeding involving a receiver appointed in a judicial proceeding commenced by the United States or the Commission, in any receivership proceeding commenced by the United States or the Commission, or in any proceeding under title 11 of the United States Code in which the Commission has intervened or in which the Commission has the right to appear and be heard. Nothing in this subsection shall be construed to authorize the Commission to withhold information or data from Congress. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of section 552.''; and

(2) by adding at the end of subsection (b) the following:

''This subsection shall not apply to the disclosure of data or information obtained by the Commission from a foreign futures authority.''.

SEC. 305. DISCLOSURE OF INFORMATION TO FOREIGN FUTURES AUTHORITIES.

Section 8(e) (7 U.S.C. 12(e)) is amended—

(1) in the fifth sentence—

(A) by inserting after ''jurisdiction,'' the first place it appears the following: ''any foreign futures authority,''; and

(B) by inserting after ''such'' the following: ''foreign futures authority,''; and

(2) in the last sentence—

(A) by inserting after ''information to a'' the following: ''foreign futures authority or to a'';

(B) by inserting after ''disclosed by such'' the following: ''foreign futures authority,''; and

(C) by inserting after ''or agency thereof'' the following: '', or foreign futures authority,''.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS; TECHNICAL AMENDMENTS; EFFECTIVE DATE

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) (7 U.S.C. 16(d)) is amended to read as follows:

''(d) There are authorized to be appropriated to carry out this Act—

''(1) $53,000,000 for fiscal year 1993; and

''(2) $60,000,000 for fiscal year 1994.''.

SEC. 402. TECHNICAL AMENDMENTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended—

(1) by striking ''commission'' in—

(A) section 4a (as amended by paragraph (2)) each place it appears, other than in subsection (d), as so redesignated;

(B) section 6(b), as so redesignated by section 209(a)(1), each place it appears;

(C) section 6(c), as so redesignated by section 209(a)(1);

(D) section 13(c);

and inserting ''Commission'';

(2) in section 4a (7 U.S.C. 6a)—

(A) in subsection (1) by striking ''subparagraphs 2 (A) and (B)'' and inserting ''paragraphs (1) and (2) of subsection (b)'';

(B) in subsection (3) by striking ''subsection (1)'' and inserting ''subsection (a)'';

(C) by redesignating subsections (1) through (5) as subsections (a) through (e), respectively; and

(D) in subsection (b), as so redesignated, by redesignating paragraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) in section 4b—

(A) by redesignating subdivisions (A) through (D) as subdivisions (i) through (iv), respectively;

(B) by striking ''(a)'', and ''(c)'', and inserting ''(A)'', ''(B)'', and ''(C)'', respectively;

(C) by inserting ''(a)'' after ''Sec. 4b.'';

(D) by inserting ''(b)'' before ''Nothing in this section or''; and

(E) by inserting ''(c)'' before ''Nothing in this section shall'';

(4) in section 4c(d)(2)—

(A) in subparagraph (A)(iv) by striking ''(15 U.S.C. 78c(a)(12))'' and inserting ''(15 U.S.C. 78c(a)(12))''; and

(B) in the matter following subparagraph (C) by striking ''section (2)(a)'' and inserting ''section 2(a)'';

(5) in section 4g (7 U.S.C. 6g)—

(A) by redesignating subsections (1) through (6) as subsections (a) through (f), respectively; and

(B) in subsection (c), as so redesignated, by striking ''subsection (2)'' and inserting ''subsection (b)'';

(6) in section 6(c), as so redesignated by section 209(a)(1), by striking ''offending person.'' and inserting ''offending person'';

(7) in section 6(c), as so redesignated by section 209(a)(1), and in section 8(f) by striking ''subpena'' and ''subpenas'' each place they appear and inserting ''subpoena'' and ''subpoenas'', respectively;

(8) in section 6a, as amended by section 209(b)(4), by redesignating subsections (1) and (2) as subsections (a) and (b), respectively;

(9) by striking ''the Secretary of Agriculture or''—

(A) in the first sentence of section 6(b), as so redesignated by section 209(a)(1);

(B) in the first sentence of section 6(c), as so redesignated by section 207(a)(1); and

(C) in section 13(c);

(10) in section 8a—

(A) in paragraph (5) by striking ''and'' at the end; and

(B) in paragraph (7) by striking ''matters as:'' and inserting ''matters as—'';

(11) in section 14(g) by striking ''fifteen months'' the second place it appears and inserting '15-months'';

(12) in section 17—

(A) in subsection (a) by indenting the left margin of paragraphs (1) and (2) by 2 ems; and

(B) in subsection (1)(2)(B)—

(i) by striking ''the Commodity Exchange'' and inserting ''this''; and

(ii) by striking the period at the end and inserting ''; and'';

(13) by striking section 21;

(14) in section 22(a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''clauses (A) through (D)'' and inserting ''subparagraphs (A) through (D)''; and

(ii) in subparagraph (D) by striking ''clause (B)'' and inserting ''subparagraph (B)''; and

(B) in paragraph (2) by striking ''17b(10)'' and inserting ''17(b)(10)''; and

(15) by striking section 23.

SEC. 403. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

SEC. 404. DEFINITIONS.

(a) In General.—The Act is amended by inserting after the first section (7 U.S.C. 1) the following new section:

''SEC. 1a. DEFINITIONS.

''As used in this Act:

''(1) BOARD OF TRADE.—The term 'board of trade' means any exchange or association, whether incorporated or unincorporated, of persons who are engaged in the business of buying or selling any commodity or receiving the same for sale on consignment.

''(2) COMMISSION.—The term 'Commission' means the Commodity Futures Trading Commission established under section 2(a)(2).

''(3) COMMODITY.—The term 'commodity' means wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils) cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice, and all other goods and articles, except onions as provided in Public Law 85–839 (7 U.S.C. 13–1), and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in.

''(4) COMMODITY POOL OPERATOR.—The term 'commodity pool operator' means any person engaged in a business that is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, except that the term does not include such persons not within the intent of the definition of the term as the Commission may specify by rule, regulation, or order.

''(5) COMMODITY TRADING ADVISOR.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'commodity trading advisor' means any person who—

''(i) for compensation or profit, engages in the business of advising others, either directly or through publications, writings, or electronic media, as to the value of or the advisability of trading in—

''(I) any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market;

''(II) any commodity option authorized under section 4c; or

''(III) any leverage transaction authorized under section 19; or

''(ii) for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the activities referred to in clause (i).

''(B) EXCLUSIONS.—Subject to subparagraph (C), the term 'commodity trading advisor' does not include—

''(i) any bank or trust company or any person acting as an employee thereof;

''(ii) any news reporter, news columnist, or news editor of the print or electronic media, or any lawyer, accountant, or teacher;

''(iii) any floor broker or futures commission merchant;

''(iv) the publisher or producer of any print or electronic data of general and regular dissemination, including its employees;

''(v) the fiduciary of any defined benefit plan that is subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.);

''(vi) any contract market; and

''(vii) such other persons not within the intent of this paragraph as the Commission may specify by rule, regulation, or order.

''(C) INCIDENTAL SERVICES.—Subparagraph (B) shall apply only if the furnishing of such services by persons referred to in subparagraph (B) is solely incidental to the conduct of their business or profession.

''(D) Advisors.—The Commission, by rule or regulation, may include within the term 'commodity trading advisor', any person advising as to the value of commodities or issuing reports or analyses concerning commodities if the Commission determines that the rule or regulation will effectuate the purposes of this paragraph.

''(6) CONTRACT OF SALE.—The term 'contract of sale' includes sales, agreements of sale, and agreements to sell.

''(7) COOPERATIVE ASSOCIATION OF PRODUCERS.—The term 'cooperative association of producers' means any cooperative association, corporate, or otherwise, not less than 75 percent in good faith owned or controlled, directly or indirectly, by producers of agricultural products and otherwise complying with the Act of February 18, 1922 (42 Stat. 388, chapter 57; 7 U.S.C. 291 and 292), including any organization acting for a group of such associations and owned or controlled by such associations, except that business done for or with the United States, or any agency thereof, shall not be considered either member or nonmember business in determining the compliance of any such association with this Act.

''(8) FLOOR BROKER.—The term 'floor broker' means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market.

''(9) FLOOR TRADER.—The Term 'floor trader' means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, purchases, or sells solely for such person's own account, any commodity for future delivery on or subject to the rules of any contract market.

''(10) FOREIGN FUTURES AUTHORITY.—The term 'foreign futures authority' means any foreign government, or any department, agency, governmental body, or regulatory organization empowered by a foreign government to administer or enforce a law, rule, or regulation as it relates to a futures or options matter, or any department or agency of a political subdivision of a foreign government empowered to administer or enforce a law, rule, or regulation as it relates to a futures or options matter.

''(11) FUTURE DELIVERY.—The term 'future delivery' does not include any sale of any cash commodity for deferred shipment or delivery.

''(12) FUTURES COMMISSION MERCHANT.—The term 'futures commission merchant' means an individual, association, partnership, corporation, or trust that—

''(A) is engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market; and

''(B) in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

''(13) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce—

''(A) between any state, territory, or possession, or the District of Columbia, and any place outside thereof; or

''(B) between points within the same state, territory, or possession, or the District of Columbia, but through any place outside thereof, or within any territory or possession, or the District of Columbia.

''(14) INTRODUCING BROKER.—The term 'introducing broker' means any person (except an individual who elects to be and is registered as an associated person of a futures commission merchant) engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

''(15) MEMBER OF A CONTRACT MARKET.—The term 'member of a contract market' means an individual, association, partnership, corporation, or trust owning or holding membership in, or admitted to membership representation on, contract market or given members' trading privileges thereon.

''(16) PERSON.—The term 'person' imports the plural or singular, and includes individuals, associations, partnerships, corporations, and trusts.''

(b) CONFORMING AMENDMENTS.—SECTION 2(a)(1)(A) (7 U.S.C. 2 AND 4) IS AMENDED—

(1) by striking ''For the purposes'' and all that follows through: ''Provided, That the Commission'' and inserting ''(i) The Commission'';

(2) by striking: ''And provided further, That, except'' and inserting a period and ''Except'';

(3) by redesignating clauses (i) and (ii) of the third sentence (as in effect before the amendments made by this subsection) as subclauses (I) and (II), respectively;

(4) by designating the fifth sentence (as in effect before the amendments made by this subsection) as clause (ii);

(5) by striking the sixth and seventh sentences (as in effect before the amendments made by this subsection);

(6) by designating the eighth sentence (as in effect before the amendments made by this subsection) as clause (iii); and

(7) by striking the ninth sentence (as in effect before the amendments made by this subsection) through the end of the subparagraph.

TITLE V—INTERMARKET COORDINATION

SEC. 501. MARGIN ON STOCK INDEX FUTURES.

Section 2(a)(1)(B) (7 U.S.C. 2a) is amended by adding at the end the following new clause:

''(vi)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for the Stock index futures contract (or option thereon).

''(II) The Board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

''(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this clause only to the Commission.

''(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market, on finding an emergency to exist, to raise temporary emergency margin levels on any futures contract or option on the contract covered by this clause.

''(V) Any action taken by the Board, or by the Commission acting under the delegation of authority under subclause III, under this clause directing a contract market to alter or supplement a contract market rule shall be subject to review only in the Court of Appeals where the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. The review shall be based on the examination of all information before the Board or the Commission, as the case may be, at the time the determination was made. The court reviewing the action of the Board or the Commission shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.''

SEC. 502. EXEMPTIVE AUTHORITY.

(a) IN GENERAL.—Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking ''It shall be unlawful'' and inserting ''Unless exempted by the Commission pursuant to subsection (c), it shall be unlawful''; and

(2) by adding at the end the following new subsections:

''(c)(1) In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, after notice and opportunity for hearing, may (on its own initiative or on application of any person, including any board of trade designated as a contract market for transactions for future delivery in any commodity under section 5 of this Act) exempt any agreement, contract, or transaction (or class thereof) that is otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods and either retroactively or prospectively, or both, from any of the requirements of subsection (a), or from any other provision of this Act (except section 2(a)(1)(B)), if the Commission determines that the exemption would be consistent with the public interest.''

''(2) The Commission shall not grant any exemption under paragraph (1) from any of the requirements of subsection (a) unless the Commission determines that—

''(A) The requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of this Act; and

''(B) the agreement, contract, or transaction—

''(i) will be entered into solely between appropriate persons; and

''(ii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

''(3) For purposes of this subsection, the term 'appropriate person' shall be limited to the following persons or classes thereof:

''(A) A bank or trust company (acting in an individual or fiduciary capacity).

''(B) A savings association.

''(C) An insurance company.

''(D) An investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

''(E) A commodity pool formed or operated by a person subject to regulation under this Act.

''(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K) of this paragraph.

''(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80a–1 et seq.), or a commodity trading advisor subject to regulation under this Act.

''(H) Any governmental entity (including the United States, any state, or any foreign government) or political subdivision thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the foregoing.

''(I) A broker-dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another appropriate person.

''(J) A futures commission merchant, floor broker, or floor trader subject to regulation under this Act acting on its own behalf or on behalf of another appropriate person.

''(K) Such other persons that the Commission determines to be appropriate in light of their financial or other qualifications, or the applicability of appropriate regulatory protections.

''(4) During the pendency of an application for an order granting an exemption under paragraph (1), the Commission may limit the public availability of any information received from the applicant if the applicant submits a written request to limit disclosure contemporaneous with the application, and the Commission determines that—

''(A) the information sought to be restricted constitutes a trade secret; or

''(B) public disclosure of the information would result in material competitive harm to the applicant.

''(5) The Commission may—

''(A) promptly following the enactment of this subsection, or upon application by any person, exercise the exemptive authority granted under paragraph (1) with respect to classes of hybrid instruments that are predominantly securities or depository instruments, to the extent that such instruments may be regarded as subject to the provisions of this Act; or

''(B) promptly following the enactment of this subsection, or upon application by any person, exercise the exemptive authority granted under paragraph (1) effective as of October 23, 1974, with respect to classes of swap agreements (as defined in section 101 of title 11, United States Code) that are not part of a fungible class of agreements that are standardized as to their material economic terms, to the extent that such agreements may be regarded as subject to the provisions of this Act.

Any exemption pursuant to this paragraph shall be subject to such terms and conditions as the Commission shall determine to be appropriate pursuant to paragraph (1).

''(d) The granting of an exemption under this section shall not affect the authority of the Commission under any other provision of this Act to conduct investigations in order to determine compliance with the requirements or conditions of such exemption or to take enforcement action for any violation of any provision of this Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.''.

(b) COMPETITIVE FAIRNESS.—Section 15 (7 U.S.C. 19) is amended by striking ''regulations,'' and inserting ''regulation (including any exemption under section 4(c) or 4c(b)),''.

(c) CONFORMING AMENDMENT.—Section 12(e)(2)(A) (7 U.S.C. 16(e)(2)(A)) is amended by inserting after ''market,'' the following: ''or, in the case of any State or local law that prohibits or regulates gaming or the operation of 'bucket shops' (other than antifraud provisions of general applicability), that is not a transaction or class of transactions that has received or is covered by the terms of any exemption previously granted by the Commission under subsection (c) of section 4 of this Act,''.

From the Committee on Agriculture, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

E DE LA GARZA,
GLENN ENGLISH,

HARLEY O. STAGGERS, Jr.,
RICHARD H. STALLINGS,
DAVE NAGLE,
BILL SARPALIUS,
TIM JOHNSON,
JERRY HUCKABY,
DAN GLICKMAN,
TIMOTHY J. PENNY,
MIKE ESPY,
JILL L. LONG,
CHARLES W. STENHOLM,
ROBIN TALLON,
TOM COLEMAN,
BOB SMITH,
STEVE GUNDERSON,
LARRY COMBEST,
WAYNE ALLARD,
BILL BARRETT,
JIM NUSSLE,
JOHN A. BOEHNER,
PAT ROBERTS,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
FRANK ANNUNZIO,
STEPHEN L. NEAL,
CARROLL HUBBARD, Jr.,
JOHN J. LAFALCE,
MARY ROSE OAKAR,
CHALMERS P. WYLIE,
JIM LEACH,
BILL MCCOLLUM,
MARGE ROUKEMA,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 263 and title III of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
EDWARD J. MARKEY,
JAMES H. SCHEUER,
MIKE SYNAR,
DENNIS E. ECKART,
JIM SLATTERY,
NORMAN F. LENT,
MATTHEW J. RINALDO,
CARLOS J. MOORHEAD,
DON RITTER,

Managers on the Part of the House.

PATRICK LEAHY,
DAVID L. BOREN,
HOWELL HEFLIN,
KENT CONRAD,
RICHARD G. LUGAR,
ROBERT DOLE,
THAD COCHRAN,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. DE LA GARZA, the previous question was ordered on the conference report to its adoption or rejection and, under the operation thereof, the conference report was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶118.39 UNITED NATIONS CONVENTION AGAINST TORTURE

Mr. FASCELL moved to suspend the rules and pass the bill (H.R. 6017) to implement for the United States the United Nations Convention Against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. FASCELL and Mr. BROOMFIELD, 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. MAZZOLI, 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 request the concurrence of the Senate in said bill.

¶118.40 INFORMATION AND EDUCATIONAL EXCHANGE ACT TECHNICAL CORRECTIONS

Mr. BERMAN moved to suspend the rules and pass the bill (H.R. 6047) to amend the United States Information and Educational Exchange Act of 1948, the Foreign Service Act of 1980, and other provisions of law to make certain changes in administrative authorities; as amended.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. BERMAN and Mr. BROOMFIELD, 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. MAZZOLI, 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.

¶118.41 MAGEN DAVID ADOM SOCIETY

Mr. ENGEL moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 223):

Whereas Magen David Adom performs the humanitarian functions of other national societies of the International Red Cross/Red Crescent Movement;

Whereas Magen David Adom is still not a full partner in the International Red Cross/Red Crescent Movement;

Whereas the refusal of the international community to recognize Magen David Adom indicates the intensity of hostility faced by Israel in the world community;

Whereas the recognition by the international community of the humanitarian role played by Magen David Adom would provide additional impetus to the Middle East peace process;

Whereas the American Red Cross Board of Governors has approved and begun implementation of a resolution recognizing Magen David Adom as a constituent member of the International Red Cross/Red Crescent Movement;

Whereas the American Red Cross, working with the International Committee of the Red Cross and in cooperation with Magen David Adom, has established the Holocaust and War Victims Tracing and Information Center to assist holocaust survivors in learning about the fate of loved ones; and

Whereas the American Red Cross has worked to promote cooperation between Magen David Adom and other national Red Cross/Red Crescent societies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the International Red Cross/Red Crescent Movement should include Magen David Adom as a legitimate national society of the International Red Cross/Red Crescent Movement;

(2) the Star of David should be recognized as a legitimate symbol of humanitarian concern when utilized by Magen David Adom; and

(3) all other national societies of the International Red Cross/Red Crescent Movement should take the example of the American Red Cross and support full membership of Magen David Adom in the International Red Cross/Red Crescent Movement.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. ENGEL and Mr. BROOMFIELD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, 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 concurrent resolution was agreed to.

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

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶118.42 HOLOCAUST HEROIC INDIVIDUALS COMMEMORATION

Mr. ENGEL moved to suspend the rules and agree to the following resolution (H. Res. 538):

Whereas, during the period from 1941 to 1945, Adolph Hitler and the Nazi leadership of Germany implemented a massive genocide against the Jewish people;

Whereas the implementation of the genocide, which is referred to as the Holocaust, resulted in the tragic deaths of more than 6,000,000 Jews from throughout Europe;

Whereas Jewish men, women, and children were taken from their homes and sent to gas chambers and death camps during the Holocaust;

Whereas Jewish individuals were hunted down by the Nazi regime and its collaborators during the Holocaust;

Whereas, in regions controlled by the Nazis during the Holocaust, laws forbade an individual from assisting, hiding, or concealing knowledge of the whereabouts of a Jew;

Whereas the punishment for violating such laws was death;

Whereas courageous individuals throughout Europe ignored such laws and followed their consciences in order to save Jews from deportation and death;

Whereas, in many instances, such courageous individuals put the lives of complete strangers ahead of their own lives in the name of humanity;

Whereas many of such courageous individuals, who are heroes, are still living in the United States and elsewhere; and

Whereas the Jewish Foundation for Christian Rescuers, which is a project of the Anti-Defamation League, working in consultation with Yad Vashem, which is the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, assists approximately 1,000 of such courageous individuals who are in financial need and endeavors to inculcate in the people of the world the altruism and moral courage exemplified by such courageous individuals: Now, therefore, be it

Resolved, That the House of Representatives commends—

(1) the countless heroic individuals who acted a great personal risk to save Jews from death in concentration camps and gas chambers during the Holocaust for—

(A) placing humanitarian principles before personal safety; and

(B) protecting human beings from extreme acts of inhumanity in the face of the acquiescence in such acts by many others throughout the world; and

(2) the Jewish Foundation for Christian Rescuers for its inspiring and compelling work in recognizing, honoring, and encouraging the people of the world to show the altruism and moral courage of such heroic individuals.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. ENGEL and Mr. BROOMFIELD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, 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 resolution was agreed to.

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

¶118.43 SITUATION IN SOMALIA

Mr. ENGEL moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 370):

Whereas violence, anarchy, and starvation continue to escalate in Somalia;

Whereas there have been more than 100,000 deaths by starvation and approximately 2,000,000 people face death from starvation and disease as a result of drought, famine, and civil war;

Whereas one-fourth of all Somali children under the age of five have perished and three out of four of the remaining young children are still in danger of dying;

Whereas a 95 percent malnutrition rate and a 75 percent severe malnutrition rate currently exist in Somalia;

Whereas hundreds of thousands of Somalis are refugees or internally displaced;

Whereas a state of almost total anarchy has existed for 19 months, following the overthrow of the Siad Barre dictatorship and the subsequent civil war between various Somali clans, during which period the government has ceased to exist—no police, no army, no health ministry, no schools, and no civil administration of any kind;

Whereas Somali warring factions have disrupted international relief efforts, attacked convoys, stolen food and medical supplies, and injured and killed relief workers;

Whereas the safety of relief workers and people seeking care must be assured during periods needed to provide medical and feeding services;

Whereas Somali leaders have been unable or unwilling to exert control over those responsible for the clan, subclan, and random violence which jeopardizes relief operations;

Whereas the process of peace negotiations should not be permitted to delay resolution of the obvious security problems that prevent relief operations; and

Whereas President Bush recently welcomed the call of the Secretary-General of the United Nations for a new agenda to strengthen the ability of the United Nations to prevent, contain, and resolve conflict across the globe: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President should—

(1) express to the United Nations Security Council the desire and the willingness of the United States to participate, consistent with applicable United States legal requirements, in the deployment of armed United Nations security guards, as authorized by the Security Council, in order to secure emergency relief activities and enable greater numbers of international and Somali organizations and people to provide relief and rehabilitation assistance;

(2) express to the United Nations Security Council that the exigency of the crisis in Somalia warrants authorization by the Security Council of the deployment of United Nations security guards even in the event that an invitation by the various warring Somali factions cannot be obtained;

(3) encourage discussion of alternative strategies for solving the political crisis in Somalia;

(4) support the United Nations-sponsored relief coordination conference for Somalia scheduled for mid-October 1992; and

(5) make every effort to ensure that adequate United States financial support exists for the United Nations to carry out its humanitarian and peacekeeping/peacemaking mission in Somalia.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. ENGEL and Mr. BROOMFIELD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, 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 concurrent resolution was agreed to.

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

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶118.44 CASCADIA CORRIDOR COMMISSION

Mr. ENGEL moved to suspend the rules and pass the bill (H.R. 6077) concerning United States participation in a Cascadia Corridor commission.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. ENGEL and Mr. BROOMFIELD, 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. MAZZOLI, 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 request the concurrence of the Senate in said bill.

¶118.45 EARTH SUMMIT

Mr. ENGEL moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 353); as amended:

Whereas the United Nations Conference on Environment and Development (hereinafter in this preamble referred to as ''UNCED''), known as the Earth Summit, assembled in June of 1992 in Rio de Janeiro, Brazil, the largest summit of heads of state in history and outlined a comprehensive action plan for environmentally sustainable development, known as Agenda 21;

Whereas the United States has a strong national interest in the environmental sustainability of global economic development, and many pressing environmental and economic problems are inherently transboundary and not susceptible to resolution by the actions of any single nation acting alone;

Whereas Agenda 21, a plan of national and international actions to integrate environment and development, negotiated and adopted by the United States and 177 other countries, offers a significant starting point for continuing progress in avoiding environmental degradation and social and economic disintegration in the 21st century;

Whereas the role of the United States, as a major economic force and a country that has long been in the forefront of environmental protection activities nationally and internationally, should be one of leadership and positive action in the implementation process of Agenda 21 and all decisions of UNCED;

Whereas Agenda 21 urges all governments to adopt national strategies for sustainable development;

Whereas Agenda 21 urges all countries to ''make significant progress'' in incorporating environmental costs into economic decisions, to undertake research or sustainable production methods and consumption patterns, and to undertake other actions to make their economies more environmentally sustainable;

Whereas Agenda 21 calls for a ''supportive international climate for achieving environment and development goals,'' by ''providing adequate financial resources to developing countries and dealing with international debt,'' and calls for ''the reallocation of resources presently committed to military purposes'' to support United States policies and the efforts of developing countries to implement Agenda 21;

Whereas UNCED recommended that high-level United Nations Commission on Sustainable Development (hereinafter in this preamble referred to as the ''Commission'') be established by the 47th United Nations General Assembly to provide a vital forum in which the member states of the United Na-

tions may review progress made by considering reports from national governments, international organizations, and nongovernmental organizations;

Whereas the United States was an active and positive participant in UNCED negotiations regarding the Commission, and will play a major role in the decisions of the 47th United Nations General Assembly regarding the specific modalities and effectiveness of the Commission;

Whereas the agreements adopted at UNCED are milestones toward the achievement of environmentally sustainable economic development and for holding governments accountable for progress toward integrating environment and development;

Whereas many opportunities for agreements concerning more extensive actions on critical issues remained unresolved at UNCED and will require further attention by the nations of the world; and

Whereas the ultimate success of achieving sustainable development and a healthy environment at the national and international levels depends upon actions taken at the State and local community levels, and on actions by schools, public offices, businesses, and citizens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) effective follow-up to achieve the many goals of the agreements reached at the United Nations Conference on Environment and Development (hereinafter in this resolution referred to as ''UNCED'') will depend on the following actions by the President and the United States Government:

(a) The United States should adopt a national strategy for environmentally sustainable development, based on an extensive process of nationwide consultations with all interested organizations and individuals, including State and local governments, nongovernmental organization, businesses, and labor groups.

(B) The United States Government should encourage and facilitate, at all levels of community and sectors of society, appropriate means for adopting individual Agenda 21 plans of action, including the establishment of local, county, State, business, and other boards and commissions for achieving sustainable development. Each member of the Congress should help initiate this process within their States or districts.

(C) The President should establish an effective mechanism to plan, initiate, and coordinate United States policy for implementing Agenda 21. Responsibility should be vested in a duly constituted office, headed by an appropriate high level official, and the necessary staff support structure should be provided.

(D) Policies should be formulated for foreign policy and foreign assistance in order to help developing countries, and for domestic actions in order to assure appropriate action by the United States to implement Agenda 21;

(2) in order to contribute to a transition to a sustainable United States economy, the research and policy initiatives urged in Agenda 21 should be pursued, including research on sustainable consumption and production patterns, creation of a policy framework for sustainable consumption patterns, identification of a strategy to eliminate or reduce subsidies for unsustainable natural resource exploitation, and to improve pricing policies;

(3) the Congress should adopt a plan to reallocate an appropriate amount of savings from reduced defense spending in order to achieve its goals of global environmental protection and sustainable development over the next decade;

(4) the President should urge and actively participate in new and existing multilateral efforts aimed at creating a more favorable international economic climate for developing countries to practice sustainable *development, and such* efforts should include international consultations regarding reduction in developing country debt linked with environmental policy reforms, and increased loans and concessional assistance upon development and implementation of national sustainable development strategies in developing countries;

(5) the United States should actively support, at the 47th United Nations General Assembly, the effective establishment of a high-level United Nations Commission on Sustainable Development (hereinafter in this resolution referred to as the ''Commission''), including the establishment of provisions for meaningful participation by organizations of the United Nations system, international financial institutions, and other relevant intergovernmental organizations and nongovernmental organizations recommended by UNCED;

(6) the President should affirm strong United States commitment to the Commission by appointing a high-level representative from the United States to the Commission, and by encouraging the United Nations Secretary General to appoint an Under Secretary General for Sustainable Development to coordinate the implementation of Agenda 21 in the United Nations system and *to* head the secretariat support structure for the Commission;

(7) the President should submit a national report for the Commission on activities the United States has undertaken to implement Agenda 21, both domestically and internationally, on progress made toward fulfilling other commitments undertaken at UNCED, and on other environmental and developmental issues that the United States finds relevant, and should strongly encourage all United Nations members to submit national reports;

(8) the United States should *encourage the Commission* to call for periodic international meetings to continue the process toward developing and advancing international agreement to facilitate sustainable economic development for the protection of the global environment and the promotion of human dignity of current and future generations; and

(9) the President should submit an annual report to the Congress on the steps taken by the United States to implement Agenda 21 and the recommendations made by this *resolution, and* should make information regarding such steps available to members of the Congress upon their request.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. ENGEL and Mr. BROOMFIELD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. MAZZOLI, 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 concurrent resolution, as amended, was agreed to.

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

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶118.46 ENTERPRISE FOR THE AMERICAS INITIATIVE

Mr. DE LA GARZA moved to suspend the rules and pass the bill (H.R. 4059) to amend the Agricultural Trade Development and Assistance Act of 1954 to authorize additional functions within the Enterprise for the Americas Initiative, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. DE LA GARZA and Mr. BROOMFIELD, 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. MAZZOLI, 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.

¶118.47 TROPICAL FOREST RECOVERY

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill of the Senate (S. 2679) to promote the recovery of Hawaii tropical forests, and for other purposes.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶118.48 CONGRESSIONAL AWARD BOARD

Mr. OWENS of New York moved to suspend the rules and pass the bill (H.R. 6049) to amend the Congressional Award Act to revise and extend authorities for the Congressional Award Board.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. OWENS of New York and Mr. GOODLING, 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. MAZZOLI, 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 request the concurrence of the Senate in said bill.

¶118.49 VOCATIONAL REHABILITATION PROGRAMS

Mr. OWENS of New York moved to suspend the rules and agree to the following conference report (Rept. No. 102–973):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5482), to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rehabilitation Act Amendments of 1992''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—ADMINISTRATION AND VOCATIONAL REHABILITATION SERVICES

Subtitle A—Administration

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Allotment percentage.
Sec. 104. Nonduplication.
Sec. 105. Administration of the Act.
Sec. 106. Reports.
Sec. 107. Evaluation.
Sec. 108. Review of applications.
Sec. 109. Carryover.
Sec. 110. Client assistance information.
Sec. 111. Traditionally underserved populations.

Subtitle B—Vocational Rehabilitation Services

Sec. 121. Policy; authorization of appropriations.
Sec. 122. State plans.
Sec. 123. Determinations of eligibility and individualized written rehabilitation program.
Sec. 124. Scope of vocational rehabilitation services.
Sec. 125. Non-Federal share for construction.
Sec. 126. State Rehabilitation Advisory Council.
Sec. 127. Evaluation.
Sec. 128. Monitoring and review.
Sec. 129. Expenditure of certain amounts.
Sec. 130. Training of employers with respect to Americans with Disabilities Act of 1990.
Sec. 131. Reallotment.
Sec. 132. Payments to States.
Sec. 133. Client assistance program.
Sec. 134. Innovation and expansion grants.
Sec. 135. Study of needs of American Indians with handicaps.
Sec. 136. Review of data collection system.
Sec. 137. Exchange of data.
Sec. 138. Effective date.

TITLE II—RESEARCH

Sec. 201. Declaration of purpose.
Sec. 202. Authorization of appropriations.
Sec. 203. National Institute on Disability and Rehabilitation Research.
Sec. 204. Interagency committee.
Sec. 205. Research.
Sec. 206. Rehabilitation Research Advisory Council.

TITLE III—TRAINING AND DEMONSTRATION PROJECTS

Sec. 301. Declaration of purpose; organization.
Sec. 302. Training.
Sec. 303. Community rehabilitation programs for individuals with disabilities.
Sec. 304. Loan guarantees.
Sec. 305. Comprehensive rehabilitation centers.
Sec. 306. General grant and contract requirements.
Sec. 307. Authorization of appropriations for special projects and supplementary services.
Sec. 308. Special demonstration programs.
Sec. 309. Migratory workers.
Sec. 310. Special recreational programs.

TITLE IV—NATIONAL COUNCIL ON DISABILITY

Sec. 401. Establishment of National Council on Disability.
Sec. 402. Duties of National Council.
Sec. 403. Compensation of National Council members.
Sec. 404. Staff of National Council.
Sec. 405. Administrative powers of National Council.
Sec. 406. Authorization of appropriations.

TITLE V—RIGHTS AND ADVOCACY

Sec. 501. Rights and advocacy.
Sec. 502. Effect on existing law.
Sec. 503. Employment of individuals with disabilities.
Sec. 504. References to the Architectural and Transportation Barriers Compliance Board.
Sec. 505. Employment under Federal contracts.
Sec. 506. Nondiscrimination under Federal grants and programs.
Sec. 507. Secretarial responsibilities.
Sec. 508. Interagency Disability Coordinating Council.
Sec. 509. Electronic and information technology accessibility guidelines.
Sec. 510. Protection and advocacy of individual rights.

TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Subtitle A—Community Service Employment Pilot Program for Individuals With Disabilities

Sec. 601. Pilot program.
Sec. 602. Treatment of personal assistance services costs.
Sec. 603. Definitions.
Sec. 604. Authorization of appropriations.

Subtitle B—Projects With Industry

Sec. 611. Projects With Industry.
Sec. 612. Business opportunities for individuals with disabilities.
Sec. 613. Authorization of appropriations.

Subtitle C—Supported Employment Services for Individuals With Severe Disabilities

Sec. 621. Supported employment.

TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

Sec. 701. Services and centers.
Sec. 702. Effective date.
Sec. 703. Independent living services for older individuals who are blind.

TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

Sec. 801. Special demonstrations and training projects.

TITLE IX—AMENDMENTS TO OTHER ACTS

Subtitle A—Helen Keller National Center

Sec. 901. Congressional findings.
Sec. 902. Continued operation of Center.
Sec. 903. Audit, monitoring, and evaluation.
Sec. 904. Authorization of appropriations.
Sec. 905. Definitions.
Sec. 906. Construction of Act, effect on agreements.
Sec. 907. Establishment of a program.
Sec. 908. Technical and conforming amendments.

Subtitle B—Other Programs

Sec. 911. Committee for Purchase From People Who Are Blind or Severely Disabled.
Sec. 912. Individuals With Disabilities Education Act.
Sec. 913. Technology-Related Assistance for Individuals With Disabilities Act of 1988.
Sec. 914. President's Committee on Employment of People With Disabilities.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

TITLE I—ADMINISTRATION AND VOCATIONAL REHABILITATION SERVICES

Subtitle A—Administration

SEC. 101. FINDINGS AND PURPOSE.

Section 2 (29 U.S.C. 701) is amended to read as follows:

''FINDINGS; PURPOSE; POLICY

''SEC. 2. (a) FINDINGS.—Congress finds that—

''(1) millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing;

''(2) individuals with disabilities constitute one of the most disadvantaged groups in society;

''(3) disability is a natural part of the human experience and in no way diminishes the right of individuals to—

''(A) live independently;

''(B) enjoy self-determination;

''(C) make choices;

''(D) contribute to society;

''(E) pursue meaningful careers; and

''(F) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society;

''(4) increased employment of individuals with disabilities can be achieved through the provision of individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

''(5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and public services; and

''(6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to—

''(A) make informed choices and decisions; and

''(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.

''(b) PURPOSE.—The purposes of this Act are—

''(1) to empower individuals with disabilities to maximize employment, economic

self-sufficiency, independence, and inclusion and integration into society, through—

''(A) comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;

''(B) independent living centers and services;

''(C) research;

''(D) training;

''(E) demonstration projects; and

''(F) the guarantee of equal opportunity; and

''(2) to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with severe disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

''(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

''(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

''(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

''(3) inclusion, integration, and full participation of the individuals;

''(4) support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and

''(5) support for individual and systemic advocacy and community involvement.''.

SEC. 102. DEFINITIONS.

(a) DESIGNATED STATE AGENCY.—Section 7(3) (29 U.S.C. 706(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(2) by striking ''(3)'' and inserting the following:

''(3)(A) The term 'designated State agency' means an agency designated under section 101(a)(1)(A).

''(B)''.

(b) ESTABLISHMENT OF A COMMUNITY REHABILITATION PROGRAM.—Section 7(4) (29 U.S.C. 706(4)) is amended—

(1) by striking ''rehabilitation facility'' each place the term appears and inserting ''community rehabilitation program'';

(2) by striking ''means'' and inserting ''includes''; and

(3) by striking ''such facilities)'' and inserting ''facilities for community rehabilitation programs)''.

(c) EMPLOYMENT OUTCOME.—Section 7(6) (29 U.S.C. 706(6)) is amended to read as follows:

''(6) The term 'employment outcome' means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market (including satisfying the vocational outcome of supported employment) or satisfying any other vocational outcome the Secretary may determine, consistent with this Act.''.

(d) DRUG.—Section 7 (29 U.S.C. 706) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (4) and (6) as paragraphs (6) and (5), respectively;

(3) by inserting paragraph (6) (as so redesignated by paragraph (2) of this subsection) before paragraph (7);

(4) by redesignating paragraph (22) as paragraph (4); and

(5) by inserting paragraph (4) (as so redesignated by paragraph (4) of this subsection) after paragraph (3).

(e) FEDERAL SHARE.—Section 7(7) (29 U.S.C. 706(7)) is amended—

(1) in subparagraph (A), by striking ''80 percent'' and inserting ''78.7 percent'';

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(4) in subparagraph (B) (as redesignated by paragraph (3) of this subsection), by striking ''section 301(b)(3)'' each place the term appears and inserting ''section 111(a)(3)''.

(f) INDIVIDUAL WITH DISABILITIES.—Section 7(8) (29 U.S.C. 706(8)) is amended—

(1) in subparagraph (A)—

(A) by striking ''handicaps'' and inserting ''a disability'';

(B) in clause (i)—

(i) by striking ''disability'' and inserting ''impairment''; and

(ii) by striking ''handicap'' and inserting ''impediment''; and

(C) in clause (ii)—

(i) by striking ''reasonably be expected to'';

(ii) by striking ''employability'' and inserting ''an employment outcome''; and

(iii) by striking ''titles I and III'' and inserting ''titles I, II, III, VI, and VIII'';

(2) in subparagraph (B)—

(A) by striking ''(C) and (D)'' and inserting ''(C), (D), (E), and (F)'';

(B) by striking ''handicaps'' and inserting ''a disability''; and

(C) by striking ''titles IV and V'' and inserting ''sections 2, 14, and 15, and titles IV and V'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''handicaps'' and inserting ''a disability'';

(B) in clause (ii), by striking ''handicaps'' and inserting ''a disability'';

(C) in clause (iv)—

(i) by striking ''handicapped student'' and inserting ''student who is an individual with a disability and''; and

(ii) by striking ''nonhandicapped students'' and inserting ''students who are not individuals with disabilities''; and

(D) in clause (v) by striking ''handicaps'' and inserting ''a disability''; and

(4) by adding at the end the following:

''(E) For the purposes of sections 501, 503 and 504—

''(i) for purposes of the application of subparagraph (B) to such sections, the term 'impairment' does not include homosexuality or bisexuality; and

''(ii) therefore the term 'individual with a disability' does not include an individual on the basis of homosexuality or bisexuality.

''(F) For the purposes of sections 501, 503, and 504, the term 'individual with a disability' does not include an individual on the basis of—

''(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

''(ii) compulsive gambling, kleptomania, or pyromania; or

''(iii) psychoactive substance use disorders resulting from current illegal use of drugs.''.

(g) NONPROFIT.—Section 7(10) (29 U.S.C. 706(10)) is amended by striking ''with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by'' and inserting ''with respect to a community rehabilitation program, means a community rehabilitation program carried out by''.

(h) PERSONAL ASSISTANCE SERVICES.—Section 7 (29 U.S.C. 706) is amended—

(1) by striking paragraph (13);

(2) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively; and

(3) by inserting after paragraph (10) the following:

''(11) The term 'personal assistance services' means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.''.

(i) REHABILITATION TECHNOLOGY.—Section 7(13) (29 U.S.C. 706(13)) (as so redesignated by subsection (h)(2)) is amended—

(1) by striking ''rehabilitation engineering'' and inserting ''rehabilitation technology''; and

(2) by adding at the end the following: ''The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.''.

(j) INDIVIDUAL WITH A SEVERE DISABILITY.—Section 7(15) (29 U.S.C. 706(15)) is amended—

(1) in subparagraph (A)—

(A) by striking ''subparagraph (B)'' and inserting ''subparagraph (B) or (C)'';

(B) in clause (i)—

(i) by striking ''disability'' and inserting ''impairment''; and

(ii) by striking ''employability'' and inserting ''an employment outcome''; and

(C) in clause (iii), by striking ''evaluation of rehabilitation potential'' and inserting ''assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (A) and (C) of paragraph (22)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) For purposes of title VII, the term 'individual with a severe disability' means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment, respectively.

''(C) For purposes of section 13 and title II, the term 'individual with a severe disability' includes an individual described in subparagraph (A) or (B).''.

(k) STATE.—Section 7(16) (29 U.S.C. 706(16)) is amended to read as follows:

''(16) The term 'State' includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect).''.

(l) SUPPORTED EMPLOYMENT.—Section 7(18) (29 U.S.C. 706(18)) is amended to read as follows:

''(18)(A) The term 'supported employment' means competitive work in integrated work settings for individuals with the most severe disabilities—

''(i)(I) for whom competitive employment has not traditionally occurred; or

''(II) for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

''(ii) who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work.

''(B) Such term includes transitional employment for persons who are individuals with the most severe disabilities due to mental illness.''.

(m) PUBLIC OR NONPROFIT.—Section 7(19) (29 U.S.C. 706(19)) is amended to read as follows:

''(19) The term 'public or nonprofit', with respect to an agency or organization, includes an Indian tribe.''.

(n) ADDITIONAL DEFINITIONS.—Section 7 (29 U.S.C. 706) (as amended by subsection (d)(4)) is amended by adding at the end the following new paragraphs:

''(22) The term 'assessment for determining eligibility and vocational rehabilitation needs' means, as appropriate in each case—

''(A)(i) a review of existing data—

''(I) to determine whether an individual is eligible for vocational rehabilitation services; and

''(II) to assign the priority described in section 101(a)(5)(A) in the States that use an order of selection pursuant to section 101(a)(5)(A); and

''(ii) to the extent additional data is necessary to make such determination and assignment, a preliminary assessment of such data (including the provision of goods and services during such assessment);

''(B) to the extent additional data is necessary, a comprehensive assessment (including the administration of the assessment) of the unique strengths, resources, priorities, interests, and needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services to be included in the individualized written rehabilitation program of the individual, which comprehensive assessment—

''(i) is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the rehabilitation program of the individual;

''(ii) uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

''(I) existing information; and

''(II) such information as can be provided by the individual and, where appropriate, by the family of the individual;

''(iii) may include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual; and

''(iv) may include an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

''(C)(i) referral;

''(ii) where appropriate, the provision of rehabilitation technology services to an individual with a disability to assess and develop the capacities of the individual to perform in a work environment; and

''(iii)(I) the provision of vocational rehabilitation services to an individual for a total period not in excess of 18 months for the limited purpose of making determinations regarding whether an individual is eligible for vocational rehabilitation services and regarding the nature and scope of vocational rehabilitation services needed for such individual; and

''(II) an assessment at least once in every 90-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (I) may be made.

''(23) The term 'assistive technology device' has the meaning given such term in section 3(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(1)), except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (8)(A).

''(24) The term 'assistive technology service' has the meaning given such term in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)), except that the reference in such section—

''(A) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (8)(A); and

''(B) to the term 'individuals with disabilities' shall be deemed to mean more than one such individual.

''(25) The term 'community rehabilitation program' means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement—

''(A) medical, psychiatric, psychological, social, and vocational services that are provided under one management;

''(B) testing, fitting, or training in the use of prosthetic and orthotic devices;

''(C) recreational therapy;

''(D) physical and occupational therapy;

''(E) speech, language, and hearing therapy;

''(F) psychiatric, psychological, and social services, including positive behavior management;

''(G) assessment for determining eligibility and vocational rehabilitation needs;

''(H) rehabilitation technology;

''(I) job development, placement, and retention services;

''(J) evaluation or control of specific disabilities;

''(K) orientation and mobility services for individuals who are blind;

''(L) extended employment;

''(M) psychosocial rehabilitation services;

''(N) supported employment services and extended services;

''(O) services to family members when necessary to the vocational rehabilitation of the individual;

''(P) personal assistance services; or

''(Q) services similar to the services described in one of subparagraphs (A) through (P).

''(26) The term 'disability' means—

''(A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or

''(B) for purposes of sections 2, 14, and 15, and titles II, III, IV, V, and VIII, a physical or mental impairment that substantially limits one or more major life activities.

''(27) The term 'extended services' means ongoing support services and other appropriate services, needed to support and maintain an individual with the most severe disability in supported employment, that—

''(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining integrated, competitive employment;

''(B) are based on a determination of the needs of an eligible individual, as specified in an individualized written rehabilitation program; and

''(C) are provided by a State agency, a nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from support provided by the designated State unit.

''(28)(A) The term 'impartial hearing officer' means an individual—

''(i) who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

''(ii) who is not a member of the State Rehabilitation Advisory Council described in section 105;

''(iii) who has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or client;

''(iv) who has knowledge of the delivery of vocational rehabilitation services, the State plan under section 101, and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties; and

''(v) who has no personal or financial interest that would be in conflict with the objectivity of the individual.

''(B) An individual shall not be considered to be an employee of a public agency for purposes of subparagraph (A)(i) solely because the individual is paid by the agency to serve as a hearing officer.

''(29) The term 'independent living core services' means—

''(A) information and referral services;

''(B) independent living skills training;

''(C) peer counseling (including cross-disability peer counseling); and

''(D) individual and systems advocacy.

''(30) The term 'independent living services' includes—

''(A) independent living core services; and

''(B)(i) counseling services, including psychological, psychotherapeutic, and related services;

''(ii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);

''(iii) rehabilitation technology;

''(iv) mobility training;

''(v) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;

''(vi) personal assistance services, including attendant care and the training of personnel providing such services;

''(vii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

''(viii) consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act;

''(ix) education and training necessary for living in a community and participating in community activities;

''(x) supported living;

''(xi) transportation, including referral and assistance for such transportation;

''(xii) physical rehabilitation;

''(xiii) therapeutic treatment;

''(xiv) provision of needed prostheses and other appliances and devices;

''(xv) individual and group social and recreational services;

''(xvi) training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-

empowerment skills, and explore career options;

''(xvii) services for children;

''(xviii) services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance, of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with disabilities;

''(xix) appropriate preventive services to decrease the need of individuals assisted under this Act for similar services in the future;

''(xx) community awareness programs to enhance the understanding and integration into society of individuals with disabilities; and

''(xxi) such other services as may be necessary and not inconsistent with the provisions of this Act.

''(31)(A) The term 'individuals with disabilities' means more than one individual with a disability.

''(B) The term 'individuals with severe disabilities' means more than one individual with a severe disability.

''(C) The term 'individuals with the most severe disabilities' means more than one individual with the most severe disability.

''(32) The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

''(33) The term 'ongoing support services' means services—

''(A) provided to individuals with the most severe disabilities;

''(B) provided, at a minimum, twice monthly—

''(i) to make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and

''(ii) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

''(C) consisting of—

''(i) a particularized assessment supplementary to the comprehensive assessment described in paragraph (22)(B);

''(ii) the provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

''(iii) job development and placement;

''(iv) social skills training;

''(v) regular observation or supervision of the individual;

''(vi) followup services such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates, or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

''(vii) facilitation of natural supports at the worksite;

''(viii) any other service identified in section 103; or

''(ix) a service similar to another service described in this subparagraph.

''(34) The term 'supported employment services' means ongoing support services and other appropriate services needed to support and maintain an individual with the most severe disability in supported employment, that—

''(A) are provided singly or in combination and are organized and made available in such a way to assist an eligible individual in entering or maintaining integrated, competitive employment;

''(B) are based on a determination of the needs of an eligible individual, as specified in an individualized written rehabilitation program; and

''(C) are provided by the designated State unit for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized written rehabilitation program.

''(35) The term 'transition services' means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post school activities, including post secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(o) TECHNICAL AMENDMENT.—Section 101 (29 U.S.C. 721) is amended—

(1) by striking ''clause'' each place the term appears and inserting ''paragraph'';

(2) by striking ''subclause'' each place the term appears and inserting ''subparagraph''; and

(3) by striking ''clauses'' and inserting ''paragraphs''.

(p) CONFORMING AMENDMENTS; INDIVIDUALS WITH DISABILITIES.—

(1) The title of the Act (29 U.S.C. 701 et seq.) is amended—

(A) by striking ''those with the most severe handicaps'' and inserting ''individuals with the most severe disabilities''; and

(B) by striking ''individuals with handicaps'' each place such term appears and inserting ''individuals with disabilities''.

(2) The table of contents relating to the Act is amended—

(A) by striking the item relating to section 501 and inserting the following:

''Sec. 501. Employment of individuals with disabilities.'';

(B) by striking the item relating to the title heading for title VI and inserting the following:

''TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES'';

and

(C) by striking the item relating to the part heading for part A of title VI and inserting the following:

''PART A—COMMUNITY SERVICE EMPLOYMENT PROGRAMS FOR INDIVIDUALS WITH DISABILITIES''.

(3) Section 7 (29 U.S.C. 706) is amended—

(A) in paragraph (13) (as so redesignated by subsection (h)(2)) by striking ''handicaps'' and inserting ''disabilities'';

(B) in paragraph (15)(A)—

(i) by striking ''severe handicaps'' and inserting ''a severe disability''; and

(ii) by striking ''handicaps (as defined in paragraph (8))'' and inserting ''a disability''; and

(C) in paragraph (17) by striking ''handicaps'' and inserting ''disabilities''.

(4) The last sentence of section 13 (29 U.S.C. 712) is amended by striking ''handicaps'' and inserting ''disabilities''.

(5) Section 14(a) (29 U.S.C. 713(a)) is amended by striking ''handicaps'' and inserting ''disabilities''.

(6) Section 15 (29 U.S.C. 714) is amended—

(A) in subsections (a) and (b) by striking ''handicaps'' each place such term appears and inserting ''disabilities'';

(B) in subsection (a)(2) by striking ''handicapping conditions'' and inserting ''disabilities''; and

(C) in subsection (c) by striking ''the Handicapped'' and inserting ''Individuals with Disabilities''.

(7) Section 101(a) (29 U.S.C. 721(a)) is amended—

(A) in paragraph (1)—

(i) by striking ''handicaps'' each place such term appears and inserting ''disabilities'';

(ii) in subparagraph (A)(i)—

(I) by striking ''the blind'' each place such term appears and inserting ''individuals who are blind''; and

(II) by striking ''the adult blind'' and inserting ''adults who are blind''; and

(iii) in subparagraph (B), by striking ''the blind'' and inserting ''individuals who are blind'';

(B) in paragraph (2)(B) by striking ''the blind'' and inserting ''individuals who are blind'';

(C) in paragraphs (2), (4), (5), (6), (10), (11), (12), (21), and in the matter preceding paragraph (16), by striking ''handicaps'' each place such term appears and inserting ''disabilities'';

(D) in paragraph (9) by striking ''handicaps'' and inserting ''a disability'';

(E) in paragraph (13)(B) by striking ''with handicaps whose handicapping conditions arises from a disability sustained'' and inserting ''with a disability whose disability was sustained'';

(F) in paragraph (20)—

(i) by striking ''American Indians with handicaps'' and inserting ''American Indians who are individuals with disabilities''; and

(ii) by striking ''individuals with handicaps'' and inserting ''individuals with disabilities''; and

(G) in paragraph (22)—

(i) by striking ''the deaf'' and inserting ''individuals who are deaf''; and

(ii) by striking ''handicaps'' and inserting ''disabilities''.

(8) Subsections (c) and (d) of section 102 (29 U.S.C. 722 (c) and (d)) are amended by striking ''handicaps'' and inserting ''a disability''.

(9) Section 103 (29 U.S.C. 723) is amended—

(A) in the matter preceding paragraph (1) in subsection (a), and in subsection (b)(2), by striking ''handicaps'' and inserting ''a disability'';

(B) except as provided in subparagraph (A), by striking ''handicaps'' each place such term appears and inserting ''disabilities'';

(C) in subsection (a)—

(i) in subparagraph (E) of paragraph (4), by striking ''suffering from'' and inserting ''with'';

(ii) in paragraph (6), by striking ''deaf individuals'' and inserting ''individuals who are deaf''; and

(iii) in paragraph (8), by striking ''the blind'' and inserting ''individuals who are blind''; and

(D) in subsection (b)(4)—

(i) by striking ''the blind'' and inserting ''individuals who are blind''; and

(ii) by striking ''the deaf'' and inserting ''individuals who are deaf''.

(10) Section 112 (29 U.S.C. 732) is amended by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(11) Section 130 (29 U.S.C. 750) is amended—

(A) in subsections (a) and (b)(1)(B) by striking ''American Indians with handicaps'' and inserting ''American Indians who are individuals with disabilities''; and

(B) in subsection (b)(1)(B) by striking ''individuals with handicaps'' and inserting ''individuals with disabilities''.

(12) Section 202 (29 U.S.C. 761a) is amended—

(A) by striking ''handicaps'' each place such term appears and inserting ''disabilities''; and

(B) in subsection (c)(1) by striking ''the Handicapped'' and inserting ''Disability''.

(13) Subsections (b) and (c) of section 203 (29 U.S.C. 761b (b) and (c)) are amended by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(14) Section 204 (29 U.S.C. 762) is amended—

(A) in subsection (b)—

(i) in paragraph (4), by striking ''individuals suffering from'' and inserting ''individuals with'';

(ii) in paragraph (8)—

(I) by striking ''children with handicaps'' and inserting ''children who are individuals with disabilities''; and

(II) by striking ''American Indians with handicaps'' and inserting ''American Indians who are individuals with disabilities'';

(iii) in paragraph (10), by striking ''deaf individuals'' and inserting ''individuals who are deaf''; and

(iv) in paragraph (11)—

(I) by striking ''children with handicaps'' and inserting ''children who are individuals with disabilities''; and

(II) by striking ''children with severe handicaps'' each place such term appears and inserting ''children who are individuals with severe disabilities''; and

(B) except as provided in subparagraph (A), by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(15) Section 300 (29 U.S.C. 770) is amended—

(A) in paragraph (2) by striking ''handicaps'' and inserting ''disabilities''; and

(B) in paragraph (3)—

(i) by striking ''individuals with handicaps'' each place such term appears and inserting ''individuals with disabilities'';

(ii) by striking ''older blind individuals, and deaf individuals'' and inserting ''older individuals who are blind, and individuals who are deaf'';

(iii) by striking ''workers with handicaps'' and inserting ''workers who are individuals with disabilities''; and

(iv) by striking ''farmworkers with handicaps'' and inserting ''farmworkers who are individuals with disabilities''.

(16) Section 302 (29 U.S.C. 772) is amended—

(A) in the section heading, by striking ''HANDICAPS'' and inserting ''DISABILITIES''; and

(B) in subsections (b) and (c) by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(17) Section 303(a) (29 U.S.C. 773(a)) is amended by striking ''handicaps'' and inserting ''disabilities''.

(18) Section 304 (29 U.S.C. 774) is amended—

(A) by striking ''handicaps'' each place such term appears and inserting ''disabilities''; and

(B) in subsection (b)(2)(B), by striking ''handicap'' and inserting ''disability''.

(19) Section 305(a) (29 U.S.C. 775(a)) is amended—

(A) in paragraph (1), by striking ''handicaps'' each place such term appears and inserting ''disabilities''; and

(B) in paragraph (2) by striking ''the deaf'' and inserting ''individuals who are deaf''.

(20) Subsections (f) and (h) of section 306 (29 U.S.C. 776 (f) and (h)) are amended by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(21) Section 311 (29 U.S.C. 777a) is amended—

(A) in subsection (a), by striking ''handicaps'' each place such term appears and inserting ''disabilities'';

(B) in subsection (c)(1), by striking ''with handicaps'' and inserting ''who are individuals with disabilities'';

(C) in subsection (d)(3), by striking ''handicaps'' and inserting ''disabilities''; and

(D) in subsection (e)—

(i) in paragraph (1), by striking ''with severe handicaps'' and inserting ''who are individuals with severe disabilities''; and

(ii) in paragraph (4)(B), by striking ''youths with severe handicaps and youths with mild handicaps'' and inserting ''youths who are individuals with severe disabilities and other youths with disabilities''.

(22) Section 312 (29 U.S.C. 777b) is amended by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(23) Section 314 (29 U.S.C. 777d) is amended—

(A) in the section heading, by striking ''THE BLIND'' and inserting ''INDIVIDUALS WHO ARE BLIND'';

(B) in subsection (a)(1), by striking ''blind persons'' and inserting ''individuals who are blind and'';

(C) in subsection (a)(2)—

(i) by striking ''available to blind persons'' and inserting ''available to individuals who are blind'';

(ii) by striking ''needs of blind persons'' and inserting ''needs of such individuals''; and

(iii) by striking ''to assist blind persons'' and inserting ''to assist such individuals''; and

(D) in paragraphs (1), (2), (5), and (6) of subsection (c), by striking ''blind persons'' and inserting ''individuals who are blind''.

(24) Section 315 (29 U.S.C. 777e) is amended—

(A) in the section heading, by striking ''THE DEAF'' and inserting ''INDIVIDUALS WHO ARE DEAF'';

(B) in subsection (a), by striking ''deaf individuals'' each place such term appears and inserting ''individuals who are deaf'';

(C) in subsection (b)(1), by striking ''to the maximum number of deaf individuals feasible'' and inserting ''to the maximum feasible number of individuals who are deaf'';

(D) in subsection (c), by striking ''deaf individuals'' each place such term appears and inserting ''individuals who are deaf''; and

(E) in subsection (d), by striking ''deaf individuals'' and inserting ''individuals who are deaf and''.

(25) Section 316(a)(1) (29 U.S.C. 777f(a)(1)) is amended—

(A) by striking ''individuals with handicaps'' each place such term appears and inserting ''individuals with disabilities''; and

(B) by striking ''peers without handicaps'' and inserting ''peers who are not individuals with disabilities''.

(26) Section 400(a) (29 U.S.C. 780(a)) is amended by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(27) Section 401(a) (29 U.S.C. 781(a)) is amended—

(A) in paragraph (4), by striking ''individuals with handicaps and'' each place such term appears; and

(B) in paragraphs (5), (6), and (7), by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(28) Section 403(a)(1) (29 U.S.C. 783(a)(1)) is amended by striking ''handicaps'' and inserting ''disabilities''.

(29) Section 501 (29 U.S.C. 791) is amended—

(A) in the section heading, by striking ''HANDICAPS'' and inserting ''DISABILITIES'';

(B) in subsection (a), by striking ''Handicapped Employees'' and inserting ''Employees who are Individuals with Disabilities'';

(C) in subsections (a), (b), (c), (d), and (f), by striking ''individuals with handicaps'' each place such term appears and inserting ''individuals with disabilities''; and

(D) in subsection (b), by striking ''employees with handicaps'' and inserting ''employees who are individuals with disabilities''.

(30) Subsections (a), (c), (g), and (h) of section 502 (29 U.S.C. 792 (a), (c), (g), and (h)) are amended by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(31) Section 503 (29 U.S.C. 793) is amended—

(A) in subsection (a), by striking ''handicaps as defined in section 7(8)'' and inserting ''disabilities''; and

(B) in subsection (b)—

(i) by striking ''individual with handicaps'' and inserting ''individual with a disability''; and

(ii) by striking ''individuals with handicaps'' each place such term appears and inserting ''individuals with disabilities''.

(32) Section 504 (29 U.S.C. 794) is amended in subsection (a)—

(A) by striking ''handicaps'' and inserting ''a disability''; and

(B) by striking ''handicap'' and inserting ''disability''.

(33) Title VI is amended in the title heading by striking ''HANDICAPS'' and inserting ''DISABILITIES''.

(34) Section 601 (29 U.S.C. 701 note) is amended by striking ''Handicaps'' and inserting ''Disabilities''.

(35) Part A of title VI is amended in the part heading, by striking ''HANDICAPS'' and inserting ''DISABILITIES''.

(36) Subsections (a) and (b) of section 611 (29 U.S.C. 795 (a) and (b)) are amended by striking ''handicaps'' each place such term appears and inserting ''disabilities''.

(37) Section 615(a)(1) (29 U.S.C. 795d(a)(1)) is amended by striking ''handicaps'' and inserting ''disabilities''.

(38) Section 616(2) (29 U.S.C. 795e(2)) is amended, by striking ''handicaps'' and inserting ''disabilities''.

(39) Section 622 (29 U.S.C. 795h) is amended—

(A) in the section heading, by striking ''HANDICAPS'' and inserting ''DISABILITIES''; and

(B) by striking ''handicaps'' and inserting ''disabilities''.

SEC. 103. ALLOTMENT PERCENTAGE.

Section 8(a)(1) (29 U.S.C. 707(a)(1)) is amended—

(1) by striking ''The'' and inserting ''For purposes of section 110, the''; and

(2) by striking ''and the Trust Territory of the Pacific Islands'' and inserting ''and the Republic of Palau (until the Compact of Free Association with Palau takes effect)''.

SEC. 104. NONDUPLICATION.

The second sentence of section 10 (29 U.S.C. 709) is amended by striking ''rehabilitation facilities'' and inserting ''community rehabilitation programs''.

SEC. 105. ADMINISTRATION OF THE ACT.

(a) TRAINING.—Section 12(a)(2) (29 U.S.C. 711(a)(2)) is amended by inserting before the semicolon the following: '', including training for the personnel of community rehabilitation programs, centers for independent living, and other providers of services (including job coaches)''.

(b) ISSUANCE OF REGULATIONS.—Section 12 (29 U.S.C. 711) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

''(d) The Secretary shall promulgate regulations regarding the requirements for the implementation of an order of selection for vocational rehabilitation services under section 101(a)(5)(A) if such services cannot be provided to all eligible individuals with disabilities who apply for such services.

''(e)(1) Not later than 120 days after the date of the enactment of the Rehabilitation Act Amendments of 1992, the Secretary shall receive public comment and promulgate regulations establishing criteria pertaining to the selection of vocational rehabilitation services, and of vocational rehabilitation services providers, by an individual with a

disability, consistent with the individualized written rehabilitation program of the individual under section 102.

''(2) Regulations under paragraph (1) shall include the following:

''(A) Procedures that States must adopt to ensure that the services provided under this Act are of sufficient scope and quality, that the costs of such services and the length of time such services are provided are reasonable, and that such services are available in a timely manner.

''(B) Procedures that prevent fraud, waste, and abuse.

''(C) Procedures to assure that services are provided in the most integrated settings.

''(D) Procedures to assure that rehabilitation providers comply with State guarantees, such as—

''(i) affirmative action procedures with respect to the employment of individuals with disabilities;

''(ii) standards governing community rehabilitation programs and qualified personnel utilized for the provision of vocational rehabilitation services; and

''(iii) minimum standards to ensure the availability of personnel, to the maximum extent feasible, trained to communicate in the native language or mode of communication of the client.

''(E) Standards to be adhered to by providers to help ensure the integrity of services.

''(F) Guidelines for assisting individuals with disabilities and for providing information about available vocational rehabilitation service providers, especially for assisting—

''(i) individuals with cognitive and other disabilities who, due to the nature of the disability, require support and assistance in fully implementing the selection and procurement of services; and

''(ii) the parents, family members, guardians, advocates, or authorized representatives of the individuals.''.

SEC. 106. REPORTS.

The fourth sentence of section 13 (29 U.S.C. 712) is amended by inserting ''including types of rehabilitation technology services provided,'' after ''types of services provided,''.

SEC. 107. EVALUATION.

Section 14 (29 U.S.C. 713) is amended—

(1)(A) by striking ''Commissioner'' the first place such term appears and inserting ''Secretary, in consultation with the Commissioner,''; and

(B) except as provided in subparagraph (A), by striking ''Commissioner'' each place such term appears and inserting ''Secretary'';

(2) in the third sentence of subsection (a)—

(A) by striking ''program and'' and inserting ''program,'';

(B) by striking ''and the characteristics'' and inserting '', the characteristics''; and

(C) by inserting before the period '', and the employment outcomes to be attained'';

(3) in subsection (b) by striking ''shall,'' and all that follows through ''obtain'' and inserting ''shall obtain''; and

(4)(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following subsection:

''(f)(1) To assess the linkages between vocational rehabilitation services and economic and non-economic outcomes, the Secretary shall continue to conduct a longitudinal study of a national sample of applicants for the services.

''(2) The study shall address factors related to attrition and completion of the program through which the services are provided and factors within and outside the program affecting results. Appropriate comparisons shall be used to contrast the experiences of similar persons who do not obtain the services.

''(3) The study shall be planned to cover the period beginning on the application of the individuals for the services, through the eligibility determination and provision of services for the individuals, and a further period of not less than 2 years after the termination of services.''.

SEC. 108. REVIEW OF APPLICATIONS.

(a) TRANSFERS.—Section 16(b) (29 U.S.C. 715(b)) is amended by striking ''one-half of''.

(b) COMPENSATION.—Section 18 (29 U.S.C. 717) is amended by striking ''the rate provided for grade GS–18 of the General Schedule under section 5332'' and inserting ''the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''.

SEC. 109. CARRYOVER.

(a) IN GENERAL.—The Act is amended by inserting after section 18 (29 U.S.C. 717) the following new section:

''SEC. 19. CARRYOVER.

''(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out any grant program under part B or C of title I, section 509, part C of title VI, or part B or C of chapter 1 of title VII, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

''(b) NON-FEDERAL SHARE.—Such funds shall remain available for obligation and expenditure by a recipient as provided in subsection (a) only to the extent that the recipient complied with any Federal share requirements applicable to the program for the fiscal year for which the funds were appropriated.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 18 the following:

''Sec. 19. Carryover.''.

SEC. 110. CLIENT ASSISTANCE INFORMATION.

(a) IN GENERAL.—The Act is amended by inserting after section 19 (as added by section 109(a)) the following new section:

''SEC. 20. CLIENT ASSISTANCE INFORMATION.

''All programs, including community rehabilitation programs, and projects, that provide services to individuals with disabilities under this Act shall advise such individuals, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, of the availability and purposes of the client assistance program under section 112, including information on means of seeking assistance under such program.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 19 (as added by section 109(b)) the following:

''Sec. 20. Client assistance information.''.

SEC. 111. TRADITIONALLY UNDERSERVED POPULATIONS.

(a) IN GENERAL.—The Act is amended by inserting after section 20 (as added by section 110(a)) the following section:

''SEC. 21. TRADITIONALLY UNDERSERVED POPULATIONS.

''(a) FINDINGS.—With respect to the programs authorized in titles II through VIII, the Congress finds as follows:

''(1) RACIAL PROFILE.—The racial profile of America is rapidly changing. While the rate of increase for white Americans is 3.2 percent, the rate of increase for racial and ethnic minorities is much higher: 38.6 percent for Latinos, 14.6 percent for African-Americans, and 40.1 percent for Asian-Americans and other ethnic groups. By the year 2000, the Nation will have 260,000,000 people, one of every three of whom will be either African-American, Latino, or Asian-American.

''(2) RATE OF DISABILITY.—Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. The rate of work-related disability for American Indians is about one and one-half times that of the general population. African-Americans are also one and one-half times more likely to be disabled than whites and twice as likely to be severely disabled.

''(3) INEQUITABLE TREATMENT.—Patterns of inequitable treatment of minorities have been documented in all major junctures of the vocational rehabilitation process. As compared to white Americans, a larger percentage of African-American applicants to the vocational rehabilitation system is denied acceptance. Of applicants accepted for service, a larger percentage of African-American cases is closed without being rehabilitated. Minorities are provided less training than their white counterparts. Consistently, less money is spent on minorities than on their white counterparts.

''(4) RECRUITMENT.—Recruitment efforts within vocational rehabilitation at the level of pre-service training, continuing education, and in-service training must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of vocational rehabilitation.

''(b) OUTREACH TO MINORITIES.—

''(1) POLICY.—The Commissioner shall develop a policy to mobilize the resources of the Nation to prepare minorities for careers in vocational rehabilitation, independent living, and related services.

''(2) FOCUS.—This policy shall focus on—

''(A) the recruitment of minorities into the field of vocational rehabilitation counseling and related disciplines; and

''(B) financially assisting Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority enrollment is at least 50 percent to prepare students for vocational rehabilitation and related service careers.

''(3) PLAN.—

''(A) DEVELOPMENT.—The Commissioner shall develop a plan to provide outreach services and other related activities (such as cooperative efforts) to the entities described in subparagraph (B) in order to enhance the capacity and increase the participation of such entities in competitions for grants, contracts, and cooperative agreements under titles I through VIII.

''(B) ENTITIES.—The entities referred to in subparagraph (A) are—

''(i) Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority student enrollment is at least 50 percent;

''(ii) nonprofit and for-profit agencies at least 51 percent owned or controlled by one or more minority individuals; and

''(iii) underrepresented populations.

''(C) FUNDING.—For the purpose of implementing the plan required in subparagraph (A), the Commissioner shall, for each of the fiscal years 1993 through 1997, expend 1 percent of the funds appropriated for the fiscal year involved for carrying out programs authorized in titles II through VIII of this Act, except programs authorized under title IV or V.

''(3) EFFORT.—The Commissioner shall exercise the utmost authority, resourcefulness, and diligence to meet the requirements of this section.

''(4) REPORT.—

''(A) IN GENERAL.—Not later than January 31 of each year, starting with fiscal year 1994, the Commissioner shall prepare and submit to Congress a final report on the progress to-

ward meeting the goals of this section during the preceding fiscal year.

''(B) CONTENTS.—The report shall include—

''(i) a full explanation of any progress toward meeting the goals of this section; and

''(ii) a plan to meet the goals, if necessary.

''(5) DEMONSTRATION.—In awarding grants, contracts, or cooperative agreements under titles I, II, III, VI, VII, and VIII, and section 509, the Commissioner and the Director of the National Institute on Disability and Rehabilitation Research, where appropriate, shall require applicants to demonstrate how they will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 20 (as added by section 110(b)) the following item:

''Sec. 21. Traditionally underserved populations.''.

Subtitle B—Vocational Rehabilitation Services

SEC. 121. POLICY; AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS; PURPOSE; POLICY.—Section 100 (29 U.S.C. 720) is amended—

(1) in the section heading, by striking ''PURPOSE'' and inserting ''POLICY''; and

(2) by striking subsection (a) and inserting the following:

''(a)(1) Congress finds that—

''(A) work—

''(i) is a valued activity, both for individuals and society; and

''(ii) fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in America;

''(B) as a group, individuals with disabilities experience staggering levels of unemployment and poverty;

''(C) individuals with disabilities, including individuals with the most severe disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided;

''(D) reasons for the significant number of individuals with disabilities not working, or working at a level not commensurate with their abilities and capabilities, include—

''(i) discrimination;

''(ii) lack of accessible and available transportation;

''(iii) fear of losing health coverage under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) or fear of losing existing private health insurance; and

''(iv) lack of education, training, and supports to meet job qualification standards necessary to enter or retain or advance in employment;

''(E) enforcement of title V and of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) holds the promise of ending discrimination for individuals with disabilities; and

''(F) the provision of vocational rehabilitation services can enable individuals with disabilities, including individuals with the most severe disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities.

''(2) The purpose of this title is to assist States in operating a comprehensive, coordinated, effective, efficient, and accountable program of vocational rehabilitation that is designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, and capabilities, so that such individuals may prepare for and engage in gainful employment.

''(3) It is the policy of the United States that such a program shall be carried out in a manner consistent with the following principles:

''(A) Individuals with disabilities, including individuals with the most severe disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

''(B) Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.

''(C) Individuals with disabilities must be active participants in their own rehabilitation programs, including making meaningful and informed choices about the selection of their vocational goals and objectives and the vocational rehabilitation services they receive.

''(D) Families and natural supports can play an important role in the success of a vocational rehabilitation program, if the individual with a disability requests, desires, or needs such supports.

''(E) Qualified vocational rehabilitation counselors, other qualified rehabilitation personnel, and other qualified personnel facilitate the accomplishment of the employment goals and objectives of an individual.

''(F) Individuals with disabilities and their advocates are full partners in the vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

''(G) Accountability measures must facilitate and not impede the accomplishment of the goals and objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most severe disabilities.''.

(b) REAUTHORIZATION.—Section 100 (29 U.S.C. 720) is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) For the purpose of making grants to States under part B (other than grants under section 112) to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated such sums as may be necessary for fiscal years 1993 through 1997, except that the amount to be appropriated for a fiscal year shall not be less than the amount of the appropriation under this subsection for the immediately preceding fiscal year, plus the amount of the Consumer Price Index addition determined under subsection (c) for the immediately preceding fiscal year.

''(2) There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1993 through 1997.'';

(2) in subparagraphs (A) and (B) of subsection (c)(2), by striking ''authorized to be appropriated under subsection (b)(1) for the subsequent fiscal year is the amount authorized to be'' each place the term appears and inserting ''to be appropriated under subsection (b) for the subsequent fiscal year shall be at least the amount''; and

(3) in subsection (d)(1)(B)—

(A) by striking ''1992'' the first place the term appears and inserting ''1997''; and

(B) by striking ''or the amount authorized to be appropriated for such program for fiscal year 1992, whichever is higher,''.

(c) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 100 and inserting the following:

''Sec. 100. Declaration of policy; authorization of appropriations.''.

SEC. 122. STATE PLANS.

(a) PERIOD.—The first sentence of section 101(a) (29 U.S.C. 721(a)) is amended by striking ''for a three-year period'' and all that follows and inserting the following: ''for a 3-year period, or shall submit the plan on such date, and at such regular intervals, as the Secretary may determine to be appropriate to coincide with the intervals at which the State submits State plans under other Federal laws, such as part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.). In order to be eligible to participate in programs under this title, a State, upon the request of the Commissioner, shall make such annual revisions in the plan as may be necessary.''.

(b) STATE AGENCY.—Section 101(a)(1)(A) (29 U.S.C. 721(a)(1)(A)) is amended—

(1) by striking ''and'' at the end of clause (i); and

(2) by inserting before the semicolon at the end the following: '', and (iii) in the case of American Samoa, the appropriate State agency shall be the Governor of American Samoa''.

(c) PLANS; POLICIES; METHODS.—Section 101(a)(5) (29 U.S.C. 721(a)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking ''existing rehabilitation facilities to the maximum extent feasible;'' and inserting ''community rehabilitation programs to the maximum extent feasible, an explanation of the methods by which the State will provide vocational rehabilitation services to all individuals with disabilities within the State who are eligible for such services,''; and

(B) in clause (ii), by inserting before ''and shall be consistent'' the following: ''in accordance with criteria established by the State,'';

(2) in subparagraph (B), by inserting before the semicolon the following: '', including the use of funds under part C of title VI to supplement funds under part B of this title to pay for the cost of services leading to supported employment''; and

(3) by striking subparagraph (C) and inserting the following:

''(C) describe—

''(i) how a broad range of rehabilitation technology services will be provided at each stage of the rehabilitation process;

''(ii) how a broad range of such rehabilitation technology services will be provided on a statewide basis; and

''(iii) the training that will be provided to vocational rehabilitation counselors, client assistance personnel, and other related services personnel;''.

(d) PROGRAM COMPLIANCE.—Section 101(a)(6)(B) (29 U.S.C. 721(a)(6)(B)) is amended by inserting before the semicolon at the end the following: '', with section 504 of this Act, and with the Americans with Disabilities Act of 1990''.

(e) PERSONNEL.—Section 101(a)(7) (29 U.S.C. 721(a)(7)) is amended to read as follows:

''(7)(A) include a description (consistent with the purposes of this Act) of a comprehensive system of personnel development, which shall include—

''(i) a description of the procedures and activities the State agency will undertake to ensure an adequate supply of qualified State rehabilitation professionals and paraprofessionals for the designated State unit, including the development and maintenance of a system for determining, on an annual basis—

''(I) the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients; and

''(II) the number and type of personnel needed by the State, and a projection of the numbers of such personnel that will be needed in 5 years, based on projections of the number of individuals to be served, the num-

ber of such personnel who are expected to retire or leave the field, and other relevant factors;

''(ii) where appropriate, a description of the manner in which activities will be undertaken through this section to coordinate the system of personnel development with personnel development under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

''(iii) a description of the development and maintenance of a system of determining, on an annual basis, information on the institutions of higher education within the State that are preparing rehabilitation professionals, including—

''(I) the numbers of students enrolled in such programs; and

''(II) the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure, during the past year;

''(iv) a description of the development, updating, and implementation of a plan that—

''(I) will address the current and projected vocational rehabilitation services personnel training needs for the designated State unit; and

''(II) provides for the coordination and facilitation of efforts between the designated State unit and institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) and professional associations to recruit, prepare and retain qualified personnel, including personnel from minority backgrounds, and personnel who are individuals with disabilities; and

''(v) a description of the procedures and activities the State agency will undertake to ensure that all personnel employed by the designated State unit are appropriately and adequately trained and prepared, including—

''(I) a system for the continuing education of rehabilitation professionals and paraprofessionals within the designated State unit, particularly with respect to rehabilitation technology; and

''(II) procedures for acquiring and disseminating to rehabilitation professionals and paraprofessionals within the designated State unit significant knowledge from research and other sources, including procedures for providing training regarding the amendments to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1992;

''(B) set forth policies and procedures relating to the establishment and maintenance of standards to ensure that personnel, including professionals and paraprofessionals, needed within the State agency to carry out this part are appropriately and adequately prepared and trained, including—

''(i) the establishment and maintenance of standards that are consistent with any national or State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing vocational rehabilitation services; and

''(ii) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel within the designated State unit that meet appropriate professional requirements in the State; and

''(C) contain provisions relating to the establishment and maintenance of minimum standards to ensure the availability of personnel within the designated State unit, to the maximum extent feasible, trained to communicate in the native language or mode of communication of the client;''.

(f) AVAILABILITY OF COMPARABLE SERVICES AND BENEFITS.—Section 101(a)(8) (29 U.S.C. 721(a)(8)) is amended by striking ''except that'' and all that follows and inserting ''except that such a determination shall not be required—

''(A) if the determination would delay the provision of such services to any individual at extreme medical risk; or

''(B) prior to the provision of such services if an immediate job placement would be lost due to a delay in the provision of such comparable benefits;''.

(g) USE OF EXISTING INFORMATION.—Section 101(a)(9) (29 U.S.C. 721(a)(9)) is amended—

(1) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(2) by striking ''(9) provide that'' and inserting ''(9) provide that—

''(A) to the maximum extent appropriate, and consistent with the requirements of this Act, existing information available from other programs and providers (particularly information used by education officials and the Social Security Administration) and information that can be provided by the individual with a disability or the family of the individual shall be used for purposes of determining eligibility for vocational rehabilitation services and for choosing rehabilitation goals, objectives, and services;'';

(3) in subparagraphs (B), (C), and (D) (as so redesignated by paragraph (1) of this subsection), by indenting the subparagraphs to the same measure as subparagraph (A); and

(4) in subparagraphs (B) and (C) (as so redesignated), by striking the comma at the end and inserting a semicolon.

(h) REPORTS.—Section 101(a)(10) (29 U.S.C. 721(a)(10)) is amended—

(1) by inserting ''(A)'' after the paragraph designation;

(2) in subparagraph (A) (as so designated by paragraph (1) of this subsection), by adding ''and'' after the semicolon at the end; and

(3) by adding at the end the following subparagraph:

''(B) provide that reports under subparagraph (A) will include information on—

''(i) the number of such individuals who are evaluated and the number rehabilitated;

''(ii) the costs of administration, counseling, provision of direct services, development of community rehabilitation programs, and other functions carried out under this Act; and

''(iii) the utilization by such individuals of other programs pursuant to paragraph (11);''.

(i) INTERAGENCY COOPERATION.—Section 101(a)(11) (29 U.S.C. 721(a)(11)) is amended—

(1) by striking ''(11) provide for entering into cooperative arrangements'' and inserting ''(11)(A) provide for interagency cooperation'';

(2) in subparagraph (A) (as so designated by paragraph (1) of this subsection) by striking '', and the Carl D. Perkins Vocational Education Act);'' and inserting ''(20 U.S.C. 1400 et seq., the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938, (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46 et seq.);''; and

(3) by adding at the end the following:

''(B) provide that cooperation under subparagraph (A) shall include, to the extent practicable, means for providing training to staff of the agencies described in subparagraph (A) as to the availability and benefits of, and eligibility standards for, vocational rehabilitation services, in order to enhance the opportunity of individuals receiving the services described in subparagraph (A) to obtain vocational rehabilitation services; and

''(C) in providing for interagency cooperation under subparagraph (A), provide for such cooperation by means including, if appropriate—

''(i) establishing interagency working groups; and

''(ii) entering into formal interagency cooperative agreements that—

''(I) identify policies, practices, and procedures that can be coordinated among the agencies (particularly definitions, standards for eligibility, the joint sharing and use of evaluations and assessments, and procedures for making referrals);

''(II) identify available resources and define the financial responsibility of each agency for paying for necessary services (consistent with State law) and procedures for resolving disputes between agencies; and

''(III) include all additional components necessary to ensure meaningful cooperation and coordination;''.

(j) COMMUNITY REHABILITATION PROGRAMS.—Section 101(a)(12) (29 U.S.C. 721(a)(12)) is amended—

(1) in subparagraph (A), by striking ''facilities'' and inserting ''programs''; and

(2) in subparagraph (B), by striking ''rehabilitation facilities'' and inserting ''community rehabilitation programs''.

(k) CONTINUING STATEWIDE STUDIES.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in the matter preceding paragraph (16) by striking ''provide for continuing'' and inserting ''(15) provide for continuing''; and

(2) in paragraph (15) (as so designated by paragraph (1) of this subsection)—

(A) in subparagraph (A), by striking ''conducting'';

(B) in subparagraph (B)—

(i) by striking ''capacity and condition of rehabilitation facilities, plans for improving such facilities,'' and inserting ''capacity and effectiveness of community rehabilitation programs, plans for improving such programs,''; and

(ii) by striking ''and'' after the semicolon at the end;

(C) in subparagraph (C), by inserting ''and'' after the semicolon at the end; and

(D) by adding at the end the following subparagraph:

''(D) outreach procedures to identify and serve individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation system;''.

(l) REVIEW AND EFFORTS.—Section 101(a)(16) (29 U.S.C. 721(a)(16)) is amended to read as follows:

''(16) provide for—

''(A)(i) at least annual review and reevaluation of the status of each individual with a disability placed in an extended employment setting in a community rehabilitation program (including a workshop) or other employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)), to determine the interests, priorities, and needs of the individual for employment, or training for competitive employment, in an integrated setting in the labor market; and

''(ii) input into the review and reevaluation by the individual with a disability, or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of the individual, if the individual requests, desires, or needs assistance;

''(B) maximum efforts, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable such an individual to benefit from training or to be placed in employment in an integrated setting; and

''(C) services designed to promote movement from extended employment to integrated employment, including supported employment, independent living, and community participation;''.

(m) CONSTRUCTION.—Section 101(a)(17) (29 U.S.C. 721(a)(17)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''where such State plan includes provisions for the construction of rehabilitation facilities'' and inserting ''if, under special circumstances, the State plan includes provisions for the construction of facilities for community rehabilitation programs''; and

(2) in subparagraph (C), by striking ''rehabilitation facilities'' and inserting ''facilities for community rehabilitation programs''.

(n) VIEWS CONSIDERED.—Section 101(a)(18) (29 U.S.C. 721(a)(18)) is amended by striking ''and providers of vocational rehabilitation services'' and inserting ''providers of vocational rehabilitation services, and the Director of the client assistance program under section 112''.

(o) STRATEGIC PLAN.—Section 101(a)(19) (29 U.S.C. 721(a)(19)) is amended by inserting before the semicolon the following: '', and for developing and updating the strategic plan required under part C''.

(p) PUBLIC COMMENT.—Section 101(a)(23) (29 U.S.C. 721(a)(23)) is amended—

(1) in subparagraph (A), by inserting after ''comment on the State plan'' the following: ''before development of the plan by the State'';

(2) by striking ''and'' before ''(B)''; and

(3) by inserting before the semicolon the following: '', and (C) provide satisfactory assurances that the State agency will consult with the Director of the client assistance program under section 112 in the formulation of policies governing the provision of vocational rehabilitation services consistent with the State plan and other revisions''.

(q) GOALS AND PUBLIC EDUCATION.—Section 101(a)(24) (29 U.S.C. 721(a)(24)) is amended to read as follows:

''(24) contain plans, policies, and procedures to be followed (including entering into a formal interagency cooperative agreement, in accordance with paragraph (11)(C)(ii), with education officials responsible for the provision of a free appropriate public education to students who are individuals with disabilities) that are designed to—

''(A) facilitate the development and accomplishment of—

''(i) long-term rehabilitation goals;

''(ii) intermediate rehabilitation objectives; and

''(iii) goals and objectives related to enabling a student to live independently before the student leaves a school setting,

to the extent the goals and objectives described in clauses (i) through (iii) are included in an individualized education program of the student, including the specification of plans for coordination with the educational agencies in the provision of transition services;

''(B) facilitate the transition from the provision of a free appropriate public education under the responsibility of an educational agency to the provision of vocational rehabilitation services under the responsibility of the designated State unit, including the specification of plans for coordination with educational agencies in the provision of transition services authorized under section 103(a)(14) to an individual, consistent with the individualized written rehabilitation program of the individual; and

''(C) provide that such plans, policies, and procedures will address—

''(i) provisions for determining State lead agencies and qualified personnel responsible for transition services;

''(ii) procedures for outreach to and identification of youth in need of such services; and

''(iii) a timeframe for evaluation and followup of youth who have received such services;''.

(r) USE OF SUPPORTED EMPLOYMENT FUNDS.—Section 101(a)(25) (29 U.S.C. 721(a)(25)) is amended to read as follows:

''(25) provide assurances satisfactory to the Secretary that the State has an acceptable plan for carrying out part C of title VI, including the use of funds under that part to supplement funds under part B of this title for the cost of services leading to supported employment;''.

(s) ADDITIONAL STATE PLAN REQUIREMENTS.—Section 101(a) (29 U.S.C. 721(a)) is amended by adding at the end the following new paragraphs:

''(26) describe the manner in which on-the-job or other related personal assistance services will be provided to assist individuals with disabilities while the individuals are receiving vocational rehabilitation services;

''(27) describe the manner in which cooperative agreements with private nonprofit vocational rehabilitation service providers will be established;

''(28) identify the needs and utilization of community rehabilitation programs under the Act commonly known as the Wagner-O'Day Act (41 U.S.C. 46 et seq.);

''(29) describe the manner in which individuals with disabilities will be given choice and increased control in determining their vocational rehabilitation goals and objectives;

''(30) describe the manner in which students who are individuals with disabilities and who are not in special education programs can access and receive vocational rehabilitation services, where appropriate;

''(31) describe the manner in which assistive technology devices and services will be provided, or worksite assessments will be made as part of the assessment for determining eligibility and vocational rehabilitation needs of an individual;

''(32) describe the manner in which the State will modify the policies and procedures of the State based on consumer satisfaction surveys conducted by the State Rehabilitation Advisory Council;

''(33) provide for coordination and working relationships with the Statewide Independent Living Council established under section 705 and independent living centers within the State;

''(34) provide satisfactory assurances to the Commissioner that the State—

''(A) has developed and implemented a strategic plan for expanding and improving vocational rehabilitation services for individuals with disabilities on a statewide basis in accordance with part C of this title; and

''(B) will use at least 1.5 percent of the allotment of the State under part B for the uses described in section 123;

''(35)(A) describe how the system for evaluating the performance of rehabilitation counselors, coordinators, and other personnel used in the State facilitates the accomplishment of the purpose and policy of this title, including the policy of serving, among others, individuals with the most severe disabilities; and

''(B) provide satisfactory assurances that the system in no way impedes such accomplishment; and

''(36) provide satisfactory assurances to the Commissioner that—

''(A)(i) the State has established a State Rehabilitation Advisory Council that meets the criteria set forth in section 105;

''(ii) the designated State agency and the designated State unit seek and seriously consider on a regular and ongoing basis advice from the Council regarding the development and implementation of the State plan and the strategic plan and amendments to the plans, and other policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services in the State;

''(iii) the designated State agency includes, in its State plan or an amendment to the plan, a summary of advice provided by the Council, including recommendations from the annual report of the Council, the survey of consumer satisfaction, and other reports prepared by the Council, and the response of the designated State agency to such advice and recommendations (including explanations with respect to advice and recommendations that were rejected); and

''(iv) the designated State unit transmits to the Council—

''(I) all plans, reports, and other information required under the Act to be submitted to the Commissioner;

''(II) all policies, practices, and procedures of general applicability provided to or used by rehabilitation personnel; and

''(III) copies of due process hearing decisions, which shall be transmitted in such a manner as to preserve the confidentiality of the participants in the hearings;

''(B) an independent commission—

''(i) is responsible under State law for overseeing the operation of the designated State agency;

''(ii) is consumer-controlled by persons who—

''(I) are individuals with physical or mental impairments that substantially limit major life activities; and

''(II) represent individuals with a broad range of disabilities;

''(iii) includes individuals representing family members, advocates, and authorized representatives of individuals with mental impairments; and

''(iv) undertakes the function set forth in section 105(c)(3); or

''(C) in the case of a State that, under section 101(a)(1)(A)(i), designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind and designates a separate State agency to administer the remainder of the State plan—

''(i) an independent commission is responsible under State law for overseeing both such agencies and meets the requirements of subparagraph (B)(ii); or

''(ii)(I) an independent commission is responsible under State law for overseeing the first agency described in this subparagraph and meets the requirements of subparagraph (B)(ii); and

''(II) an independent commission is responsible under State law for overseeing the second State agency described in this subparagraph and is required by such State law to be consumer-controlled by individuals who are blind and to represent individuals who are blind.''.

(t) TECHNICAL AMENDMENT.—Section 101 (29 U.S.C. 721) is amended by striking subsections (c) and (d).

SEC. 123. DETERMINATIONS OF ELIGIBILITY AND INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.

(a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a)) is amended to read as follows:

''(a)(1) An individual is eligible for assistance under this title if the individual—

''(A) is an individual with a disability under section 7(8)(A); and

''(B) requires vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.

''(2) An individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.) shall be considered to have—

''(A) a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment under section 7(8)(A)(i); and

''(B) a severe physical or mental impairment which seriously limits one or more functional capacities in terms of an employment outcome under section 7(15)(A)(i).

''(3) Determinations made by officials of other agencies, particularly the education officials described in section 101(a)(24), regarding whether an individual satisfies one or more factors relating to whether an individual is an individual with a disability under section 7(8)(A) or an individual with a severe disability under section 7(15)(A), shall be used (to the extent appropriate and available and consistent with the requirements under this Act) for making such determinations under this Act.

''(4)(A) It shall be presumed that an individual can benefit in terms of an employment outcome from vocational rehabilitation services under section 7(8)(A)(ii), unless the designated State unit can demonstrate by clear and convincing evidence that such individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.

''(B) In making the demonstration required under subparagraph (A) with respect to cases in which the issue concerns the severity of the disability of an individual, the designated State unit shall first conduct an extended evaluation by providing the services described in subparagraph (C)(iii)(I), and conducting the assessment described in subparagraph (C)(iii)(II), of section 7(22).

''(5)(A) The designated State unit shall determine whether an individual is eligible for vocational rehabilitation services under this title within a reasonable period of time, not to exceed 60 days after the individual has submitted an application to receive the services unless—

''(i) the designated State unit notifies the individual that exceptional and unforeseen circumstances beyond the control of the agency preclude the agency from completing the determination within the prescribed time and the individual agrees that an extension of time is warranted; or

''(ii) such an extended evaluation is required.

''(B) The determination of eligibility shall be based on the review of existing data described in section 7(22)(A)(i), and, to the extent necessary, the preliminary assessment described in section 7(22)(A)(iii).

''(6) The designated State unit shall ensure that a determination of ineligibility made with respect to an individual prior to the initiation of an individualized written rehabilitation program, based on the review, and to the extent necessary, the preliminary assessment, shall include specification of—

''(A) the reasons for such a determination;

''(B) the rights and remedies available to the individual, including, if appropriate, recourse to the processes set forth in subsections (b)(2) and (d); and

''(C) the availability of services provided by the client assistance program under section 112 to the individual.''.

(b) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102(b) (29 U.S.C. 722(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the designated State unit shall complete an assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (B) and (C) of section 7(22) (if such assessment is necessary) and ensure that—

''(i) an individualized written rehabilitation program is jointly developed, agreed upon, and signed by—

''(I) such eligible individual (or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual); and

''(II) the vocational rehabilitation counselor or coordinator; and

''(ii) such program meets the requirements set forth in subparagraph (B).

''(B) Each individualized written rehabilitation program shall—

''(i) be designed to achieve the employment objective of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities, of the individual;

''(ii) include a statement of the long-term rehabilitation goals based on the assessment for determining eligibility and vocational rehabilitation needs described in section 7(22)(B), including an assessment of career interests, for the individual, which goals shall, to the maximum extent appropriate, include placement in integrated settings;

''(iii) include a statement of the intermediate rehabilitation objectives related to the attainment of such goals, determined through such assessment carried out in the most individualized and integrated setting (consistent with the informed choice of the individual);

''(iv)(I) include a statement of the specific vocational rehabilitation services to be provided, and the projected dates for the initiation and the anticipated duration of each such service;

''(II) if appropriate, include a statement of the specific rehabilitation technology services to be provided to assist in the implementation of intermediate rehabilitation objectives and long-term rehabilitation goals for the individual; and

''(III) if appropriate, include a statement of the specific on-the-job and related personal assistance services to be provided to the individual, and, if appropriate and desired by the individual, the training in managing, supervising, and directing personal assistance services to be provided to the individual;

''(v) include an assessment of the expected need for postemployment services and, if appropriate, extended services;

''(vi) provide for—

''(I) a reassessment of the need for postemployment services and, if appropriate, extended services prior to the point of successful rehabilitation, in accordance with this subsection; and

''(II) if appropriate, the development of a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers;

''(vii) include objective criteria and an evaluation procedure and schedule for determining whether such goals and objectives are being achieved;

''(viii) include the terms and conditions under which goods and services described above will be provided to the individual in the most integrated settings;

''(ix) identify the entity or entities that will provide the vocational rehabilitation services and the process used to provide or procure such services;

''(x) include a statement by the individual, in the words of the individual (or, if appropriate, in the words of a parent, a family member, a guardian, an advocate, or an authorized representative, of the individual), describing how the individual was informed about and involved in choosing among alternative goals, objectives, services, entities providing such services, and methods used to provide or procure such services;

''(xi) include, if necessary, an amendment specifying—

''(I) the reasons that an individual for whom a program has been prepared is no longer eligible for vocational rehabilitation services; and

''(II) the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsections (b)(2) and (d);

''(xii) set forth the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsections (b)(2) and (d);

''(xiii) provide a description of the availability of a client assistance program established pursuant to section 112;

''(xiv) to the maximum extent possible, be provided in the native language, or mode of communication, of the individual, or, in an appropriate case, of a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual; and

''(xv) include information identifying other related services and benefits provided pursuant to any Federal, State, or local program that will enhance the capacity of the individual to achieve the vocational objectives of the individual.

''(C) The designated State unit shall furnish a copy of the individualized written rehabilitation program and amendments to the program to the individual with a disability or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of the individual.''; and

(2) in paragraph (2), by inserting after the first sentence the following: ''Any revisions or amendments to the program resulting from such review shall be incorporated into or affixed to such program. Such revisions or amendments shall not take effect until agreed to and signed by the individual with a disability, or, if appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual.''.

(c) TECHNICAL AMENDMENTS.—Section 102(c) (29 U.S.C. 722(c)) is amended—

(1) by striking ''Commissioner shall also insure'' and inserting ''Director of the designated State unit shall also ensure''; and

(2) in paragraph (2), by striking ''evaluation of rehabilitation potential'' and inserting ''assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (B) and (C) of section 7(22)''.

(d) SELECTION OF IMPARTIAL HEARING OFFICER.—Section 102(d) (29 U.S.C. 722(d)) is amended—

(1) in paragraph (2)—

(A) by inserting ''(A)'' after ''(2)''; and

(B) by adding at the end the following:

''(B) The impartial hearing officer shall be selected to hear a particular case—

''(i) on a random basis; or

''(ii) by agreement between—

''(I) the Director of the designated State unit and the individual with a disability; or

''(II) in an appropriate case, the Director and a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual.

''(C) The impartial hearing officer shall be selected from among a pool of qualified persons identified jointly by—

''(i) the designated State unit; and

''(ii)(I) the members of the State Rehabilitation Advisory Council established under section 105 who were appointed under one of subparagraphs (E) through (H) of section 105(b)(1);

''(II) the commission described in subparagraph (B) or (C)(i) of section 101(a)(36); or

''(III) the commissions described in section 101(a)(36)(C)(ii).'';

(2) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C)(i) The Director may not overturn or modify a decision of an impartial hearing officer, or part of such a decision, that supports the position of the individual unless the Director concludes, based on clear and convincing evidence, that the decision of the independent hearing officer is clearly erro-

neous on the basis of being contrary to Federal or State law, including policy.

''(ii) A final decision shall be made in writing by the Director and shall include a full report of the findings and the grounds for such decision.

''(iii) Upon making a final decision, the Director shall provide a copy of such decision to such individual.'';

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following:

''(5) Unless the individual with a disability so requests, or, in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative, of such individual so requests, pending a final determination of such hearing or other final resolution under this subsection, the designated State unit shall not institute a suspension, reduction, or termination of services being provided under the individualized written rehabilitation program, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual with a disability.''.

SEC. 124. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

(a) IN GENERAL.—Section 103(a) (29 U.S.C. 723(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;'';

(2) in paragraph (2)—

(A) by striking ''referral,'';

(B) by inserting ''work-related'' before ''placement services'';

(C) by inserting before ''followup,'' the following: ''job search assistance, placement assistance, job retention services, personal assistance services, and'';

(D) by striking ''maintain or regain employment'' and inserting ''maintain, regain, or advance in employment''; and

(E) by striking '', and other services'' and all that follows through ''under this Act'';

(3) in paragraph (3)—

(A) by striking ''and services'' and inserting ''and such services''; and

(B) by striking '': *Provided*, That'' and inserting '', except that'';

(4) in paragraph (4)(A)—

(A) by striking ''handicap to employment,'' and inserting ''impediment to employment,''; and

(B) by striking ''substantially reduce the handicap'' and inserting ''reduce such impediment to employment'';

(5) in paragraph (5), by striking '', not exceeding the estimated cost of subsistence, during rehabilitation'' and inserting ''for additional costs incurred while participating in rehabilitation'';

(6) by striking ''and'' at the end of paragraph (11);

(7) in paragraph (12), by striking ''engineering services.'' and inserting ''technology services;''; and

(8) by adding at the end the following:

''(13) referral and other services designed to assist individuals with disabilities in securing needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this Act;

''(14) transition services that promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives;

''(15) on-the-job or other related personal assistance services provided while an individual with a disability is receiving services described in this section; and

''(16) supported employment services.''.

(b) ADDITIONAL VOCATIONAL REHABILITATION SERVICES.—Section 103(b) (29 U.S.C. 723(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''in the case'' and inserting ''In the case''; and

(B) by striking the semicolon at the end and inserting a period;

(2) in paragraph (2)—

(A) by striking ''the construction'' and all that follows through ''rehabilitation facilities)'' and inserting the following: ''The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a facility, and the provision of other services (including services offered at community rehabilitation programs)'';

(B) by striking the semicolon at the end and inserting a period; and

(C) by adding at the end the following sentence: ''Such programs shall be used to provide services that promote integration and competitive employment.'';

(3) in paragraph (3)—

(A) by striking ''the use of'' and inserting ''The use of''; and

(B) by striking ''; and'' and inserting a period;

(4) in paragraph (4), by striking ''the use of'' and inserting ''The use of''; and

(5) by adding at the end the following paragraph:

''(5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.''.

SEC. 125. NON-FEDERAL SHARE FOR CONSTRUCTION.

Section 104 (29 U.S.C. 724) is amended—

(1) by striking ''costs of construction or establishment of a public or nonprofit rehabilitation facility'' and inserting ''costs of establishment of a community rehabilitation program or construction, under special circumstances, of a facility for such a program''; and

(2) by striking ''construction or establishment of a facility'' and inserting ''establishment of such a program or construction of such a facility''.

SEC. 126. STATE REHABILITATION ADVISORY COUNCIL.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.) is amended by adding at the end the following:

''SEC. 105. STATE REHABILITATION ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Except as provided in subparagraph (B) or (C) of section 101(a)(36), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Advisory Council (referred to in this section as the 'Council') in accordance with this section.

''(2) SEPARATE AGENCY FOR INDIVIDUALS WHO ARE BLIND.—A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(1)(A)(i) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

''(b) COMPOSITION AND APPOINTMENT.—

''(1) COMPOSITION.—The Council shall be composed of—

''(A) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

''(B) at least one representative of a parent training and information center established pursuant to section 631(c)(9) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(c)(9));

''(C) at least one representative of the client assistance program established under section 112;

''(D) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

''(E) at least one representative of community rehabilitation program service providers;

''(F) four representatives of business, industry, and labor;

''(G) representatives of disability advocacy groups representing a cross section of—

''(i) individuals with physical, cognitive, sensory, and mental disabilities; and

''(ii) parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; and

''(H) current or former applicants for, or recipients of, vocational rehabilitation services.

''(2) EX OFFICIO MEMBER.—The Director of the designated State unit shall be an ex officio member of the Council.

''(3) APPOINTMENT.—Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

''(4) QUALIFICATIONS.—A majority of Council members shall be persons who are—

''(A) individuals with disabilities described in section 7(8)(B); and

''(B) not employed by the designated State unit.

''(5) CHAIRPERSON.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

''(B) DESIGNATION BY GOVERNOR.—In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

''(6) TERMS OF APPOINTMENT.—

''(A) LENGTH OF TERM.—Each member of the Council shall serve for a term of not more than 3 years, except that—

''(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

''(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

''(B) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive full terms.

''(7) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

''(c) FUNCTIONS OF COUNCIL.—The Council shall—

''(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under

this title, particularly responsibilities relating to—

''(A) eligibility (including order of selection);

''(B) the extent, scope, and effectiveness of services provided; and

''(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives under this title;

''(2) advise the designated State agency and the designated State unit, and, at the discretion of the designated State agency, assist in the preparation of applications, the State plan, the strategic plan and amendments to the plans, reports, needs assessments, and evaluations required by this title;

''(3) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—

''(A) the functions performed by State agencies and other public and private entities responsible for performing functions for individuals with disabilities; and

''(B) vocational rehabilitation services—

''(i) provided, or paid for from funds made available, under this Act or through other public or private sources; and

''(ii) provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities;

''(4) prepare and submit an annual report to the Governor or appropriate State entity and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

''(5) coordinate with other councils within the State, including the Statewide Independent Living Council established under section 705, the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12)), the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), and the State mental health planning council established under section 1916(e) of the Public Health Service Act (42 U.S.C. 300x–4(e));

''(6) advise the State agency designated under section 101(a)(1) and provide for coordination and the establishment of working relationships between the State agency and the Statewide Independent Living Council and centers for independent living within the State; and

''(7) perform such other functions, consistent with the purpose of this title, as the State Rehabilitation Advisory Council determines to be appropriate, that are comparable to the other functions performed by the Council.

''(d) RESOURCES.—

''(1) PLAN.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

''(2) RESOLUTION OF DISAGREEMENTS.—To the extent that there is a disagreement between the Council and the designated State unit in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor or appointing agency consistent with paragraph (1).

''(3) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

''(4) PERSONNEL CONFLICT OF INTEREST.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State, that would create a conflict of interest.

''(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.

''(f) MEETINGS.—The Council shall convene at least 4 meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

''(g) COMPENSATION AND EXPENSES.—The Council may use funds appropriated under this title to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

''(h) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

''(i) USE OF EXISTING COUNCILS.—To the extent that a State has established a Council before September 30, 1992, that is comparable to the Council described in this section, such established Council shall be considered to be in compliance with this section. Within 1 year after the date of enactment of the Rehabilitation Act Amendments of 1992, such State shall establish a Council that complies in full with this section.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 104 the following:

''Sec. 105. State Rehabilitation Advisory Council.''.

''Sec. 105. State Rehabilitation Advisory Council.''.

SEC. 127. EVALUATION.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.) (as amended by section 126(a)), is further amended by adding at the end the following:

''SEC. 106. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Commissioner shall, not later than September 30, 1994, establish and publish evaluation standards and performance indicators for the vocational rehabilitation program under this title.

''(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that facilitate and in no way impede the accomplishment of the purpose and policy of this title.

''(3) COMMENT.—The standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. The Commissioner shall publish in the Federal Register a notice of intent to regulate regarding the development of proposed standards and indicators. Proposed standards and indicators shall be published in the Federal Register for review and comment. Final standards and indicators shall be published in the Federal Register.

''(b) COMPLIANCE.—

''(1) STATE REPORTS.—In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

''(2) PROGRAM IMPROVEMENT.—

''(A) PLAN.—If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

''(B) REVIEW.—The Commissioner shall—

''(i) review the program improvement efforts of the State on a biannual basis and, if necessary, request the State to make further revisions to the plan to improve performance; and

''(ii) continue to conduct such reviews and request such revisions until the State sustains satisfactory performance over a period of more than 1 year.

''(c) WITHHOLDING.—If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 107, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

''(d) REPORT TO CONGRESS.—Beginning in fiscal year 1996, the Commissioner shall include in each annual report to the Congress under section 13 an analysis of program performance, including relative State performance, based on the standards and indicators.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 105 (as added by section 126(b)) the following:

''Sec. 106. Evaluation standards and performance indicators.''.

SEC. 128. MONITORING AND REVIEW.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.) (as amended by sections 126(a) and 127(a)), is further amended by adding at the end the following:

''SEC. 107. MONITORING AND REVIEW.

''(a) IN GENERAL.—

''(1) DUTIES.—In carrying out the duties of the Commissioner under this title, the Commissioner shall—

''(A) provide for the annual review and periodic on-site monitoring of programs under this title; and

''(B) determine whether, in the administration of the State plan, a State is complying substantially with the provisions of such plan and with evaluation standards and performance indicators established under section 106.

''(2) PROCEDURES FOR REVIEWS.—In conducting reviews under this section the Commissioner shall consider, at a minimum—

''(A) State policies and procedures;

''(B) guidance materials;

''(C) decisions resulting from hearings conducted in accordance with due process;

''(D) strategic plans and updates;

''(E) plans and reports prepared under section 106(b);

''(F) consumer satisfaction surveys described in section 101(a)(32);

''(G) information provided by the State Rehabilitation Advisory Council established under section 105;

''(H) reports; and

''(I) budget and financial management data.

''(3) PROCEDURES FOR MONITORING.—In conducting monitoring under this section the Commissioner shall conduct—

''(A) on-site visits, including on-site reviews of records to verify that the State is following requirements regarding the order of selection set forth in section 101(a)(5)(A);

''(B) public hearings and other strategies for collecting information from the public;

''(C) meetings with the State Rehabilitation Advisory Council;

''(D) reviews of individual case files, including individualized written rehabilitation programs and ineligibility determinations; and

''(E) meetings with rehabilitation counselors and other personnel.

''(4) AREAS OF INQUIRY.—In conducting the review and monitoring, the Commissioner shall examine—

''(A) the eligibility process;

''(B) the provision of services, including, if applicable, the order of selection;

''(C) whether the personnel evaluation system described in section 101(a)(35) facilitates and does not impede the accomplishments of the program;

''(D) such other areas as may be identified by the public or through meetings with the State Rehabilitation Advisory Council; and

''(E) such other areas of inquiry as the Commissioner may consider appropriate.

''(b) TECHNICAL ASSISTANCE.—The Commissioner shall—

''(1) provide technical assistance to programs under this title regarding improving the quality of vocational rehabilitation services provided; and

''(2) provide technical assistance and establish a corrective action plan for a program under this title if the Commissioner finds that the program fails to comply substantially with the provisions of the State plan, or with evaluation standards or performance indicators established under section 106, in order to ensure that such failure is corrected as soon as practicable.

''(c) FAILURE TO COMPLY WITH PLAN.—

''(1) WITHHOLDING PAYMENTS.—Whenever the Commissioner, after providing reasonable notice and an opportunity for a hearing to the State agency administering or supervising the administration of the State plan approved under section 101, finds that—

''(A) the plan has been so changed that it no longer complies with the requirements of section 101(a); or

''(B) in the administration of the plan there is a failure to comply substantially with any provision of such plan or with an evaluation standard or performance indicator established under section 106,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in the discretion of the Commissioner, that such further payments will be reduced, in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until the Commissioner is satisfied there is no longer any such failure.

''(2) PERIOD.—Until the Commissioner is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall reduce payments or limit payments to projects under those parts of the State plan in which there is no such failure).

''(3) DISBURSAL OF WITHHELD FUNDS.—The Commissioner may, in accordance with regulations the Secretary shall prescribe, disburse any funds withheld from a State under paragraph (1) to any public or nonprofit private organization or agency within such State or to any political subdivision of such State submitting a plan meeting the requirements of section 101(a). The Commissioner may not make any payment under this paragraph unless the entity to which such payment is made has provided assurances to the Commissioner that such entity will contribute, for purposes of carrying out such plan, the same amount as the State would have been obligated to contribute if the State received such payment.

''(d) REVIEW.—

''(1) PETITION.—Any State that is dissatisfied with a final determination of the Commissioner under section 101(b) or subsection (c) may file a petition for judicial review of such determination in the United States Court of Appeals for the circuit in which the State is located. Such a petition may be filed only within the 30-day period beginning on the date that notice of such final determination was received by the State. The clerk of the court shall transmit a copy of the petition to the Commissioner or to any officer designated by the Commissioner for that purpose. In accordance with section 2112 of title 28, United States Code, the Commissioner shall file with the court a record of the proceeding on which the Commissioner based the determination being appealed by the State. Until a record is so filed, the Commissioner may modify or set aside any determination made under such proceedings.

''(2) SUBMISSIONS AND DETERMINATIONS.—If, in an action under this subsection to review a final determination of the Commissioner under section 101(b) or subsection (c), the petitioner or the Commissioner applies to the court for leave to have additional oral submissions or written presentations made respecting such determination, the court may, for good cause shown, order the Commissioner to provide within 30 days an additional opportunity to make such submissions and presentations. Within such period, the Commissioner may revise any findings of fact, modify or set aside the determination being reviewed, or make a new determination by reason of the additional submissions and presentations, and shall file such modified or new determination, and any revised findings of fact, with the return of such submissions and presentations. The court shall thereafter review such new or modified determination.

''(3) STANDARDS OF REVIEW.—

''(A) IN GENERAL.—Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction—

''(i) to grant appropriate relief as provided in chapter 7 of title 5, United States Code, except for interim relief with respect to a determination under subsection (c); and

''(ii) except as otherwise provided in subparagraph (B), to review such determination in accordance with chapter 7 of title 5, United States Code.

''(B) SUBSTANTIAL EVIDENCE.—Section 706 of title 5, United States Code, shall apply to the review of any determination under this subsection, except that the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such determination if the court finds that the determination is not supported by substantial evidence in the record of the proceeding submitted pursuant to paragraph (1), as supplemented by any additional submissions and presentations filed under paragraph (2).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 6(c) (29 U.S.C. 705(c)) is amended by striking ''101'' and inserting ''107''.

(2) The table of contents relating to the Act is amended by inserting after the item relating to section 106 (as added by section 127(b)) the following:

''Sec. 107. Monitoring and review.''.

SEC. 129. EXPENDITURE OF CERTAIN AMOUNTS.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.), as amended by the preceding sections, is further amended by adding at the end the following:

''SEC. 108. EXPENDITURE OF CERTAIN AMOUNTS.

''(a) EXPENDITURE.—Amounts described in subsection (b) may not be expended by a State for any purpose other than carrying out programs for which the State receives financial assistance under this title, under part C of title VI, or under title VII.

''(b) AMOUNTS.—The amounts referred to in subsection (a) are amounts provided to a State under the Social Security Act (42 U.S.C. 301 et seq.) as reimbursement for the expenditure of payments received by the State from allotments under section 110 of this Act.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 107 (as added by section 128(b)(2)) the following:

''Sec. 108. Expenditure of certain amounts.''.

SEC. 130. TRAINING OF EMPLOYERS WITH RESPECT TO AMERICANS WITH DISABILITIES ACT OF 1990.

(a) AMENDMENT.—Part A of title I (29 U.S.C. 720 et seq.), as amended by the preceding sections, is further amended by adding at the end the following:

''SEC. 109. TRAINING OF EMPLOYERS WITH RESPECT TO AMERICANS WITH DISABILITIES ACT OF 1990.

''A State may expend payments received under section 111—

''(1) to carry out a program to train employers with respect to compliance with the requirements of title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.); and

''(2) to inform employers of the existence of the program and the availability of the services of the program.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 108 (as added by section 129(b)) the following:

''Sec. 109. Training of employers with respect to Americans with Disabilities Act of 1990.''.

SEC. 131. REALLOTMENT.

(a) TERRITORIES.—Section 110(a) (29 U.S.C. 730(a)) is amended—

(1) in paragraph (3), by striking ''and the Trust Territory of the Pacific Islands'' and inserting ''and the Republic of Palau''; and

(2) by adding at the end the following new paragraph:

''(5) The Republic of Palau may receive allotments or allocations under this section only until the Compact of Free Association with Palau takes effect.''.

(b) REALLOTMENT.—Section 110(c) (29 U.S.C. 730(c)) is amended by adding at the end the following:

''(4) If the Commissioner determines, under paragraph (1), that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title, the payment shall remain available for reallotment to other States until reallotted.''.

(c) RESERVATION.—Section 110(d) (29 U.S.C. 730(d)) is amended by striking paragraph (2) and inserting the following:

''(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary—

''(A) not less than one-third of one percent and not more than 1.5 percent of the amount

under paragraph (1), for fiscal years 1993 and 1994; and

''(B) not less than one-half of one percent and not more than 1.5 percent of the amount under paragraph (1), for fiscal years 1995, 1996, and 1997.''.

SEC. 132. PAYMENTS TO STATES.

Section 111(a) (29 U.S.C. 731(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''(including any additional payment to it under section 110(b))''; and

(B) by striking ''State plan.'' and inserting ''State plan and development and implementation of the strategic plan as provided in section 101(a)(34)(A). Any State that receives such an amount shall expend, for development and implementation of the strategic plan, not less than the percentage of the allotment of the State referred to in section 101(a)(34)(B).'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''(and any additional payment under subsection (b))''; and

(B) by amending subparagraph (B) to read as follows:

''(B)(i) For fiscal year 1993, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the average of the total of such expenditures for the 3 fiscal years preceding the previous fiscal year.

''(ii) For fiscal year 1994 and each fiscal year thereafter, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the total of such expenditures for the second fiscal year preceding the previous fiscal year.''; and

(3) by adding at the end the following new paragraph:

''(3)(A) Except as provided in subparagraph (B), the amount of a payment under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share that is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a))), in such State.

''(B) If the Federal share with respect to rehabilitation facilities in such State is determined pursuant to section 645(b)(2) of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such section.''.

SEC. 133. CLIENT ASSISTANCE PROGRAM.

(a) ADVOCACY.—Section 112(a) (29 U.S.C. 732(a)) is amended—

(1) in the first sentence—

(A) by striking ''to assist such clients'' and inserting ''to assist and advocate for such clients'';

(B) by inserting ''and advocacy'' after ''including assistance''; and

(C) by inserting before the period in the first sentence the following: ''and to facilitate access to the services funded under this Act through individual and systemic advocacy'';

(2) by amending the second sentence to read as follows: ''The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs.''; and

(3) by inserting after the second sentence the following: ''In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.''.

(b) REDESIGNATION OF AGENCY.—Section 112(c)(1) (29 U.S.C. 732(c)(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and unless—

''(i) the Governor has given the agency 30 days notice of the intention to make such redesignation, including specification of the good cause for such redesignation and an opportunity to respond to the assertion that good cause has been shown;

''(ii) individuals with disabilities or their representatives have timely notice of the redesignation and opportunity for public comment; and

''(iii) the agency has the opportunity to appeal to the Commissioner on the basis that the redesignation was not for good cause.''.

(c) MINIMUM STATE ALLOTMENTS.—Section 112(e)(1) (29 U.S.C. 732(e)(1)) is amended—

(1) in subparagraph (B), by striking ''and the Trust Territory of the Pacific Islands.'' and inserting ''and the Republic of Palau, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.'';

(2) in subparagraph (C), by striking ''and the Trust Territory of the Pacific Islands'' and inserting ''and the Republic of Palau''; and

(3) in subparagraph (D)—

(A) in clause (i), by striking ''$75,000'' and inserting ''$100,000''; and

(B) in clause (ii)—

(i) by striking ''subsection (c),'' and inserting ''clause (i),'';

(ii) by striking ''minimum allotment under subparagraph (A)'' and inserting ''minimum allotments under subparagraphs (A) and (B)''; and

(iii) by striking ''fiscal year by more than'' and all that follows and inserting ''fiscal year.''.

(d) REPORT.—Section 112(g) (29 U.S.C. 732(g)) is amended by adding at the end the following new paragraphs:

''(5) Each such report shall contain information on the number of requests the client assistance program under this section receives annually, the number of requests such program is unable to serve, and the reasons that the program is unable to serve all the requests.

''(6) For purposes of such report or for any other periodic audit, report, or evaluation of the performance of a client assistance program under this section, the Secretary shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 112 (29 U.S.C. 732) is amended—

(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in subsection (h) (as so redesignated by paragraph (2) of this subsection) by striking ''$7,100,000'' and all that follows and inserting ''such sums as may be necessary for fiscal years 1993 through 1997 to carry out the provisions of this section.''.

SEC. 134. INNOVATION AND EXPANSION GRANTS.

(a) AMENDMENT.—Part C of title I (29 U.S.C. 740 et seq.) is amended to read as follows:

''PART C—INNOVATION AND EXPANSION GRANTS

''SEC. 120. STATE ELIGIBILITY.

''Effective October 1, 1993, any State desiring to receive assistance under this part and part B of this title shall prepare and submit to the Commissioner a statewide strategic plan for developing and using innovative approaches for achieving long-term success in expanding and improving vocational rehabilitation services, including supported employment services, provided under the State plan submitted under section 101 and the supplement to the State plan submitted under part C of title VI.

''SEC. 121. CONTENTS OF STRATEGIC PLANS.

''(a) PURPOSE AND POLICY.—The strategic plan shall be designed to achieve the purpose and policy of this title and carry out the State plan and the supplement to the State plan submitted under part C of title VI.

''(b) CONTENTS.—The strategic plan shall include—

''(1) a statement of the mission, philosophy, values, and principles of the vocational rehabilitation program in the State;

''(2) specific goals and objectives for expanding and improving the system for providing the vocational rehabilitation program;

''(3) specific multifaceted and systemic approaches for accomplishing the objectives, including interagency coordination and cooperation, that build upon state-of-the-art practices and research findings and that implement the State plan and the supplement to the State plan submitted under part C of title VI;

''(4) a description of the specific programs, projects, and activities funded under this part and how the programs, projects, and activities accomplish the objectives; and

''(5) specific criteria for determining whether the objectives have been achieved, an assurance that the State will conduct an annual evaluation to determine the extent to which the objectives have been achieved, and, if specific objectives have not been achieved, the reasons that the objectives have not been achieved and a description of alternative approaches that will be taken.

''SEC. 122. PROCESS FOR DEVELOPING STRATEGIC PLANS.

''(a) PERIOD AND UPDATES.—The strategic plan shall cover a 3-year period and shall be updated on an annual basis to reflect actual experience over the previous year and input from the State Rehabilitation Advisory Council established under section 105, individuals with disabilities, and other interested parties.

''(b) RECOMMENDATIONS.—Prior to developing the strategic plan, the State shall hold public forums and meet with and receive recommendations from members of the State Rehabilitation Advisory Council and the Statewide Independent Living Council established under section 705.

''(c) CONSIDERATION OF RECOMMENDATIONS.—The State shall consider the recommendations and, if the State rejects the recommendations, shall include a written explanation of the rejection in the strategic plan.

''(d) PROCEDURE.—The State shall develop a procedure for ensuring ongoing comment from the councils described in subsection (b) as the plan is being implemented.

''(e) DISSEMINATION.—The State shall widely disseminate the strategic plan to individuals with disabilities, disability organizations, rehabilitation professionals, and other interested persons.

"SEC. 123. USE OF FUNDS.

"A State may use funds made available under this part, directly or by grant, contract, or other arrangement, to carry out—

"(1) programs to initiate and expand employment opportunities for individuals with severe disabilities in integrated settings that allow for the use of on-the-job training to promote the objectives of title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.);

"(2) programs or activities to improve the provision of, and expand, employment services in integrated settings to individuals with sensory, cognitive, physical, and mental impairments who have traditionally not been served by the State vocational rehabilitation agency;

"(3) programs and activities to maximize the ability of individuals with disabilities to use rehabilitation technology in employment settings;

"(4) programs and activities that—

"(A) assist employers in accommodating, evaluating, training, or placing individuals with disabilities in the workplace of the employer consistent with provisions of this Act and title I of the Americans with Disabilities Act of 1990; and

"(B) may include short-term technical assistance or other effective strategies;

"(5) programs and activities that expand and improve the extent and type of client involvement in the review and selection of the training and employment goals of the client;

"(6) programs and activities that expand and improve opportunities for career advancement for individuals with severe disabilities;

"(7) programs, projects, and activities designed to initiate, expand, or improve working relationships between vocational rehabilitation services provided under this title and independent living services provided under title VII;

"(8) programs, projects, and activities designed to improve functioning of the system for delivering vocational rehabilitation services and to improve coordination and working relationships with other State and local agencies, business, industry, labor, community rehabilitation programs, and centers for independent living, including projects designed to—

"(A) increase the ease of access to, timeliness of, and quality of vocational rehabilitation services through the development and implementation of policies, procedures, and systems and interagency mechanisms for providing vocational rehabilitation services;

"(B) improve the working relationships between State vocational rehabilitation agencies, and other State agencies, centers for independent living, community rehabilitation programs, educational agencies involved in higher education, adult basic education, and continuing education, and businesses, industry, and labor organizations, in order to create and facilitate cooperation in—

"(i) planning and implementing services; and

"(ii) the development of an integrated system of community-based vocational rehabilitation service that includes appropriate transitions between service systems; and

"(C) improve the ability of professionals, clients, advocates, business, industry, and labor to work in cooperative partnerships to improve the quality of vocational rehabilitation services and job and career opportunities for individuals with disabilities;

"(9) support efforts to ensure that the annual evaluation of the effectiveness of the program in meeting the goals and objectives set forth in the State plan, including the system for evaluating the performance of rehabilitation counselors, coordinators, and other personnel used in the State, facilitates and does not impede the accomplishment of the purpose and policy of this title, including serving, among others, individuals with the most severe disabilities;

"(10) support the initiation, expansion, and improvement of a comprehensive system of personnel development;

"(11) support the provision of training and technical assistance to clients, business, industry, labor, community rehabilitation programs, and others regarding the implementation of the amendments made by the Rehabilitation Act Amendments of 1992, of title V of this Act, and of the Americans with Disabilities Act of 1990; and

"(12) support the funding of the State Rehabilitation Advisory Council and the Statewide Independent Living Council established under section 705.

"SEC. 124. ALLOTMENTS AMONG STATES.

"(a) IN GENERAL.—

"(1) STATES.—

"(A) POPULATION BASIS.—Except as provided in subparagraph (B), from sums appropriated for each fiscal year to carry out this part (not including sums used in accordance with section 101(a)(34)(B)), the Commissioner shall make an allotment to each State whose State plan has been approved under section 101 of an amount bearing the same ratio to such sums as the population of the State bears to the population of all States.

"(B) MINIMUMS.—Subject to the availability of appropriations to carry out this part, the allotment to any State under subparagraph (A) shall be not less than $200,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $200,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts.

"(2) CERTAIN TERRITORIES.—

"(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

"(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts made available for purposes of this part for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

"(3) ADJUSTMENT FOR INFLATION.—For purposes of determining the minimum amount of an allotment under paragraph (1)(B), the amount $200,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

"(b) PROPORTIONAL REDUCTION.—Amounts necessary to provide allotments to States in accordance with subsection (a)(1)(B) as increased under subsection (a)(3), or to provide allotments in accordance with subsection (a)(2)(B), shall be derived by proportionately reducing the allotments of the remaining States under subsection (a)(1), but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than the greater of $200,000 or one-third of one percent of the sums made available for purposes of this part for the fiscal year for which the allotment is made, as increased in accordance with subsection (a)(3).

"(c) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the purposes of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.".

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by striking the items relating to part C of title I and inserting the following:

"PART C—INNOVATION AND EXPANSION GRANTS

"Sec. 120. State eligibility.
"Sec. 121. Contents of strategic plans.
"Sec. 122. Process for developing strategic plans.
"Sec. 123. Use of funds.
"Sec. 124. Allotments among States.".

SEC. 135. STUDY OF NEEDS OF AMERICAN INDIANS WITH HANDICAPS.

(a) REPEAL.—Part D of title I is amended by repealing section 131 (29 U.S.C. 751).

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 131.

SEC. 136. REVIEW OF DATA COLLECTION SYSTEM.

(a) REVIEW.—The Commissioner of the Rehabilitation Services Administration (in this section referred to as the 'Commissioner') shall undertake a comprehensive review of the current system for collecting and reporting client data under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), particularly data on clients of the programs under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

(b) CONSIDERATIONS.—

(1) IN GENERAL.—In conducting the review, the Commissioner shall examine the kind, quantity, and quality of the data that are currently reported, taking into consideration the range of purposes that the data serve at the Federal, State, and local levels.

(2) DATA ELEMENTS.—In conducting the review, the Commissioner shall examine the feasibility of collecting and reporting under the system information, if such information can be determined, regarding—

(A) other program participation by clients during the 3 years prior to application;

(B) the number of jobs held, hours worked, and earnings received by clients in the 3 years prior to application to a program under the Rehabilitation Act of 1973;

(C) the types of major and secondary disabilities of clients;

(D) the dates of the onset of disabilities of clients;

(E) the severity of the disabilities of clients;

(F) the sources of referral of clients to programs under such Act;

(G) the hours worked by clients;

(H) the size and industry code of the place of employment of clients at the time of entry into such a program and at the termination of services under the program;

(I) the number of services provided under the programs and the cost of each service;

(J) the types of public support received by the clients;

(K) the primary sources of economic support and amounts of public assistance received by the clients before and after receiving the services;

(L) whether the clients are covered by health insurance from any source and wheth-

er health insurance is available through the employment of the client;

(M) the supported employment status of the client; and

(N) the reasons for terminating the services.

(c) RECOMMENDATIONS.—Based on the review, the Commissioner shall recommend improvements in the data collection and reporting system.

(d) VIEWS.—In developing the recommendations, the Commissioner shall seek views of persons and entities providing or using such data, including State agencies, State Rehabilitation Advisory Councils, providers of vocational rehabilitation services, professionals in the field of vocational rehabilitation, clients and organizations representing clients, the National Council on Disability, other Federal agencies, non-Federal researchers, other analysts using the data, and other members of the public.

(e) PUBLICATION AND SUBMISSION OF REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall publish the recommendations in the Federal Register and shall prepare and submit a report containing the recommendations to the appropriate committees of Congress. The Commissioner shall not implement the recommendations earlier than 90 days after the date on which the Commissioner submits the report.

SEC. 137. EXCHANGE OF DATA.

The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purpose of exchanging data of mutual importance, regarding clients of State vocational rehabilitation agencies, that are contained in databases maintained by the Rehabilitation Services Administration, as required under section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712), and the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records. For purposes of the exchange, the Social Security data shall not be considered tax information and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.

SEC. 138. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) STATE PLAN.—The Secretary of Education shall implement the amendments made by section 122 of this Act to section 101 of the Rehabilitation Act of 1973 (29 U.S.C. 721), as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973, but not later than October 1, 1993.

TITLE II—RESEARCH

SEC. 201. DECLARATION OF PURPOSE.

Section 200 (29 U.S.C. 760) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) provide for research, demonstration projects, training, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of all ages, with particular emphasis on improving the effectiveness of services authorized under this Act;

''(2) provide for a comprehensive and coordinated approach to the support and conduct of such research, demonstration projects, training, and related activities and to ensure that the approach is in accordance with the long-range plan for research developed under section 202(g);

''(3) promote the transfer of rehabilitation technology to individuals with disabilities through research and demonstration projects relating to—

''(A) the procurement process for the purchase of rehabilitation technology;

''(B) the utilization of rehabilitation technology on a national basis; and

''(C) specific adaptations or customizations of products to enable individuals with disabilities to live more independently;

''(4) ensure the widespread distribution, in usable formats, of practical scientific and technological information—

''(A) generated by research, demonstration projects, training, and related activities; and

''(B) regarding state-of-the-art practices, improvements in the services authorized under this Act, rehabilitation technology, and new knowledge regarding disabilities,

to rehabilitation professionals, individuals with disabilities, and other interested parties;

''(5) identify effective strategies that enhance the opportunities of individuals with disabilities to engage in productive work; and

''(6) increase opportunities for researchers who are members of traditionally underserved populations, including researchers who are members of minority groups and researchers who are individuals with disabilities.''.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''other than expenses to carry out section 204'' and inserting ''which shall include the expenses of the Rehabilitation Research Advisory Council under section 205, and shall not include the expenses of such Institute to carry out section 204''; and

(B) by striking ''fiscal year 1987'' and all that follows through the semicolon and inserting ''each of fiscal years 1993 through 1997;''; and

(2) by striking paragraph (2) and inserting the following:

''(2) to carry out section 204, such sums as may be necessary for each of fiscal years 1993 through 1997.''.

SEC. 203. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

(a) ESTABLISHMENT.—Section 202(a) (29 U.S.C. 761a(a)) is amended—

(1) in the first sentence—

(A) by striking ''In order'' and all that follows through ''there'' and inserting ''(1) There''; and

(B) by striking the period at the end and inserting the following: '', in order to—

''(A) promote, coordinate, and provide for—

''(i) research;

''(ii) demonstration projects; and

''(iii) related activities,

with respect to individuals with disabilities;

''(B) more effectively carry out activities through the programs under section 204;

''(C) widely disseminate information from the activities described in clauses (i) through (iii) of subparagraph (A) and subparagraph (B); and

''(D) provide leadership in advancing the quality of life of individuals with disabilities.''; and

(2) by striking the second sentence and inserting the following:

''(2) In the performance of the functions of the office, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Education to whom the Commissioner is responsible under section 3(a).''.

(b) RESPONSIBILITIES.—Section 202(b) (29 U.S.C. 761a(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, and related activities funded by the Institute, to—

''(A) other Federal, State, tribal, and local public agencies;

''(B) private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

''(C) rehabilitation practitioners; and

''(D) individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals;'';

(2) by striking paragraph (4) and inserting the following:

''(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, to—

''(A) public and private entities, including—

''(i) elementary and secondary schools (as defined in paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21)); and

''(ii) institutions of higher education;

''(B) rehabilitation practitioners;

''(C) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act); and

''(D) the parents, family members, guardians, advocates, or authorized representatives of the individuals;'';

(3) by striking paragraph (6) and inserting the following:

''(6) conducting conferences, seminars, and workshops (including in-service training programs and programs for individuals with disabilities) concerning advances in rehabilitation research and rehabilitation technology, pertinent to the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities;'';

(4) in paragraph (7), by striking ''; and'' and inserting '', including dissemination activities;'';

(5) in paragraph (8)—

(A) by inserting ''the Health Care Financing Administration,'' after ''the Bureau of the Census,'';

(B) by inserting ''widely'' before ''disseminating'';

(C) by striking ''and others to assist in the planning and evaluation'' and inserting '', individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, and others to assist in the planning, assessment, and evaluation''; and

(D) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following paragraphs:

''(9) conducting research on consumer satisfaction with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals;

''(10) conducting research to examine the relationship between the provision of specific services and long-term vocational outcomes; and

''(11) coordinating activities with the Attorney General regarding the provision of information, training, or technical assistance regarding the Americans with Disabilities

Act of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical assistance required under section 506 of such Act (42 U.S.C. 12206).''.

(c) DIRECTOR.—

(1) IN GENERAL.—Section 202(c)(1) (29 U.S.C. 761a(c)(1)) is amended—

(A) in the first sentence, by striking ''appointed by the President, by and with the advice and consent of the Senate.'' and inserting ''appointed by the Secretary, except that the person serving as the Director on the date of the enactment of the Rehabilitation Act Amendments of 1992 may, at the pleasure of the President, continue to serve as Director.''; and

(B) by striking the fourth sentence.

(2) QUALIFICATIONS.—Section 202(c)(2) (29 U.S.C. 761a(c)(2)) is amended—

(A) by inserting after the first sentence the following: ''The Deputy Director shall be an individual with substantial experience in rehabilitation and in research administration.'';

(B) in the sentence beginning ''The Deputy Director shall be compensated''—

(i) by striking ''the rate provided for grade GS–17 of the General Schedule under section 5332'' and inserting ''the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''; and

(ii) by striking ''or disability of the Director'' and inserting ''of the Director or the inability of the Director to perform the essential functions of the job''; and

(C) by striking the last sentence.

(d) FELLOWSHIPS.—Section 202(d) (29 U.S.C. 761a(d)) is amended by inserting '', including individuals with disabilities,'' after ''fellows''.

(e) SCIENTIFIC REVIEW.—Section 202(e) (29 U.S.C. 761a(e)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) by striking ''rehabilitation field.'' and inserting the following: ''rehabilitation field (including experts in the independent living field) competent to review research grants and programs, including knowledgeable individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals. The Director shall solicit nominations for such peer review groups from the public and shall publish the names of the individuals selected. Individuals comprising each peer review group shall be selected from a pool of qualified individuals to facilitate knowledgeable, cost-effective review.''; and

(3) by adding at the end the following:

''(2) In providing for such scientific review, the Secretary shall provide for training of such individuals and mechanisms to receive input from individuals with disabilities, and from the parents, family members, guardians, advocates, or authorized representatives of the individuals.''.

(f) USE OF FUNDS.—Section 202 (29 U.S.C. 761a) is amended by striking subsection (f) and inserting the following:

''(f) Not less than 90 percent of the funds appropriated under this title for any fiscal year shall be expended by the Director to carry out activities under this title through grants, contracts, or cooperative agreements. Up to 10 percent of the funds appropriated under this title for any fiscal year may be expended directly for the purpose of carrying out the functions of the Director under this section.''.

(g) LONG-RANGE PLAN.—Section 202(g) (29 U.S.C. 761a(g)) is amended—

(1) in the matter preceding paragraph (1), by striking ''within eighteen months after the effective date of this section'';

(2) in paragraph (1), by striking ''problems encountered'' and all that follows and inserting ''full inclusion and integration into society of individuals with disabilities, especially in the area of employment;'';

(3) by striking ''and'' at the end of paragraph (2);

(4) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(5) by adding at the end the following new paragraphs:

''(4) be developed in consultation with the Rehabilitation Research Advisory Council established under section 205 and after full consideration of the input of individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals, organizations representing individuals with disabilities, providers of services furnished under this Act, and researchers in the rehabilitation field;

''(5) specify plans for widespread dissemination of research results in accessible formats to rehabilitation practitioners, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals;

''(6) specify plans for widespread dissemination of research results that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs under this Act;

''(7) be developed by the Director—

''(A) in coordination with the Commissioner; and

''(B) in consultation with the National Council on Disability established under title IV, the Secretary of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Interagency Committee on Disability Research established under section 203, individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of the individuals, and any other persons or entities the Director considers appropriate; and

''(8) be revised, in the manner required by this section—

''(A) at least once every 5 years; and

''(B) at any time determined to be necessary by the Director.''.

(h) RESEARCH PROGRAM.—Section 202(i)(2) (29 U.S.C. 761a(i)(2)) is amended by striking ''this section'' and inserting ''this title''.

(i) PEDIATRIC REHABILITATION RESEARCH.—Section 202(j) (29 U.S.C. 761a(j)) is amended—

(1) in paragraph (1), by striking ''for the establishment of'' and inserting ''to support''; and

(2) in paragraphs (2) and (3), by striking ''establish'' and inserting ''support''.

(j) REHABILITATION RESEARCHERS.—Section 202(k) (29 U.S.C. 761a(k)) is amended by striking ''researchers'' and all that follows and inserting the following: ''rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of this Act and that improve the effectiveness of services authorized under this Act.''.

(k) RECOMMENDATIONS AND STUDY.—Section 202 (29 U.S.C. 761a) is amended by striking subsections (l) and (m).

SEC. 204. INTERAGENCY COMMITTEE.

(a) ESTABLISHMENT.—Section 203(a)(1) (29 U.S.C. 761b(a)(1)) is amended by inserting ''the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services,'' after ''designees): the Director,''.

(b) IDENTIFICATION, ASSESSMENT, AND COORDINATION.—Section 203(b) (29 U.S.C. 761b(b)) is amended by striking ''The'' and inserting ''After receiving input from individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals, the''.

(c) REPORT.—Section 203(c) (29 U.S.C. 761b(c)) is amended by striking '', not later than'' and all that follows through ''shall'' and inserting ''shall annually''.

SEC. 205. RESEARCH.

(a) IN GENERAL.—Section 204(a) (29 U.S.C. 762(a)) is amended—

(1) in the first sentence, by striking ''demonstrations,'' and all that follows and inserting ''demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and improve the effectiveness of services authorized under this Act. In carrying out this section, the Director shall emphasize projects that support the implementation of titles I, III, VI, VII, and VIII.''; and

(2) in the last sentence—

(A) by inserting after ''Such projects'' the following: '', as described in the State plans submitted by State agencies,'';

(B) by striking ''special problems of homebound and institutionalized individuals'' and inserting ''studies and analysis of special problems of individuals who are homebound and individuals who are institutionalized''; and

(C) by striking the period at the end and inserting the following: '', particularly individuals with disabilities, and individuals with the most severe disabilities, who are members of populations that are unserved or underserved by programs under this Act.''.

(b) RESEARCH ACTIVITIES.—Section 204(b) (29 U.S.C. 762(b)) is amended—

(1) by redesignating paragraphs (4) through (15) as paragraphs (5) through (16), respectively;

(2) by striking the matter preceding paragraph (1) and all that follows through paragraph (3) and inserting the following:

''(b)(1) In addition to carrying out projects under subsection (a), the Director may make grants under this subsection (referred to in this subsection as 'research grants') to pay part or all of the cost of the specialized research or demonstration activities described in paragraphs (2) through (16).

''(2)(A) Research grants may be used for the establishment and support of Rehabilitation Research and Training Centers, for the purpose of providing an integrated program of research, which Centers shall—

''(i) be operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services; and

''(ii) serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

''(B) The Centers shall conduct research and training activities by—

''(i) conducting coordinated and advanced programs of research in rehabilitation targeted toward the production of new knowledge that will improve rehabilitation methodology and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities;

''(ii) providing training (including graduate, pre-service, and in-service training) to assist individuals to more effectively provide rehabilitation services;

''(iii) providing training (including graduate, pre-service, and in-service training) for

rehabilitation research personnel and other rehabilitation personnel; and

''(iv) serving as an informational and technical assistance resource to providers, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, through conferences, workshops, public education programs, in-service training programs, and similar activities.

''(C) The research to be carried out at each such Center may include—

''(i) basic or applied medical rehabilitation research;

''(ii) research regarding the psychological and social aspects of rehabilitation, including disability policy;

''(iii) research related to vocational rehabilitation;

''(iv) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities;

''(v) continuation of research to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities; and

''(vi) continuation of research that will improve services and policies that foster the productivity, independence, and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with mental retardation and other developmental disabilities, to live in their communities.

''(D) Training of students preparing to be rehabilitation personnel shall be an important priority for such a Center.

''(E) The Director shall make grants under this paragraph to establish and support both comprehensive centers dealing with multiple disabilities and centers primarily focused on particular disabilities.

''(F) Grants made under this paragraph may be used to provide funds for services rendered by such a Center to individuals with disabilities in connection with the research and training activities.

''(G) Grants made under this paragraph may be used to provide faculty support for teaching—

''(i) rehabilitation related courses of study for credit; and

''(ii) other courses offered by the Centers, either directly or through another entity.

''(H) The research and training activities conducted by such a Center shall be conducted in a manner that is accessible to and usable by individuals with disabilities.

''(I) The Director shall encourage the Centers to develop practical applications for the findings of the research of the Centers.

''(J) In awarding grants under this paragraph, the Director shall take into consideration the location of any proposed Center and the appropriate geographic and regional allocation of such Centers.

''(K) To be eligible to receive a grant under this paragraph, each such institution or provider shall—

''(i) be of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner consistent with appropriate State and Federal law; and

''(ii) demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

''(L) The Director shall make grants under this paragraph for periods of 5 years, except that the Director may make a grant for a period of less than 5 years if—

''(i) the grant is made to a new recipient; or

''(ii) the grant supports new or innovative research.

''(M) Grants made under this paragraph shall be made on a competitive basis. To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(N) The Director shall establish a system of peer review of applications for grants under this paragraph. The peer review of an application for the renewal of a grant made under this paragraph shall take into account the past performance of the applicant in carrying out the grant and input from individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

''(O) An institution or provider that receives a grant under this paragraph to establish such a Center may not collect more than 15 percent of the amount of the grant received by the Center in indirect cost charges.

''(3)(A) Research grants may be used for the establishment and support of Rehabilitation Engineering Research Centers, operated by or in collaboration with institutions of higher education or nonprofit organizations, to conduct research or demonstration activities, and training activities, regarding rehabilitation technology, including rehabilitation engineering, assistive technology devices, and assistive technology services, for the purposes of enhancing opportunities for better meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives.

''(B) In order to carry out the purposes set forth in subparagraph (A), such a Center shall carry out the research or demonstration activities by—

''(i) developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to—

''(I) solve rehabilitation problems and remove environmental barriers through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, and new or improved methods, equipment, and devices; and

''(II) study new or emerging technologies, products, or environments, and the effectiveness and benefits of such technologies, products, or environments;

''(ii) demonstrating and disseminating—

''(I) innovative models for the delivery, to rural and urban areas, of cost-effective rehabilitation technology services that promote utilization of assistive technology devices; and

''(II) other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities; or

''(iii) conducting research or demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating—

''(I) consumer responsive and individual and family centered innovative models for the delivery to both rural and urban areas, of innovative cost-effective rehabilitation technology services that promote utilization of rehabilitation technology; and

''(II) other scientific research to assist in meeting the employment and independent living needs of, and addressing the barriers confronted by, individuals with disabilities, including individuals with severe disabilities.

''(C) To the extent consistent with the nature and type of research or demonstration activities described in subparagraph (B), each Center established or supported through a grant made available under this paragraph shall—

''(i) cooperate with programs established under the Technology-Related Assistance to Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) and other regional and local programs to provide information to individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals, to—

''(I) increase awareness and understanding of how rehabilitation technology can address their needs; and

''(II) increase awareness and understanding of the range of options, programs, services, and resources available, including financing options for the technology and services covered by the area of focus of the Center;

''(ii) provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations; and

''(iii) respond, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the area of focus of the Center.

''(D)(i) In establishing Centers to conduct the research or demonstration activities described in subparagraph (B)(iii), the Director may establish one Center in each of the following areas of focus:

''(I) Early childhood services, including early intervention and family support.

''(II) Education at the elementary and secondary levels, including transition from school to postschool activities.

''(III) Employment, including supported employment, and reasonable accommodations and the reduction of environmental barriers as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and title V.

''(IV) Independent living, including transition from institutional to community living, maintenance of community living on leaving the work force, self-help skills, and activities of daily living.

''(ii) Each Center conducting the research or demonstration activities described in subparagraph (B)(iii) shall have an advisory committee, of which the majority of members are individuals with disabilities who are users of rehabilitation technology, and the parents, family members, guardians, advocates, or authorized representatives of users of rehabilitation technology.

''(E) Grants made under this paragraph shall be made on a competitive basis and shall be for a period of 5 years, except that the Director may make a grant for a period of less than 5 years if—

''(i) the grant is made to a new recipient; or

''(ii) the grant supports new or innovative research.

''(F) To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(G) Each Center established or supported through a grant made available under this paragraph shall—

''(i) cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.); and

''(ii) prepare and submit to the Director as part of an application for continuation of a grant, or as a final report, a report that documents the outcomes of the program in terms of both short- and long-term impact on the lives of individuals with disabilities,

and such other information as may be requested by the Director.

''(4)(A) Research grants may be used to conduct a program for spinal cord injury research, including conducting such a program by making grants to public or private agencies and organizations to pay part or all of the costs of special projects and demonstration projects for spinal cord injuries, that will—

''(i) ensure widespread dissemination of research findings among all Spinal Cord Injury Centers, to rehabilitation practitioners, individuals with spinal cord injury, the parents, family members, guardians, advocates, or authorized representatives of such individuals, and organizations receiving financial assistance under this paragraph;

''(ii) provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

''(iii) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigations.

''(B) Any agency or organization carrying out a project or demonstration project assisted by a grant under this paragraph that provides services to individuals with spinal cord injuries shall—

''(i) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient followup and services;

''(ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

''(iii) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

''(iv) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

''(C) In awarding grants under this paragraph, the Director shall take into account the location of any proposed Spinal Cord Injury Center and the appropriate geographic and regional allocation of such Centers.'';

(3) in paragraphs (5) through (16) (as so redesignated by paragraph (1) of this subsection), by striking ''Conduct of'' the first place in each such paragraph that the term appears and inserting ''Research grants may be used to conduct'';

(4) in paragraph (9) (as so redesignated by paragraph (1) of this subsection), to read as follows:

''(9) Research grants may be used to conduct a program of research related to the rehabilitation of children, or older individuals, who are individuals with disabilities, including older American Indians who are individuals with disabilities. Such research program may include projects designed to assist the adjustment of, or maintain as residents in the community, older workers who are individuals with disabilities on leaving the work force.'';

(5) in paragraph (12)(A) (as so redesignated by paragraph (1) of this subsection), by inserting ''assessment,'' after ''early intervention,''; and

(6) in paragraph (13) (as so redesignated by paragraph (1) of this subsection)—

(A) in the matter preceding subparagraph (A), by striking ''developing the employment potential'' and inserting ''addressing the employment needs''; and

(B) in subparagraph (B), by striking ''potential'' and inserting ''needs''.

SEC. 206. REHABILITATION RESEARCH ADVISORY COUNCIL.

(a) COUNCIL.—Title II (29 U.S.C. 760 et seq.) is amended by adding at the end the following new section:

''REHABILITATION RESEARCH ADVISORY COUNCIL

''SEC. 205. (a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish in the Department of Education a Rehabilitation Research Advisory Council (referred to in this section as the 'Council') composed of 12 members appointed by the Secretary.

''(b) DUTIES.—The Council shall advise the Director with respect to research priorities and the development and revision of the long-range plan required by section 202(g).

''(c) QUALIFICATIONS.—Members of the Council shall be generally representative of the community of rehabilitation professionals, the community of rehabilitation researchers, the community of individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals. At least one-half of the members shall be individuals with disabilities or parents, family members, guardians, advocates, or authorized representatives of the individuals.

''(d) TERMS OF APPOINTMENT.—

''(1) LENGTH OF TERM.—Each member of the Council shall serve for a term of up to 3 years, determined by the Secretary, except that—

''(A) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

''(B) the terms of service of the members initially appointed shall be (as specified by the Secretary) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

''(2) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive full terms. Members may serve after the expiration of their terms until their successors have taken office.

''(e) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

''(f) PAYMENT AND EXPENSES.—

''(1) PAYMENT.—Each member of the Council who is not an officer or full-time employee of the Federal Government shall receive a payment of $150 for each day (including travel time) during which the member is engaged in the performance of duties for the Council. All members of the Council who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

''(2) TRAVEL EXPENSES.—Each member of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

''(g) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Education to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(h) TECHNICAL ASSISTANCE.—On the request of the Council, the Secretary shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

''(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.''.

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by inserting after the item relating to section 204 the following:

''Sec. 205. Rehabilitation Research Advisory Council.''.

TITLE III—TRAINING AND DEMONSTRATION PROJECTS

SEC. 301. DECLARATION OF PURPOSE; ORGANIZATION.

(a) PURPOSE.—Section 300 (29 U.S.C. 770) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (4), (3), (2), and (5), respectively;

(2) by inserting paragraphs (2) and (3) (as so redesignated by paragraph (1) of this subsection), respectively, before paragraph (4) (as so redesignated by paragraph (1) of this subsection);

(3) by inserting before paragraph (2) the following:

''(1) authorize grants and contracts to—

''(A) ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs, through supported employment programs, through independent living services programs, and through client assistance programs;

''(B) maintain and upgrade basic skills and knowledge of personnel employed to provide state-of-the-art service delivery systems and rehabilitation technology services; and

''(C) provide training and information to individuals with disabilities, the parents, families, guardians, advocates, and authorized representatives of the individuals, and other appropriate parties to develop the skills necessary for individuals with disabilities to access the rehabilitation system and to become active decisionmakers in the rehabilitation process;'';

(4) in paragraph (2) (as so redesignated by paragraph (1)) by striking ''and'' at the end;

(5) in paragraph (3) (as so redesignated by paragraph (1)) by striking ''training'' and inserting ''rehabilitation''; and

(6) in paragraph (4) (as so redesignated by paragraph (1)) by striking ''construction'' and all that follows and inserting ''development and improvement of community rehabilitation programs; and''.

(b) ORGANIZATION.—Title III (29 U.S.C. 770 et seq.) is amended—

(1) by striking the headings for the title and part A of the title and inserting the following:

''TITLE III—TRAINING AND DEMONSTRATION PROJECTS

''PART A—TRAINING PROGRAMS AND COMMUNITY REHABILITATION PROGRAMS'';

(2) by striking section 301 (29 U.S.C. 771);

(3) by redesignating sections 300, 302, 303, and 304 (29 U.S.C. 770, 772, 773, and 774) as sections 301, 303, 304, and 302, respectively; and

(4) by inserting section 302 (as so redesignated by paragraph (3) of this subsection) after section 301.

(c) CONFORMING AMENDMENTS.—The table of contents relating to title III is amended to read as follows:

''TITLE III—TRAINING AND DEMONSTRATION PROJECTS

''PART A—TRAINING PROGRAMS AND COMMUNITY REHABILITATION PROGRAMS

''Sec. 301. Declaration of purpose.
''Sec. 302. Training.
''Sec. 303. Vocational rehabilitation services for individuals with disabilities.
''Sec. 304. Loan guarantees for community rehabilitation programs.
''Sec. 305. Comprehensive rehabilitation centers.
''Sec. 306. General grant and contract requirements.

''PART B—SPECIAL PROJECTS

''Sec. 310. Authorization of appropriations.
''Sec. 311. Special demonstration programs.
''Sec. 312. Migratory workers.
''Sec. 314. Reader services for individuals who are blind.
''Sec. 315. Interpreter services for individuals who are deaf.
''Sec. 316. Special recreational programs.''.

SEC. 302. TRAINING.

(a) TRAINING GRANTS AND CONTRACTS.—

(1) CERTAIN PROJECTS.—Section 302(a) (29 U.S.C. 774(a)) (as so redesignated by section 301(b)(3)) is amended in the first sentence—

(A) in the matter preceding paragraph (1)—

(i) by inserting after ''traineeships, and related activities'' the following: '', including the provision of technical assistance,''; and

(ii) by inserting '', and other services provided under this Act,'' after ''rehabilitation services'';

(B) in paragraph (1), by striking ''specially'' and inserting ''specifically'';

(C) in paragraph (2), by inserting before the comma at the end the following: '', including needs for rehabilitation technology services'';

(D) in paragraph (3)—

(i) by striking ''comprehensive services for independent living'' and inserting ''independent living services''; and

(ii) by striking ''and'' at the end;

(E) by redesignating paragraph (4) as paragraph (5); and

(F) by inserting after paragraph (3) the following: ''(4) personnel specifically trained to deliver services, through supported employment programs, to individuals with the most severe disabilities, and'';

(2) CERTAIN REQUIREMENTS; APPLICATION FOR ASSISTANCE.—Section 302(a) (29 U.S.C. 774(a)), as amended by paragraph (1), is amended—

(A) by striking the second and third sentences;

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(C) by inserting ''(1)'' after the subsection designation; and

(D) by adding at the end the following paragraphs:

''(2) Grants and contracts under paragraph (1) may be expended for scholarships, with necessary stipends and allowances.

''(3) In carrying out this subsection, the Commissioner shall furnish training regarding the services provided under this Act, and, in particular, services provided in accordance with amendments made by the Rehabilitation Act Amendments of 1992, to rehabilitation counselors and other rehabilitation personnel. In carrying out this subsection, the Commissioner shall also furnish training to such counselors and personnel regarding the applicability of section 504 of this Act, title I of the Americans with Disabilities Act of 1990, and the provisions of titles II and XVI of the Social Security Act that are related to work incentives for individuals with disabilities.

''(4) The Commissioner, in carrying out this subsection, shall make grants to Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

''(5) No grant shall be awarded under this section unless the applicant has submitted an application to the Commissioner in such form, and in accordance with such procedures, as the Commissioner may require. Any such application shall include a detailed description of strategies that will be utilized to recruit and train persons so as to reflect the diverse populations of the United States, as part of the effort to increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide rehabilitation services.''.

(b) PROJECTS.—Section 302(b) (29 U.S.C. 774(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) In making such grants or contracts, the Commissioner shall target funds made available for any year to areas of personnel shortage.

''(B) Projects described in subsection (a) may include—

''(i) projects to train personnel in the areas of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, or prosthetics and orthotics;

''(ii) projects to train personnel to provide—

''(I) services to individuals with specific disabilities or specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

''(II) job development and job placement services to individuals with disabilities;

''(III) supported employment services, including services of employment specialists for individuals with disabilities;

''(IV) specialized services for individuals with severe disabilities; or

''(V) recreation for individuals with disabilities; and

''(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities.''; and

(2) in paragraph (3)(A)—

(A) by inserting '', for any academic year beginning after June 1, 1992,'' after ''who receives a scholarship''; and

(B) by striking clause (i) and inserting the following:

''(i) maintain employment—

''(I) in a nonprofit rehabilitation agency or related agency or in a State rehabilitation agency or related agency, including a professional corporation or professional practice group through which the individual has a service arrangement with the designated State agency;

''(II) on a full- or part-time basis; and

''(III) for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this section was received,

within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in subclause (III) and 2 additional years; and''.

(c) TECHNICIAN TRAINING; CAREER ADVANCEMENT AND COMPETENCY-BASED TRAINING.—Section 302 (29 U.S.C. 774) is amended—

(1) by redesignating subsections (d) through (f) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (c) the following subsections:

''(d) In carrying out subsection (a), the Commissioner shall award two grants to States, public or nonprofit private agencies and organizations, and institutions of higher education to support the development of rehabilitation technician programs. Such programs shall be designed to train local employees, who are recruited from or reside in a community historically unserved or underserved by programs providing vocational rehabilitation services under this Act, to be liaisons between the community and vocational rehabilitation counselors. The rehabilitation technician program shall provide a mechanism through which individuals with disabilities residing in remote, isolated settings can successfully access vocational rehabilitation services.

''(e)(1) In carrying out subsection (a), the Commissioner shall award two grants to States, public or nonprofit private agencies and organizations, and institutions of higher education to support the formation of consortia or partnerships of public or nonprofit private entities for the purpose of providing opportunities for career advancement or competency-based training to current employees of public or nonprofit private agencies that provide services to individuals with disabilities. Such opportunities shall include certificate or degree granting programs in vocational rehabilitation services and related services.

''(2) An entity that receives a grant under paragraph (1) may use the grant for purposes including—

''(A) establishing a program with an institution of higher education to develop creative new programs and coursework options, or to expand existing programs, concerning the fields of vocational rehabilitation services and related services, including—

''(i) providing release time for faculty and staff for curriculum development; and

''(ii) paying for instructional costs and startup and other program development costs;

''(B) establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, and county employees, and volunteers, who—

''(i) have demonstrated a commitment to working in the fields described in clause (i); and

''(ii) are enrolled in a program relating to such a field at an institution of higher education;

''(C) supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in such fields; and

''(D) identifying existing public or private agency and labor union personnel policies and benefit programs that may facilitate the ability of employees to take advantage of higher education opportunities, such as leave time and tuition reimbursement.

''(3) In making grants for projects under paragraph (1), the Commissioner shall ensure that the projects shall be geographically distributed throughout the United States in urban and rural areas.

''(4) The Commissioner shall, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), enter into a cooperative agreement through a separate competition with an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of employees to serve individuals with disabilities through the use of consortia or partnerships established for the purpose of retraining the existing work

force and providing opportunities for career enhancement.

''(5) The Commissioner may conduct an evaluation of projects funded under this subsection.

''(6) During the period in which an entity is receiving financial assistance under paragraph (1), the entity may not receive financial assistance under paragraph (4).''.

(d) OFFICE OF DEAFNESS AND COMMUNICATIVE DISORDERS.—Section 302(f) (29 U.S.C. 774(f)) (as so redesignated by subsection (c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking ''deaf individuals'' and inserting ''individuals who are deaf and individuals who are deaf-blind'';

(ii) by striking ''Office of Information and Resources for Individuals With Disabilities'' and inserting ''Office of Deafness and Communicative Disorders''; and

(iii) by striking ''grants under this section'' and inserting ''grants''; and

(B) by striking the second sentence; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''this section'' and inserting ''paragraph (1)'';

(B) in subparagraph (B), by striking ''deaf individuals'' and inserting ''individuals who are deaf and individuals who are deaf-blind'';

(C) in subparagraph (C), by adding ''and'' after the semicolon at the end;

(D) by striking subparagraph (D); and

(E) by redesignating subparagraph (E) as subparagraph (D).

(e) COMPENSATION OF EXPERTS AND CONSULTANTS.—Section 302(g) (29 U.S.C. 774(g)) (as so redesignated by subsection (c)) is amended—

(1) in paragraph (1), by striking ''rehabilitation facilities'' and inserting ''community rehabilitation programs'';

(2) in paragraph (2), by striking ''the daily rate payable for grade GS–18 of the General Schedule under section 5332'' and inserting ''the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''; and

(3) by adding at the end the following:

''(3)(A) Subject to subparagraph (B), at least 15 percent of the sums appropriated to carry out this section shall be allocated to designated State agencies to be used, directly or indirectly, for projects for in-service training of rehabilitation personnel, including projects designed—

''(i) to address recruitment and retention of qualified rehabilitation professionals;

''(ii) to provide for succession planning;

''(iii) to provide for leadership development and capacity building; and

''(iv) for fiscal years 1993 and 1994, to provide training regarding the amendments to this Act made by the Rehabilitation Act Amendments of 1992.

''(B) If the allocation to designated State agencies required by subparagraph (A) would result in a lower level of funding for projects being carried out on the date of enactment of the Rehabilitation Act Amendments of 1992 by other recipients of funds under this section, the Commissioner may allocate less than 15 percent of the sums described in subparagraph (A) to designated State agencies for such in-service training.''.

(f) RELATIONSHIP TO TRAINING ACTIVITIES.—Section 302 (29 U.S.C. 774) (as amended by subsection (c)) is amended by adding at the end the following:

''(i)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund training activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund the training activities described in section 803.

''(2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII.''.

SEC. 303. COMMUNITY REHABILITATION PROGRAMS FOR INDIVIDUALS WITH DISABILITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303(a) (29 U.S.C. 772(a)) (as so redesignated by section 301(b)(3)) is amended by striking ''1987'' and all that follows and inserting ''1993 through 1997.''.

(b) ESTABLISHMENT.—Section 303(b) (29 U.S.C. 772(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''training services'' and inserting ''rehabilitation services or employment support services''; and

(B) by striking ''rehabilitation facilities'' and inserting ''community rehabilitation programs'';

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

''(A) For purposes of this section, vocational rehabilitation services shall include—

''(i) training with a view toward career advancement;

''(ii) training (including on-the-job training) in occupational skills; and

''(iii) services, including rehabilitation technology services, personal assistance services, and supported employment services and extended services, that—

''(I) are related to training described in clause (i) or (ii); and

''(II) are required by the individual to engage in such training.''; and

(B) in subparagraph (B)—

(i) by inserting after ''(B)'' the following new sentence: ''Pursuant to regulations, payment of weekly allowances may be made to individuals receiving vocational rehabilitation services and related services under this section.'';

(ii) in the second sentence (as placed pursuant to clause (i) of this subparagraph), by striking '', and such allowances'' and all that follows and inserting a period; and

(iii) in the last sentence—

(I) by striking ''training services'' and inserting ''vocational rehabilitation services''; and

(II) by striking ''gainful and suitable'' and inserting ''competitive''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''gainful and suitable employment'' and inserting ''competitive employment, or to place or retain such individual in competitive employment'';

(B) in subparagraph (B)—

(i) by striking ''suitable for and'';

(ii) by striking ''training'' each place the term appears and inserting ''vocational rehabilitation''; and

(iii) by striking ''rehabilitation facility'' and inserting ''community rehabilitation program'';

(C) in subparagraph (C), by striking ''training'' and inserting ''vocational rehabilitation''; and

(D) in subparagraph (D), by striking ''rehabilitation facility and the training'' and inserting ''community rehabilitation program and the vocational rehabilitation''.

(c) ADDITIONAL GRANTS.—Section 303 (29 U.S.C. 772) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) The Commissioner is also authorized to make grants, upon applications approved by the designated State agency, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning community rehabilitation programs, the cost of the services to be provided by such programs, and initial staffing costs of such programs.''; and

(3) in subsection (d)(1) (as so redesignated by paragraph (1))—

(A) by striking ''rehabilitation facilities'' and inserting ''community rehabilitation programs''; and

(B) by striking ''such facilities'' and inserting ''such programs''.

(d) CONFORMING AMENDMENT.—The heading of section 303 (29 U.S.C. 772) is amended by striking ''TRAINING'' and inserting ''REHABILITATION''.

SEC. 304. LOAN GUARANTEES.

Section 304 (29 U.S.C. 773) (as so redesignated by section 301(b)(3)) is amended—

(1) in the heading for the section, by striking ''REHABILITATION FACILITIES'' and inserting ''COMMUNITY REHABILITATION PROGRAMS'';

(2) in subsection (a), by striking ''facilities for'' and inserting ''community rehabilitation''; and

(3) in subsection (b)—

(A) by inserting ''under special circumstances and'' after ''may,''; and

(B) by striking ''rehabilitation facilities'' and inserting ''facilities for community rehabilitation programs''.

SEC. 305. COMPREHENSIVE REHABILITATION CENTERS.

Section 305 (29 U.S.C. 775) is amended—

(1) in subsection (d)(1), by striking ''facility'' and inserting ''center''; and

(2) in subsection (g), by striking ''1987,'' and all that follows and inserting ''1993 through 1997.''.

SEC. 306. GENERAL GRANT AND CONTRACT REQUIREMENTS.

Section 306 (29 U.S.C. 776) is amended—

(1) in subsection (a), by striking ''section 302'' and inserting ''section 303'';

(2) in subsection (b)(4), by striking ''rehabilitation facilities'' and inserting ''facilities for community rehabilitation programs'';

(3) in subsection (f), by striking ''rehabilitation facility'' and inserting ''facility for a community rehabilitation program''; and

(4) in subsection (h), by striking ''establishing facilities'' and inserting ''developing or improving community rehabilitation programs''.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES.

Section 310 (29 U.S.C. 777) is amended—

(1) by striking ''(a)'' after ''310.'';

(2) by striking ''and 316'' and inserting ''312, and 316'';

(3) by striking ''$15,860,000'' and all that follows and inserting ''such sums as may be necessary for each of fiscal years 1993 through 1997.''; and

(4) by striking subsection (b).

SEC. 308. SPECIAL DEMONSTRATION PROGRAMS.

(a) GRANTS.—Section 311(a) (29 U.S.C. 777a(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''and, where appropriate, constructing facilities''; and

(B) by striking ''blind or deaf individuals,'' and all that follows and inserting the following: ''individuals who are members of populations that are unserved or underserved by the programs under this Act, individuals who are blind, and individuals who are deaf,'';

(2) in paragraph (2), by striking ''new careers);'' and inserting ''new careers and career advancement);'';

(3) in paragraph (3), by striking ''and, where appropriate, renovating and constructing facilities''; and

(4) by striking the matter after and below paragraph (4).

(b) CERTAIN REQUIREMENTS.—Section 311 (29 U.S.C. 777a) is amended by striking subsection (b) and redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(c) SPECIAL PROJECTS AND DEMONSTRATIONS PROVIDING SUPPORTED EMPLOYMENT.—Section 311(c) (29 U.S.C. 777a(d)) (as so redesignated by subsection (b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''rehabilitation facilities'' and inserting ''community rehabilitation programs''; and

(ii) by inserting before the period the following: '', including continuation of determinations of the effectiveness of natural supports or other alternatives to providing extended employment services'';

(B) in subparagraph (B)—

(i) by striking ''and'' before ''(iii)''; and

(ii) in clause (iii), by striking ''community-based rehabilitation facilities'' and inserting ''community rehabilitation programs''; and

(C) by adding at the end the following subparagraph:

''(C) Not less than two such grants shall serve individuals who either are low-functioning and deaf or low-functioning and hard-of-hearing.'';

(2) in paragraph (3)(A), by striking '', 1988, and on each subsequent June 1'' and inserting ''of each year''; and

(3) in paragraph (4), by striking ''$9,000,000'' and all that follows and inserting ''such sums as may be necessary for each of fiscal years 1993 through 1997.''.

(d) MODEL STATEWIDE TRANSITIONAL PLANNING SERVICES.—Section 311(d) (29 U.S.C. 777a(e)) (as so redesignated by subsection (b)) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(3) in paragraph (3)(A) (as redesignated by paragraph (2) of this subsection)—

(A) by striking clause (ii); and

(B) by striking the clause designation; and

(4) in paragraph (4) (as redesignated by paragraph (2) of this subsection), by striking ''$450,000'' and all that follows and inserting ''such sums as may be necessary for each of the fiscal years 1993 through 1997.''.

(e) RELATIONSHIP TO DEMONSTRATION ACTIVITIES.—Section 311 (29 U.S.C. 777a), as amended by subsection (b), is amended by adding at the end the following new subsection:

''(e)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund demonstration programs, projects, and activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund programs, projects, and activities described in section 802.

''(2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII.''.

SEC. 309. MIGRATORY WORKERS.

(a) COLLABORATION.—The first sentence of section 312 (29 U.S.C. 777b) is amended—

(1) by inserting ''(a)'' after ''312.''; and

(2) by inserting ''to nonprofit agencies working in collaboration with such State agency,'' after ''section 101,''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 312 (29 U.S.C. 777b) is amended by adding at the end the following new subsection:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 1993 through 1997 such sums as may be necessary to carry out this section.''.

SEC. 310. SPECIAL RECREATIONAL PROGRAMS.

(a) GRANTS.—Section 316(a) (29 U.S.C. 777f(a)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking ''part or all'' and inserting ''the Federal share''; and

(ii) by inserting ''employment,'' before ''mobility,''; and

(B) in the second sentence, by inserting ''vocational skills development,'' before ''leisure education,'';

(2) in paragraph (2), by striking ''a minimum of a three-year period.'' and inserting ''a period of not more than 3 years. Such a grant shall not be renewable, except that the Commissioner may renew such a grant if the Commissioner determines that the grant recipient will continue to develop model or innovative programs of exceptional merit or will contribute substantially to the development or improvement of special recreational programs in other locations.'';

(3) in paragraph (3), by striking ''to be made, and that'' and all that follows and inserting ''to be made.''; and

(4) by adding at the end the following new paragraphs:

''(4) To be eligible to receive a grant under this section, a State, agency, or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including a description of—

''(A) the manner in which the findings and results of the project will be made generally available; and

''(B) the means by which the service program will be continued after Federal assistance ends.

''(5) Recreation programs funded under this section shall maintain, at a minimum, the same level of services over a 3-year project period.

''(6) The Commissioner shall, not later than 180 days after the date of enactment of the Rehabilitation Act Amendments of 1992, develop means to objectively evaluate, and encourage the replication of, activities assisted by this section.

''(7) The Commissioner shall require each recipient of a grant under this section to annually prepare and submit a report on the results of the activities assisted by the grant. The Commissioner shall not make financial assistance available to a grant recipient for a subsequent year until the Commissioner has received and evaluated such a report from the recipient regarding the current year.

''(8) The Commissioner shall annually issue and provide for the dissemination of a report describing the findings and results of programs funded by this section.

''(9) The Federal share of the costs of the recreation programs shall be 100 percent for the first year of the grant, 75 percent for the second year, and 50 percent for the third year.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(b) (29 U.S.C. 777f(b)) is amended by striking ''$2,330,000'' and all that follows and inserting ''such sums as may be necessary for each of the fiscal years 1993 through 1997.''.

TITLE IV—NATIONAL COUNCIL ON DISABILITY

SEC. 401. ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY.

(a) IN GENERAL.—Section 400(a) (29 U.S.C. 780(a)) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)'';

(B) by inserting after the first sentence the following:

''(B) The President shall select members of the National Council after soliciting recommendations from representatives of—

''(i) organizations representing a broad range of individuals with disabilities; and

''(ii) organizations interested in individuals with disabilities.

''(C) The members of the National Council shall be individuals with disabilities or individuals who have substantial knowledge or experience relating to disability policy or programs.'';

(C) in the last sentence, by striking ''At least five members'' and inserting ''A majority of the members''; and

(D) by adding at the end the following sentence: ''The members of the National Council shall be broadly representative of minority and other individuals and groups.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) The purpose of the National Council is to promote policies, programs, practices, and procedures that—

''(A) guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and

''(B) empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.''.

(b) TERMS.—Section 400(b) (29 U.S.C. 780(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) Each member of the National Council shall serve for a term of 3 years, except that the terms of service of the members initially appointed after the date of enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.''; and

(2) by striking paragraph (2) and inserting the following:

''(2)(A) No member of the Council may serve more than two consecutive full terms beginning on the date of initial service on the Council. Members may serve after the expiration of their terms until their successors have taken office.

''(B) As used in this paragraph:

''(i) The term 'full term' means a term of 3 years.

''(ii) The term 'date of initial service' means, with respect to a member, the date on which the member is sworn in.''.

SEC. 402. DUTIES OF NATIONAL COUNCIL.

(a) DUTIES.—Section 401(a) (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) provide advice to the Director with respect to the policies and conduct of the National Institute on Disability and Rehabilitation Research, including ways to improve research concerning individuals with disabilities and the methods of collecting and disseminating findings of such research;'';

(2) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (8), (9), and (10);

(3) by inserting after paragraph (3) the following paragraph:

''(4) provide advice regarding priorities for the activities of the Interagency Disability

Coordinating Council and review the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;'';

(4) in paragraph (5) (as so redesignated by paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking ''all policies, programs, and activities'' and inserting ''policies, programs, practices, and procedures'';

(B) in subparagraph (B), by inserting ''and regulations'' after ''statutes''; and

(C) in the matter following subparagraph (B), by striking ''activities, and statutes'' and inserting ''practices, procedures, statutes, and regulations'';

(5) in paragraph (6) (as so redesignated by paragraph (2) of this subsection), by striking ''and activities'' and all that follows and inserting ''practices, and procedures facilitate or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section 400(a)(2);'';

(6) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following paragraph:

''(7) gather information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);'';

(7) in paragraph (8) (as so redesignated by paragraph (2) of this subsection), to read as follows:

''(8) make recommendations to the President, the Congress, the Secretary, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies, respecting ways to better promote the policies set forth in section 400(a)(2);'';

(8) in paragraph (9) (as so redesignated by paragraph (2) of this subsection), to read as follows:

''(9) not later than March 31 of each year, prepare and submit to the Congress and the President a report containing a summary of the activities and accomplishments of the Council with respect to the duties described in paragraphs (1) through (8);'';

(9) in paragraph (10) (as redesignated by paragraph (2) of this subsection), by striking the period and inserting ''; and''; and

(10) by adding at the end the following:

''(11) review and evaluate on a continuing basis new and emerging disability policy issues affecting individuals with disabilities at the Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access to health care, and policies that operate as disincentives for the individuals to seek and retain employment.''.

(b) REPORT.—Section 401(b) (29 U.S.C. 781(b)) is amended to read as follows:

''(b)(1) Not later than October 31, 1993, and annually thereafter, the National Council shall prepare and submit to the President and the appropriate committees of the Congress a report entitled 'National Disability Policy: A Progress Report'.

''(2) The report shall assess the status of the Nation in achieving the policies set forth in section 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of individuals with disabilities. The report shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, training, prevention, early intervention, and education. The report shall include recommendations for policy change.

''(3) In determining the issues to focus on and the findings, conclusions, and recommendations to include in the report, the Council shall seek input from the public, particularly individuals with disabilities, representatives of organizations representing a broad range of individuals with disabilities, and organizations and agencies interested in individuals with disabilities.''.

SEC. 403. COMPENSATION OF NATIONAL COUNCIL MEMBERS.

Section 402(a) (29 U.S.C. 782(a)) is amended by striking ''rate of basic pay payable for grade GS–18 of the General Schedule under section 5332'' and inserting ''rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''.

SEC. 404. STAFF OF NATIONAL COUNCIL.

Section 403(b)(1) (29 U.S.C. 783(b)(1)) is amended by striking ''annual rate of basic pay payable for grade GS–18 of the General Schedule under section 5332'' and inserting ''rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''.

SEC. 405. ADMINISTRATIVE POWERS OF NATIONAL COUNCIL.

Section 404 (29 U.S.C. 784) is amended by adding at the end the following subsection:

''(e) The National Council may use, with the consent of the agencies represented on the Interagency Disability Coordinating Council, and as authorized in title V, such services, personnel, information, and facilities as may be needed to carry out its duties under this title, with or without reimbursement to such agencies.''.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 405 (29 U.S.C. 785) is amended by striking ''1987'' and all that follows and inserting ''1993 through 1997.''.

TITLE V—RIGHTS AND ADVOCACY

SEC. 501. RIGHTS AND ADVOCACY.

(a) TITLE.—Title V (29 U.S.C. 790 et seq.) is amended by striking the title heading and inserting the following:

''TITLE V—RIGHTS AND ADVOCACY''.

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to the title heading for title V and inserting the following:

''TITLE V—RIGHTS AND ADVOCACY''.

SEC. 502. EFFECT ON EXISTING LAW.

(a) REPEAL.—Title V (29 U.S.C. 790 et seq.) is amended by repealing section 500.

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 500.

SEC. 503. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—Section 501(a) (29 U.S.C. 791(a)) is amended—

(1) in the first sentence, by striking ''the Secretary of Veterans Affairs, and'' and inserting ''the Director of the Office of Personnel Management, the Secretary of Veterans Affairs''; and

(2) by amending the second sentence to read as follows: ''Either the Director of the Office of Personnel Management and the Chairman of the Commission shall serve as co-chairpersons of the Committee or the Director or Chairman shall serve as the sole chairperson of the Committee, as the Director and Chairman jointly determine, from time to time, to be appropriate.''.

(b) STANDARDS.—Section 501 (29 U.S.C. 791) is amended by adding at the end the following new subsection:

''(g) The standards used to determine whether this section has been violated in a complaint alleging nonaffirmative action employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to employment.''.

SEC. 504. REFERENCES TO THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) ACCESS BOARD.—Section 502 (29 U.S.C. 792) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking ''the 'Board' '' and inserting ''the 'Access Board' '';

(2) by striking ''the Board'' each place the term appears and inserting ''the Access Board''; and

(3) by striking ''The Board'' each place the term appears and inserting ''The Access Board''.

(b) COMPOSITION.—Section 502(a) (29 U.S.C. 792(a)) of the Act is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''Twelve'' and inserting ''Thirteen''; and

(ii) by striking ''six'' and inserting ''at least a majority''; and

(B) in subparagraph (B), by inserting after clause (xi) the following:

''(xii) Department of Commerce.'';

(2) in paragraph (2)(A)—

(A) in the first sentence—

(i) by inserting ''(i)'' after ''(A)''; and

(ii) by striking ''three years'' and inserting ''4 years, except as provided in clause (ii)'';

(B) in the second sentence, by striking ''four'' and inserting ''at least three''; and

(C) by adding at the end the following:

''(ii)(I) One member appointed for a term beginning December 4, 1992 shall serve for a term of 3 years.

''(II) One member appointed for a term beginning December 4, 1993 shall serve for a term of 2 years.

''(III) One member appointed for a term beginning December 4, 1994 shall serve for a term of 1 year.

''(IV) Members appointed for terms beginning before December 4, 1992 shall serve for terms of 3 years.'';

(3) in paragraph (3), by striking ''such an'' and inserting ''a Federal''; and

(4) in paragraph (5)(A), by striking ''the daily rate prescribed for GS–18 under section 5332'' and inserting ''the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''.

(c) FUNCTION.—Section 502(b) (29 U.S.C. 792(b)) is amended to read as follows:

''(b) It shall be the function of the Access Board to—

''(1) ensure compliance with the standards prescribed pursuant to the Act entitled 'An Act to ensure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved August 12, 1968 (commonly known as the Architectural Barriers Act of 1968; 42 U.S.C. 4151 et seq.) (including the application of such Act to the United States Postal Service), including enforcing all standards under such Act, and ensuring that all waivers and modifications to the standards are based on findings of fact and are not inconsistent with the provisions of this section;

''(2) develop advisory guidelines for, and provide appropriate technical assistance to, individuals or entities with rights or duties under regulations prescribed pursuant to this title or titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq. and 12181 et seq.) with respect to overcoming architectural, transportation, and communication barriers;

''(3) establish and maintain minimum guidelines and requirements for the standards issued pursuant to the Act commonly known as the Architectural Barriers Act of 1968 and titles II and III of the Americans with Disabilities Act of 1990;

''(4) promote accessibility throughout all segments of society;

''(5) investigate and examine alternative approaches to the architectural, transpor-

tation, communication, and attitudinal barriers confronting individuals with disabilities, particularly with respect to telecommunications devices, public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation, whether interstate, foreign, intrastate, or local), and residential and institutional housing;

''(6) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in paragraph (5);

''(7) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of General Services, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Act commonly known as the Architectural Barriers Act of 1968;

''(8) make to the President and to the Congress reports that shall describe in detail the results of its investigations under paragraphs (5) and (6);

''(9) make to the President and to the Congress such recommendations for legislative and administrative changes as the Access Board determines to be necessary or desirable to eliminate the barriers described in paragraph (5); and

''(10) ensure that public conveyances, including rolling stock, are readily accessible to, and usable by, individuals with physical disabilities.''.

(d) INVESTIGATIONS AND HEARINGS.—Section 502(d) (29 U.S.C. 792(d)) is amended—

(1) in paragraph (1), in the first sentence—

(A) by striking ''In carrying out'' and all that follows through ''shall conduct'' and inserting ''The Access Board shall conduct''; and

(B) by striking ''insure'' and inserting ''ensure''; and

(2) by striking paragraph (3).

(e) INTERAGENCY AGREEMENTS.—Section 502(f) (29 U.S.C. 792(f)) is amended—

(1) by striking ''(f) The departments'' and inserting the following:

''(f)(1)(A) In carrying out the technical assistance responsibilities of the Access Board under this section, the Board may enter into an interagency agreement with another Federal department or agency.

''(B) Any funds appropriated to such a department or agency for the purpose of providing technical assistance may be transferred to the Access Board. Any funds appropriated to the Access Board for the purpose of providing such technical assistance may be transferred to such department or agency.

''(C) The Access Board may arrange to carry out the technical assistance responsibilities of the Board under this section through such other departments and agencies for such periods as the Board determines to be appropriate.

''(D) The Access Board shall establish a procedure to ensure separation of its compliance and technical assistance responsibilities under this section.

''(2) The departments''; and

(2) in the second sentence of paragraph (2) (as so designated by paragraph (1) of this subsection)—

(A) by striking ''subsection'' and inserting ''paragraph'';

(B) by striking ''Secretary'' and inserting ''Chairperson''; and

(C) by striking ''the daily pay rate for a person employed as a GS–18 under section 5332'' and inserting ''the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''.

(f) REPORT.—Section 502(g) (29 U.S.C. 792(g)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) in paragraph (1) (as so designated by paragraph (1) of this subsection)—

(A) in the second sentence, by striking ''clauses (5) and (6) of subsection (b) of this section'' and inserting ''paragraphs (8) and (9) of such subsection''; and

(B) by striking the third sentence and all that follows; and

(3) by adding at the end the following:

''(2) The Access Board shall, at the same time that the Access Board transmits the report required under section 7(b) of the Act commonly known as the Architectural Barriers Act of 1968 (42 U.S.C. 4157(b)), transmit the report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.''.

(g) REPORT CONTAINING ASSESSMENT.—Section 502(h) (29 U.S.C. 792(h)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated by paragraph (2) of this subsection), by striking the second and third sentences; and

(4) by adding at the end the following paragraph:

''(2)(A) The Access Board may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding and facilitating the functions of the Access Board under paragraphs (5) and (7) of subsection (b). Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Chairperson. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States.

''(B) The Access Board shall publish regulations setting forth the criteria the Board will use in determining whether the acceptance of gifts, devises, and bequests of property, both real and personal, would reflect unfavorably upon the ability of the Board or any employee to carry out the responsibilities or official duties of the Board in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 502(i) (29 U.S.C. 792(i)) is amended by striking ''fiscal years 1987 through 1992'' and all that follows and inserting ''fiscal years 1993 through 1997.''.

SEC. 505. EMPLOYMENT UNDER FEDERAL CONTRACTS.

(a) CONTRACTS.—Section 503(a) (29 U.S.C. 793(a)) is amended—

(1) by striking ''$2,500'' each place the term appears and inserting ''$10,000''; and

(2) in the first sentence, by striking '', in employing persons to carry out such contract,''.

(b) WAIVER.—Section 503(c) (29 U.S.C. 793(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2)(A) The Secretary of Labor may waive the requirements of the affirmative action clause required by regulations promulgated under subsection (a) with respect to any of a prime contractor's or subcontractor's facilities that are found to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, if the Secretary of Labor also finds that such a waiver will not interfere with or impede the effectuation of this Act.

''(B) Such waivers shall be considered only upon the request of the contractor or subcontractor. The Secretary of Labor shall promulgate regulations that set forth the standards used for granting such a waiver.''.

(c) STANDARDS AND PROCEDURES.—Section 503 (29 U.S.C. 793) is amended by adding at the end the following:

''(d) The standards used to determine whether this section has been violated in a complaint alleging nonaffirmative action employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to employment.

''(e) The Secretary shall develop procedures to ensure that administrative complaints filed under this section and under the Americans with Disabilities Act of 1990 are dealt with in a manner that avoids duplication of effort and prevents imposition of inconsistent or conflicting standards for the same requirements under this section and the Americans with Disabilities Act of 1990.''.

SEC. 506. NONDISCRIMINATION UNDER FEDERAL GRANTS AND PROGRAMS.

Section 504 (29 U.S.C. 794) is amended by adding at the end the following new subsection:

''(d) The standards used to determine whether this section has been violated in a complaint alleging employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to employment.''.

SEC. 507. SECRETARIAL RESPONSIBILITIES.

(a) ACCESS.—Subsections (a) and (c) of section 506 (29 U.S.C. 794b) are amended by inserting ''Access'' before ''Board'' each place the term appears.

(b) COMMUNITY REHABILITATION PROGRAMS.—Section 506(a)(1) (29 U.S.C. 794b(a)(1)) is amended by striking ''rehabilitation facilities'' and inserting ''community rehabilitation programs''.

(c) COMPENSATION.—Section 506(b) (29 U.S.C. 794b(b)) is amended by striking ''the rate of basic pay payable for grade GS–18 of the General Schedule, under section 5332'' and inserting ''the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382''.

(d) CONFORMING AMENDMENT.—Section 506(c) (29 U.S.C. 794b(c)) is amended by striking ''502(h)(2)'' and inserting ''502(h)(1)''.

SEC. 508. INTERAGENCY DISABILITY COORDINATING COUNCIL.

(a) IN GENERAL.—Section 507 (29 U.S.C. 794c) is amended to read as follows:

''SEC. 507. INTERAGENCY DISABILITY COORDINATING COUNCIL.

''(a) ESTABLISHMENT.—There is hereby established an Interagency Disability Coordinating Council (hereafter in this section referred to as the 'Council') composed of the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Attorney General, the Director of the Office of Personnel Management, the Chairperson of the Equal Employment Opportunity Commission, the Chairperson of the Architectural and Transportation Barriers Compliance Board, and such other officials as may be designated by the President.

''(b) DUTIES.—The Council shall—

''(1) have the responsibility for developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government responsible for the implementation and enforcement of the provisions of this title, and the regulations prescribed thereunder;

''(2) be responsible for developing and implementing agreements, policies, and practices designed to coordinate operations, functions, and jurisdictions of the various departments and agencies of the Federal Government responsible for promoting the full integration into society, independence, and productivity of individuals with disabilities; and

''(3) carry out such studies and other activities, subject to the availability of resources, with advice from the National Council on Disability, in order to identify methods for overcoming barriers to integration into society, independence, and productivity of individuals with disabilities.

''(c) REPORT.—On or before July 1 of each year, the Interagency Disability Coordinating Council shall prepare and submit to the President and to the Congress a report of the activities of the Council designed to promote and meet the employment needs of individuals with disabilities, together with such recommendations for legislative and administrative changes as the Council concludes are desirable to further promote this section, along with any comments submitted by the National Council on Disability as to the effectiveness of such activities and recommendations in meeting the needs of individuals with disabilities. Nothing in this section shall impair any responsibilities assigned by any Executive order to any Federal department, agency, or instrumentality to act as a lead Federal agency with respect to any provisions of this title.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by striking the item relating to section 507 and inserting the following item:

''Sec. 507. Interagency Disability Coordinating Council.''.

SEC. 509. ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

(a) GUIDELINES.—Section 508 (29 U.S.C. 794d) is amended to read as follows:

''SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

''(a) GUIDELINES.—The Secretary, through the Director of the National Institute on Disability and Rehabilitation Research, and the Administrator of the General Services Administration, in consultation with the electronics and information technology industry and the Interagency Council on Accessible Technology, shall develop and establish guidelines for Federal agencies for electronic and information technology accessibility designed to ensure, regardless of the type of medium, that individuals with disabilities can produce information and data, and have access to information and data, comparable to the information and data, and access, respectively, of individuals who are not individuals with disabilities. Such guidelines shall be revised, as necessary, to reflect technological advances or changes.

''(b) COMPLIANCE.—Each Federal agency shall comply with the guidelines established under this section.''.

(b) TABLE OF CONTENTS.—The table of contents relating to the Act is amended by striking the item relating to section 508 and inserting the following:

''Sec. 508. Electronic and information technology accessibility guidelines.''.

SEC. 510. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

(a) IN GENERAL.—Title V (29 U.S.C. 790 et seq.) is amended by adding at the end the following new section:

''SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

''(a) PURPOSE.—The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who—

''(1) are ineligible for client assistance programs under section 112; and

''(2) are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

''(b) APPROPRIATIONS LESS THAN $5,500,000.—

''(1) ALLOTMENTS.—For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of paragraphs (1) and (2) of subsection (a).

''(2) OTHER JURISDICTIONS.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

''(c) APPROPRIATIONS OF $5,500,000 OR MORE.—

''(1) TECHNICAL ASSISTANCE.—For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $5,500,000, the Commissioner shall set aside not less than 1.8 percent and not more than 2.2 percent of the amount to provide training and technical assistance to the systems established under this section.

''(2) ALLOTMENTS.—For any such fiscal year, after the reservation required by paragraph (1) has been made, the Commissioner shall make allotments from the remainder of such amount in accordance with paragraph (3) to eligible systems within States to enable such systems to carry out protection and advocacy programs authorized under this section for such individuals.

''(3) SYSTEMS WITHIN STATES.—

''(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each such fiscal year, the Commissioner shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

''(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, and except as provided in paragraph (4), the allotment to any system under subparagraph (A) shall be not less than $100,000 or one-third of one percent of the remainder for the fiscal year for which the allotment is made, whichever is greater, and the allotment to any system under this section for any fiscal year that is less than $100,000 or one-third of one percent of such remainder shall be increased to the greater of the two amounts.

''(4) SYSTEMS WITHIN OTHER JURISDICTIONS.—

''(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

''(B) ALLOTMENT.—The eligible system within a jurisdiction described in subparagraph (A) shall be allotted not less than $50,000 for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

''(5) ADJUSTMENT FOR INFLATION.—

''(A) STATES.—For purposes of determining the minimum amount of an allotment under paragraph (3)(B), the amount $100,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

''(B) CERTAIN TERRITORIES.—For purposes of determining the minimum amount of an allotment under paragraph (4)(B), the amount $50,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

''(d) PROPORTIONAL REDUCTION.—Amounts necessary to provide allotments to systems within States in accordance with subsection (c)(3)(B) as increased under subsection (c)(5), or to provide allotments in accordance with subsection (c)(4)(B) as increased in accordance with subsection (c)(5), shall be derived by proportionately reducing the allotments of the remaining systems within States under subsection (c)(3), but with such adjustments as may be necessary to prevent the allotment of any such remaining systems within States from being thereby reduced to less than the greater of $100,000 or one-third of one percent of the sums made available for purposes of this section for the fiscal year for which the allotment is made, as increased in accordance with subsection (c)(5).

''(e) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a system within a State for any fiscal year described in subsection (c)(1) will not be expended by such system in carrying out the provisions of this section, the Commissioner shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

''(f) APPLICATION.—In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will—

''(1) have in effect a system to protect and advocate the rights of individuals with disabilities;

''(2) have the same general authorities, including access to records and program income, as are set forth in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.);

''(3) have the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are ineligible for protection and advocacy programs under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) or client assistance programs under section 112;

''(4) provide information on and make referrals to programs and services addressing the needs of individuals with disabilities in the State;

''(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, their representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including—

''(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

''(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 112, the State long-term care ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

''(6) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with disabilities are afforded equal opportunity to access the services of the system; and

''(7) provide assurances to the Commissioner that funds made available under this section will be used to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided.

''(g) CARRYOVER AND DIRECT PAYMENT.—

''(1) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Commissioner shall pay directly to any system that complies with the provisions of this section, the amount of the allotment of the State involved under this section, unless the State provides otherwise.

''(2) CARRYOVER.—Any amount paid to a State for a fiscal year that remains unobligated at the end of such year shall remain available to such State for obligation during the next fiscal year for the purposes for which such amount was paid.

''(h) LIMITATION ON DISCLOSURE REQUIREMENTS.—For purposes of any audit, report, or evaluation of the performance of the program established under this section, the Commissioner shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

''(i) ELIGIBILITY FOR ASSISTANCE.—As used in this section, the term 'eligible system' means a protection and advocacy system that is established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and that meets the requirements of subsection (f).

''(j) ADMINISTRATIVE COST.—An eligible system may not use more than 5 percent of any allotment under subsection (c) for the cost of administration of the system required by this section.

''(k) DELEGATION.—The Commissioner may delegate the administration of this program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

''(l) REPORT.—The Commissioner shall annually prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the types of services and activities being undertaken by programs funded under this section, the total number of individuals served under this section, the types of disabilities represented by such individuals, and the types of issues being addressed on behalf of such individuals.

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by inserting after the item relating to section 508 the following item:

''Sec. 509. Protection and advocacy of individual rights.''.

TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Subtitle A—Community Service Employment Pilot Program for Individuals With Disabilities

SEC. 601. PILOT PROGRAM.

(a) DEFINITION.—Section 611(a) (29 U.S.C. 795(a)) is amended by striking ''section 7(8)'' and inserting ''section 7(8)(A)''.

(b) PERSONAL ASSISTANCE SERVICES.—Section 611(b)(1)(K) (29 U.S.C. 795(b)(1)(K)) is amended by striking ''attendant care'' and inserting ''personal assistance services''.

SEC. 602. TREATMENT OF PERSONAL ASSISTANCE SERVICES COSTS.

Section 613(c) (29 U.S.C. 795b(c)) is amended by striking ''attendant care'' and inserting ''personal assistance services''.

SEC. 603. DEFINITIONS.

Section 616 (29 U.S.C. 795e) is amended—

(1) by adding ''and'' at the end of paragraph (1);

(2) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(3) by striking paragraph (3).

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

Section 617 (29 U.S.C. 795f) is amended by striking ''1987'' and all that follows and inserting ''1993 through 1997.''.

Subtitle B—Projects With Industry

SEC. 611. PROJECTS WITH INDUSTRY.

(a) IN GENERAL.—Section 621(a) (29 U.S.C. 795g(a)) is amended to read as follows:

''(a)(1) The purpose of this part is to create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process, to identify competitive job and career opportunities and the skills needed to perform such jobs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

''(2) The Commissioner, in consultation with the Secretaries of Labor and Commerce and with designated State units, may award grants to individual employers, community rehabilitation program providers, labor unions, trade associations, Indian tribes, tribal organizations, designated State units, and other entities to establish jointly financed Projects With Industry to create and expand job and career opportunities for individuals with disabilities, which projects shall—

''(A) provide for the establishment of business advisory councils, which shall—

''(i) be comprised of—

''(I) representatives of private industry, business concerns, and organized labor; and

''(II) individuals with disabilities and their representatives;

''(ii) identify job and career availability within the community;

''(iii) identify the skills necessary to perform the jobs and careers identified; and

''(iv) prescribe training programs designed to develop appropriate job and career skills for individuals with disabilities;

''(B) provide individuals with disabilities with training in realistic work settings in order to prepare the individuals for employment and career advancement in the competitive market;

''(C) provide job placement and career advancement services;

''(D) to the extent appropriate, provide for—

''(i) the development and modification of jobs and careers to accommodate the special needs of such individuals;

''(ii) the distribution of rehabilitation technology to such individuals; and

''(iii) the modification of any facilities or equipment of the employer that are used primarily by individuals with disabilities; and

''(E) provide individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training under this part.

''(3) An individual shall be eligible for services described in paragraph (2) if the appropriate designated State unit determines the individual to be an individual with a disability under section 7(8)(A) or an individual with a severe disability under section 7(15)(A). In making such a determination, the unit shall rely on the determination made by the recipient of the grant under which the services are provided, to the extent appropriate and available and consistent with the requirements under this Act. If a designated State unit does not notify a recipient of a grant within 60 days that the determination of the recipient is inappropriate, the recipient of the grant may consider the individual to be eligible.

''(4) The Commissioner shall enter into an agreement with the grant recipient regarding the establishment of the project. Any agreement shall be jointly developed by the Commissioner, the grant recipient, and, to the extent practicable, the appropriate designated State unit and the individuals with disabilities (or their representatives) involved. Such agreements shall specify the terms of training and employment under the project, provide for the payment by the Commissioner of part of the costs of the project (in accordance with subsection (c)), and contain the items required under subsection (b) and such other provisions as the parties to the agreement consider to be appropriate.

''(5) Any agreement shall include a description of a plan to annually conduct a review and evaluation of the operation of the project in accordance with standards developed by the Commissioner under subsection (d), and, in conducting the review and evaluation, to collect information on—

''(A) the numbers and types of individuals with disabilities served;

''(B) the types of services provided;

''(C) the sources of funding;

''(D) the percentage of resources committed to each type of service provided;

''(E) the extent to which the employment status and earning power of individuals with disabilities changed following services;

''(F) the extent of capacity building activities, including collaboration with business and industry and other organizations, agencies, and institutions;

''(G) a comparison, if appropriate, of activities in prior years with activities in the most recent year; and

''(H) the number of project participants who were terminated from project placements and the duration of such placements.

''(6) The Commissioner may include, as part of agreements with grant recipients, authority for such grant recipients to provide technical assistance to—

''(A) assist employers in hiring individuals with disabilities; or

''(B) improve or develop relationships between—

''(i) grant recipients or prospective grant recipients; and

''(ii) employers or organized labor; or

''(C) assist employers in understanding and meeting the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) as the Act relates to employment of individuals with disabilities.''.

(b) AGREEMENT.—Section 621(b) (29 U.S.C. 795g(b)) is amended to read as follows:

''(b) No payment shall be made by the Commissioner under any agreement with a grant recipient entered into under subsection (a) unless such agreement—

''(1) provides an assurance that individuals with disabilities placed under such agreement shall receive at least the applicable minimum wage;

''(2) provides an assurance that any individual with a disability placed under this part shall be afforded terms and benefits of employment equal to terms and benefits that are afforded to the similarly situated co-workers of the individual, and that such individuals with disabilities shall not be segregated from their co-workers; and

''(3) provides an assurance that an annual evaluation report containing information specified under subsection (a)(5) shall be submitted as determined to be appropriate by the Commissioner.''.

(c) EVALUATION.—Section 621(d) (29 U.S.C. 795g(d)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) The Commissioner shall develop standards for the evaluation described in subsection (a)(5) and shall review and revise the evaluation standards as necessary, subject to paragraphs (2) and (3).

''(2) In revising the standards for evaluation to be used by the grant recipients, the Commissioner shall obtain and consider recommendations for such standards from State vocational rehabilitation agencies, current and former grant recipients, professional organizations representing business and industry, organizations representing individuals with disabilities, individuals served by grant recipients, organizations representing community rehabilitation program providers, and labor organizations.''; and

(2) by redesignating paragraph (4) as paragraph (3).

(d) ADMINISTRATION.—Subsections (e) through (h) of section 621 (29 U.S.C. 795g) are amended to read as follows:

''(e)(1)(A) A grant may be awarded under this section for a period of up to 5 years and such grant may be renewed.

''(B) Grants under this section shall be awarded on a competitive basis. To be eligible to receive such a grant, a prospective grant recipient shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(2) The Commissioner shall to the extent practicable ensure an equitable distribution of payments made under this section among the States. To the extent funds are available, the Commissioner shall award grants under this section to new projects that will serve individuals with disabilities in States, portions of States, Indian tribes, or tribal organizations, that are currently unserved or underserved by projects.

''(f)(1) The Commissioner shall, as necessary, develop and publish in the Federal Register in final form indicators of what constitutes minimum compliance consistent with the evaluation standards under subsection (d)(1).

''(2) Each grant recipient shall report to the Commissioner at the end of each project year the extent to which the grant recipient is in compliance with the evaluation standards.

''(3)(A) The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of grant recipients. The Commissioner shall select grant recipients for review on a random basis.

''(B) The Commissioner shall use the indicators in determining compliance with the evaluation standards.

''(C) The Commissioner shall ensure that at least one member of a team conducting such a review shall be an individual who—

''(i) is not an employee of the Federal Government; and

''(ii) has experience or expertise in conducting projects.

''(D) The Commissioner shall ensure that—

''(i) a representative of the appropriate designated State unit shall participate in the review; and

''(ii) no person shall participate in the review of a grant recipient if—

''(I) the grant recipient provides any direct financial benefit to the reviewer; or

''(II) participation in the review would give the appearance of a conflict of interest.

''(4) In making a determination concerning any subsequent grant under this section, the Commissioner shall consider the past performance of the applicant, if applicable. The Commissioner shall use compliance indicators developed under this subsection that are consistent with program evaluation standards developed under subsection (d) to assess minimum project performance for purposes of making continuation awards in the third, fourth, and fifth years.

''(5) Each fiscal year the Commissioner shall include in the annual report to Congress required by section 13 an analysis of the extent to which grant recipients have complied with the evaluation standards. The Commissioner may identify individual grant recipients in the analysis. In addition, the Commissioner shall report the results of on-site compliance reviews, identifying individual grant recipients.

''(g) The Commissioner may provide, directly or by way of grant, contract, or cooperative agreement, technical assistance to—

''(1) entities conducting projects for the purpose of assisting such entities in—

''(A) the improvement of or the development of relationships with private industry or labor; or

''(B) the improvement of relationships with State vocational rehabilitation agencies; and

''(2) entities planning the development of new projects.

''(h) As used in this section:

''(1) The term 'agreement' means an agreement described in subsection (a)(4).

''(2) The term 'project' means a Project With Industry established under subsection (a)(2).

''(3) The term 'grant recipient' means a recipient of a grant under subsection (a)(2).''.

(e) TECHNICAL AMENDMENT.—Section 621 (29 U.S.C. 795g) is amended by striking subsection (i).

SEC. 612. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Title VI (29 U.S.C. 795 et seq.) is amended—

(1) in the heading for part B, by striking ''AND BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS'';

(2) by redesignating section 622 as section 641;

(3) by inserting section 641 (as so redesignated) after section 638; and

(4) by inserting before such section 641 the following:

''PART D—BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 641 (as so redesignated by subsection (a)(2) of this section) is amended—

(1) by inserting ''(a)'' before ''The Commissioner''; and

(2) by adding at the end the following:

''(b) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1993 through 1997 fiscal years.''.

(c) TECHNICAL AMENDMENT.—The Act (29 U.S.C. 701 et seq.) is amended in the table of contents in the first section—

(1) by striking the item relating to the part heading for part B of title VI and inserting the following:

''PART B—PROJECTS WITH INDUSTRY'';

(2) by striking the item relating to section 622; and

(3) by inserting after the item relating to section 638 the following:

''PART D—BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES''.

''Sec. 641. Business opportunities for individuals with disabilities.''.

SEC. 613. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title VI (29 U.S.C. 795 et seq.) is amended—

(1) by redesignating section 623 as section 622; and

(2) in section 622 (29 U.S.C. 795i) (as so redesignated by paragraph (1) of this subsection) by striking ''section 621, $16,070,000'' and all that follows and inserting ''this part, such sums as may be necessary for each of fiscal years 1993 through 1997.''.

(b) TABLE OF CONTENTS.—The table of contents relating to title VI is amended by inserting after the item relating to section 621 the following:

''Sec. 622. Authorization of appropriations.''.

Subtitle C—Supported Employment Services for Individuals With Severe Disabilities

SEC. 621. SUPPORTED EMPLOYMENT.

(a) PROGRAM.—Title VI is amended by striking part C (29 U.S.C. 795j et seq.) and inserting the following:

''PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SEVERE DISABILITIES

''SEC. 631. PURPOSE.

''It is the purpose of this part to authorize allotments, in addition to grants for vocational rehabilitation services under title I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most severe disabilities who require supported employment services to enter or retain competitive employment.

''SEC. 632. ALLOTMENTS.

''(a) IN GENERAL.—

''(1) STATES.—The Secretary shall allot the sums appropriated for each fiscal year to carry out this part among the States on the basis of relative population of each State, except that—

''(A) no State shall receive less than $250,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater; and

''(B) if the sums appropriated to carry out this part for the fiscal year exceed by $1,000,000 or more the sums appropriated to carry out this part in fiscal year 1992, no State shall receive less than $300,000, or one-third of one percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater.

''(2) CERTAIN TERRITORIES.—

''(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Republic of

Palau, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

''(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts appropriated for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

''(b) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

''SEC. 633. AVAILABILITY OF SERVICES.

''Funds provided under this part may be used to provide supported employment services to individuals who are eligible under this part. Funds provided under this part, title I, or subsection (c) or (f) of section 311 may not be used to provide extended services to individuals who are eligible under this part or title I.

''SEC. 634. ELIGIBILITY.

''An individual shall be eligible under this part to receive supported employment services authorized under this Act if—

''(1) the individual is eligible for vocational rehabilitation services;

''(2) the individual is determined to be an individual with the most severe disabilities; and

''(3) a comprehensive assessment of rehabilitation needs of the individual provided under section 102(b)(1)(A), including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate rehabilitation objective for the individual.

''SEC. 635. STATE PLAN.

''(a) STATE PLAN SUPPLEMENTS.—To be eligible for an allotment under this part, a State shall submit to the Commissioner, as part of the State plan under section 101, a State plan supplement for providing supported employment services authorized under this Act to individuals who are eligible under this Act to receive the services. Each State shall make such annual revisions in the plan supplement as may be necessary.

''(b) CONTENTS.—Each such plan supplement shall—

''(1) designate each agency that the State designated under section 101(a)(1) as the agency to administer the program assisted under this part;

''(2) summarize the results of the comprehensive, statewide assessment conducted under section 101(a)(5), with respect to the rehabilitation and career needs of individuals with severe disabilities and the need for supported employment services, including needs related to coordination and use of information within the State relating to section 618(b)(1)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1418(b)(1)(C));

''(3) describe the quality, scope, and extent of supported employment services authorized under this Act to be provided to individuals who are eligible under this Act to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 632;

''(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

''(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

''(6) provide assurances that—

''(A) funds made available under this part will only be used to provide supported employment services authorized under this Act to individuals who are eligible under this part to receive the services;

''(B) that the comprehensive assessments of individuals with severe disabilities conducted under section 102(b)(1)(A) and funded under title I will include consideration of supported employment as an appropriate rehabilitation objective;

''(C) an individualized written rehabilitation program, as required by section 102, will be developed and updated using funds under title I in order to—

''(i) specify the supported employment services to be provided;

''(ii) specify the expected extended services needed; and

''(iii) identify the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized written rehabilitation program is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;

''(D) the State will use funds provided under this part only to supplement, and not supplant, the funds provided under title I, in providing supported employment services specified in the individualized written rehabilitation program;

''(E) services provided under an individualized written rehabilitation program will be coordinated with services provided under other individualized plans established under other Federal or State programs;

''(F) to the extent jobs skills training is provided, the training will be provided onsite; and

''(G) supported employment services will include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, interests, concerns, abilities, and capabilities of individuals with the most severe disabilities;

''(7) provide assurances that the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and

''(8) contain such other information and be submitted in such manner as the Commissioner may require.

''SEC. 636. RESTRICTION.

''Each State agency designated under section 635(b)(1) shall collect the client information required by section 13 separately for supported employment clients under this part and for supported employment clients under title I.

''SEC. 637. SAVINGS PROVISION.

''(a) SUPPORTED EMPLOYMENT SERVICES.—Nothing in this Act shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110.

''(b) POSTEMPLOYMENT SERVICES.—Nothing in this part shall be construed to prohibit a State from providing discrete postemployment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110 to an individual who is eligible under this part.

''SEC. 638. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 1993 through 1997.''.

(b) TABLE OF CONTENTS.—The table of contents relating to title VI is amended by striking the items relating to part C and inserting the following:

''PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SEVERE DISABILITIES

''Sec. 631. Purpose.
''Sec. 632. Allotments.
''Sec. 633. Availability of services.
''Sec. 634. Eligibility.
''Sec. 635. State plan.
''Sec. 636. Restriction.
''Sec. 637. Savings provision.
''Sec. 638. Authorization of appropriations.''.

TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

SEC. 701. SERVICES AND CENTERS.

The Act is amended—

(1) by striking title VII (29 U.S.C. 796 et seq.); and

(2) by adding at the end the following new title:

''TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

''CHAPTER 1—INDIVIDUALS WITH SEVERE DISABILITIES

''PART A—GENERAL PROVISIONS

''SEC. 701. PURPOSE.

''The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society, by—

''(1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

''(2) providing financial assistance to develop and support statewide networks of centers for independent living; and

''(3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving assistance under part C of title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal programs, and programs funded through non-Federal sources.

''SEC. 702. DEFINITIONS.

''As used in this chapter:

''(1) CENTER FOR INDEPENDENT LIVING.—The term 'center for independent living' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that—

''(A) is designed and operated within a local community by individuals with disabilities; and

''(B) provides an array of independent living services.

''(2) CONSUMER CONTROL.—The term 'consumer control' means, with respect to an entity, that the entity vests power and authority in individuals with disabilities.

"SEC. 703. ELIGIBILITY FOR RECEIPT OF SERVICES.

''Services may be provided under this chapter to any individual with a severe disability, as defined in section 7(15)(B).

"SEC. 704. STATE PLAN.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—To be eligible to receive financial assistance under this chapter, a State shall submit to the Commissioner, and obtain approval of, a State plan containing such provisions as the Commissioner may require, including, at a minimum, the provisions required in this section.

''(2) JOINT DEVELOPMENT.—The plan under paragraph (1) shall be jointly developed and signed by—

''(A) the director of the designated State unit; and

''(B) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.

''(3) PERIODIC REVIEW AND REVISION.—The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for—

''(A) the provision of State independent living services;

''(B) the development and support of a statewide network of centers for independent living; and

''(C) working relationships between—

''(i) programs providing independent living services and independent living centers; and

''(ii) the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities.

''(4) DATE OF SUBMISSION.—The State shall submit the plan to the Commissioner 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Commissioner may withhold financial assistance under this chapter until such time as the State submits such a plan.

''(b) STATEWIDE INDEPENDENT LIVING COUNCIL.—The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 705.

''(c) DESIGNATION OF STATE UNIT.—The plan shall designate the designated State unit of such State as the agency that, on behalf of the State, shall—

''(1) receive, account for, and disburse funds received by the State under this chapter based on the plan;

''(2) provide administrative support services for programs under parts B and C;

''(3) keep such records and afford such access to such records as the Commissioner finds to be necessary with respect to the programs; and

''(4) submit such additional information or provide such assurances as the Commissioner may require with respect to the programs.

''(d) OBJECTIVES.—The plan shall—

''(1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and

''(2) explain how such objectives are consistent with and further the purpose of this chapter.

''(e) INDEPENDENT LIVING SERVICES.—The plan shall provide that the State will provide independent living services under this chapter to individuals with severe disabilities, and will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

''(f) SCOPE AND ARRANGEMENTS.—The plan shall describe the extent and scope of independent living services to be provided under this chapter to meet such objectives. If the State makes arrangements, by grant or contract, for providing such services, such arrangements shall be described in the plan.

''(g) NETWORK.—The plan shall set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in section 725.

''(h) CENTERS.—In States in which State funding for centers for independent living equals or exceeds the amount of funds allotted to the State under part C, as provided in section 723, the plan shall include policies, practices, and procedures governing the awarding of grants to centers for independent living and oversight of such centers consistent with section 723.

''(i) COOPERATION, COORDINATION, AND WORKING RELATIONSHIPS AMONG VARIOUS ENTITIES.—The plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among—

''(1) the independent living rehabilitation service program, the Statewide Independent Living Council, and centers for independent living; and

''(2) the designated State unit, other State agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.

''(j) COORDINATION OF SERVICES.—The plan shall describe how services funded under this chapter will be coordinated with, and complement, other services, in order to avoid unnecessary duplication with other Federal, State, and local programs.

''(k) COORDINATION BETWEEN FEDERAL AND STATE SOURCES.—The plan shall describe efforts to coordinate Federal and State funding for centers for independent living and independent living services.

''(l) OUTREACH.—With respect to services and centers funded under this chapter, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

''(m) REQUIREMENTS.—The plan shall provide satisfactory assurances that all recipients of financial assistance under this chapter will—

''(1) notify all individuals seeking or receiving services under this chapter about the availability of the client assistance program under section 112, the purposes of the services provided under such program, and how to contact such program;

''(2) take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of section 503;

''(3) adopt such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under this chapter;

''(4)(A) maintain records that fully disclose—

''(i) the amount and disposition by such recipient of the proceeds of such financial assistance;

''(ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and

''(iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;

''(B) maintain such other records as the Commissioner determines to be appropriate to facilitate an effective audit;

''(C) afford such access to records maintained under subparagraphs (A) and (B) as the Commissioner determines to be appropriate; and

''(D) submit such reports with respect to such records as the Commissioner determines to be appropriate;

''(5) provide access to the Commissioner and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this chapter; and

''(6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

''(n) EVALUATION.—The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

"SEC. 705. STATEWIDE INDEPENDENT LIVING COUNCIL.

''(a) ESTABLISHMENT.—To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the 'Council'). The Council shall not be established as an entity within another State agency.

''(b) COMPOSITION AND APPOINTMENT.—

''(1) APPOINTMENT.—Members of the Council shall be appointed by the Governor or the appropriate entity within the State responsible for making appointments, within 90 days after the date of enactment of the Rehabilitation Act Amendments of 1992. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

''(2) COMPOSITION.—The Council shall include—

''(A) at least one director of a center for independent living chosen by the directors of centers for independent living within the State; and

''(B) as ex officio, nonvoting members—

''(i) a representative from the designated State unit; and

''(ii) representatives from other State agencies that provide services for individuals with disabilities.

''(3) ADDITIONAL MEMBERS.—The Council may include—

''(A) other representatives from centers for independent living;

''(B) parents and guardians of individuals with disabilities;

''(C) advocates of and for individuals with disabilities;

''(D) representatives from private businesses;

''(E) representatives from organizations that provide services for individuals with disabilities; and

''(F) other appropriate individuals.

''(4) QUALIFICATIONS.—The Council shall be composed of members—

''(A) who provide statewide representation;

''(B) who represent a broad range of individuals with disabilities;

''(C) who are knowledgeable about centers for independent living and independent living services; and

''(D) a majority of whom are persons who are—

''(i) individuals with disabilities described in section 7(8)(B); and

''(ii) not employed by any State agency or center for independent living.

''(5) CHAIRPERSON.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

''(B) DESIGNATION BY GOVERNOR.—In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

''(6) TERMS OF APPOINTMENT.—

''(A) LENGTH OF TERM.—Each member of the Council shall serve for a term of 3 years, except that—

''(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

''(ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

''(B) NUMBER OF TERMS.—No member of the Council may serve more than two consecutive full terms.

''(7) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

''(c) DUTIES.—The Council shall—

''(1) jointly develop and submit (in conjunction with the designated State agency) the State plan required in section 704;

''(2) monitor, review, and evaluate the implementation of the State plan;

''(3) coordinate activities with the State Rehabilitation Advisory Council established under section 105 and councils that address the needs of specific disability populations and issues under other Federal law;

''(4) ensure that all regularly scheduled meetings of the Council are open to the public and sufficient advance notice is provided; and

''(5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

''(d) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

''(e) PLAN.—

''(1) IN GENERAL.—The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under this section, with funds made available under this chapter and part C of title I and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

''(2) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

''(3) CONFLICT OF INTEREST.—While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

''(f) COMPENSATION AND EXPENSES.—The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

''(g) USE OF EXISTING COUNCILS.—To the extent that a State has established a Council before September 30, 1992, that is comparable to the Council described in this section, such Council shall be considered to be in compliance with this section. Within 1 year after the date of enactment of the Rehabilitation Act Amendments of 1992, such State shall establish a Council that complies in full with this section.

''SEC. 706. RESPONSIBILITIES OF THE COMMISSIONER.

''(a) APPROVAL OF STATE PLANS.—

''(1) IN GENERAL.—The Commissioner shall approve any State plan submitted under section 704 that the Commissioner determines meets the requirements of section 704, and shall disapprove any such plan that does not meet such requirements, as soon as practicable after receiving the plan. Prior to such disapproval, the Commissioner shall notify the State of the intention to disapprove the plan, and shall afford such State reasonable notice and opportunity for a hearing.

''(2) PROCEDURES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of subsections (c) and (d) of section 107 shall apply to any State plan submitted to the Commissioner under section 704.

''(B) APPLICATION.—For purposes of the application described in subparagraph (A), all references in such provisions—

''(i) to the Secretary shall be deemed to be references to the Commissioner; and

''(ii) to section 101 shall be deemed to be references to section 704.

''(b) INDICATORS.—Not later than October 1, 1993, the Commissioner shall develop and publish in the Federal Register indicators of minimum compliance consistent with the standards set forth in section 725.

''(c) ON-SITE COMPLIANCE REVIEWS.—

''(1) REVIEWS.—The Commissioner shall annually conduct on-site compliance reviews of at least 15 percent of the centers for independent living that receive funds under part C and shall periodically conduct such a review of each such center. The Commissioner shall select such centers for review on a random basis.

''(2) QUALIFICATIONS OF EMPLOYEES CONDUCTING REVIEWS.—The Commissioner shall—

''(A) to the maximum extent practicable, carry out such a review by using employees of the Department who are knowledgeable about the provision of independent living services;

''(B) ensure that the employee of the Department with responsibility for supervising such a review shall have such knowledge; and

''(C) ensure that at least one member of a team conducting such a review shall be an individual who—

''(i) is not a government employee; and

''(ii) has experience in the operation of centers for independent living.

''(d) REPORTS.—The Commissioner shall include, in the annual report required under section 13, information on the extent to which centers for independent living receiving funds under part C have complied with the standards and assurances set forth in section 725. The Commissioner may identify individual centers for independent living in the analysis. The Commissioner shall report the results of on-site compliance reviews, identifying individual centers for independent living and other recipients of assistance under this chapter.

''PART B—INDEPENDENT LIVING SERVICES

''SEC. 711. ALLOTMENTS.

''(a) IN GENERAL.—

''(1) STATES.—

''(A) POPULATION BASIS.—Except as provided in subparagraphs (B) and (C), from sums appropriated for each fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such sums as the population of the State bears to the population of all States.

''(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of an allotment made to the State for fiscal year 1992 under part A of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

''(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part, and except as provided in subparagraph (B), the allotment to any State under subparagraph (A) shall be not less than $275,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $275,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts.

''(2) CERTAIN TERRITORIES.—

''(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

''(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts made available for purposes of this part for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

''(3) ADJUSTMENT FOR INFLATION.—For purposes of determining the minimum amount of an allotment under paragraph (1)(C), the amount $275,000 shall, in the case of such allotments for fiscal year 1994 and subsequent fiscal years, be increased to the extent necessary to offset the effects of inflation occurring since October 1992, as measured by the percentage increase in the Consumer Price Index For All Urban Consumers (U.S. city average) during the period ending on April 1 of the fiscal year preceding the fiscal year for which the allotment is to be made.

''(b) PROPORTIONAL REDUCTION.—Subject to subsection (a)(1)(B), amounts necessary to provide allotments to States in accordance with subsection (a)(1)(B), or in accordance with subsection (a)(1)(C) as increased under subsection (a)(3), or to provide allotments under subsection (a)(2)(B), shall be derived by proportionately reducing the allotments of the remaining States under subsection (a)(1), but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than the greater of $275,000 or one-third of one percent of the sums made available for purposes of this part for the fis-

cal year for which the allotment is made, as increased in accordance with subsection (a)(3).

''(c) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State in carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

''SEC. 712. PAYMENTS TO STATES FROM ALLOTMENTS.

''(a) PAYMENTS.—From the allotment of each State for a fiscal year under section 711, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 706. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

''(b) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share with respect to any State for any fiscal year shall be 90 percent of the expenditures incurred by the State during such year under its State plan approved under section 706.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project that receives assistance through an allotment under this part may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(3) DETERMINATION.—For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision of such State shall, subject to regulations prescribed by the Commissioner, be regarded as expenditures by such State.

''SEC. 713. AUTHORIZED USES OF FUNDS.

''The State may use funds received under this part to provide the resources described in section 705(e), relating to the Statewide Independent Living Council, and may use funds received under this part—

''(1) to provide independent living services to individuals with severe disabilities;

''(2) to demonstrate ways to expand and improve independent living services;

''(3) to support the operation of centers for independent living;

''(4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;

''(5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;

''(6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and

''(7) to provide outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

''SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997.

''PART C—CENTERS FOR INDEPENDENT LIVING

''SEC. 721. PROGRAM AUTHORIZATION.

''(a) IN GENERAL.—From the funds appropriated for fiscal year 1994 and for each subsequent fiscal year to carry out this part, the Commissioner shall allot such sums as may be necessary to States and other entities in accordance with subsections (b) through (d).

''(b) TRAINING.—

''(1) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year in which the funds appropriated to carry out this part exceed the funds appropriated to carry out this part for fiscal year 1993, the Commissioner shall first reserve from such excess, to provide training and technical assistance for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of such funds.

''(2) ALLOCATION.—From the funds reserved under paragraph (1), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities who have experience in the operation of centers for independent living to provide such training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living.

''(3) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of Statewide Independent Living Councils and centers for independent living regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, and other arrangements.

''(4) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this subsection, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

''(5) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this subsection may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.

''(c) IN GENERAL.—

''(1) STATES.—

''(A) POPULATION BASIS.—Except as provided in subparagraphs (B) and (C) and after the reservation required by subsection (b) has been made, from the remainder of the amounts appropriated for each such fiscal year to carry out this part, the Commissioner shall make an allotment to each State whose State plan has been approved under section 706 of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

''(B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of financial assistance received by centers for independent living in the State for fiscal year 1992 under part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

''(C) MINIMUMS.—Subject to the availability of appropriations to carry out this part and except as provided in subparagraph (B), for a fiscal year in which the amounts appropriated to carry out this part exceed the amounts appropriated for fiscal year 1992 to carry out part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992—

''(i) if such excess is not less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $450,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $450,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts;

''(ii) if such excess is not less than $4,000,000 and is less than $8,000,000, the allotment to any State under subparagraph (A) shall be not less than $400,000 or one-third of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than $400,000 or one-third of one percent of such sums shall be increased to the greater of the two amounts; and

''(iii) if such excess is less than $4,000,000, the allotment to any State under subparagraph (A) shall approach, as nearly as possible, the greater of the two amounts described in clause (ii).

''(2) CERTAIN TERRITORIES.—

''(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall not be considered to be States.

''(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the remainder for the fiscal year for which the allotment is made, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

''(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(C) by such percentage change in the Consumer Price Index For All Urban Consumers.

''(d) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

''(e) TRANSITION RULES.—

''(1) RESERVATION.—

''(A) FISCAL YEAR 1993.—For fiscal year 1993, the Commissioner shall first reserve from the funds appropriated to carry out this part, not less than 1.8 percent, and not more than

2 percent, of such funds, whichever is greater, for training, technical assistance, and transition assistance, to centers for independent living.

''(B) TRAINING AND TECHNICAL ASSISTANCE.—From the funds reserved under subparagraph (A), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities who have experience in the operation of centers for independent living, to—

''(i) provide such training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living; and

''(ii) provide such transition assistance to assist the centers with efforts to achieve compliance with the standards and assurances set forth in this part.

''(C) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this paragraph, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training, technical assistance, and transition assistance and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of such proposals by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

''(D) PROHIBITION ON COMBINED FUNDS.—An entity that receives funds under this paragraph shall comply with subsection (b)(5) with respect to the funds.

''(2) IN GENERAL.—

''(A) GRANTS.—After the reservation required by paragraph (1) has been made, and from the remainder of the funds appropriated for fiscal year 1993 to carry out this part, the Secretary is authorized to make grants to eligible agencies described in subparagraph (B) to operate centers for independent living.

''(B) AGENCIES.—

''(i) FISCAL YEAR 1992 RECIPIENTS.—Private nonprofit agencies that received funding directly or through subgrants or contracts under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, in fiscal year 1992 shall receive assistance under this part for fiscal year 1993 if the agencies submit applications that demonstrate to the satisfaction of the Commissioner that as of October 1, 1993 such agencies will meet the standards described in section 725(b) and that contain the assurances described in section 725(c). In determining whether a center meets the standards described in section 725(b), the Commissioner will look for information that shows how the center will meet each standard. The Commissioner shall consider any data on past performance that is provided by the agency that shows how the center has been meeting the standards.

''(ii) OTHER AGENCIES.—Private nonprofit agencies that did not receive assistance under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, in fiscal year 1992 may receive assistance under this part for fiscal year 1993 if the agencies submit satisfactory applications for fiscal year 1993. In determining whether an application is satisfactory, the Secretary shall use the criteria for selection of centers specified in section 722(d)(2)(B).

''(C) PRIORITY.—The Secretary may not award funds to a private nonprofit agency that did not receive assistance under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, in fiscal year 1992 until the Secretary has funded all agencies within each State that received such funding and have submitted applications described in subparagraph (B)(i) for fiscal year 1993.

''SEC. 722. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Unless the director of a designated State unit awards grants under section 723 to eligible agencies in a State for a fiscal year, the Commissioner shall award grants under this section to such eligible agencies for such fiscal year from the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

''(2) GRANTS.—The Commissioner shall award such grants, from the amount of funds so allotted, to such eligible agencies for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

''(b) ELIGIBLE AGENCIES.—In any State in which the Commissioner has approved the State plan required by section 704, the Commissioner may make a grant under this section to any eligible agency that—

''(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

''(2) is determined by the Commissioner to be able to plan, conduct, administer, and evaluate a center for independent living consistent with the standards and assurances set forth in section 725; and

''(3) submits an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the Commissioner shall award grants to any eligible agency that is receiving funds under this part on September 30, 1993, unless the Commissioner makes a finding that the agency involved fails to meet program and fiscal standards and assurances set forth in section 725.

''(d) NEW CENTERS FOR INDEPENDENT LIVING.—

''(1) IN GENERAL.—If there is no center for independent living serving a region of the State or a region is underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the Commissioner may award a grant under this section to the most qualified applicant, consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.

''(2) SELECTION.—In selecting from among applicants for a grant under this section for a new center for independent living, the Commissioner—

''(A) shall consider comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located;

''(B) shall consider the ability of each such applicant to operate a center for independent living based on—

''(i) evidence of the need for such a center;

''(ii) any past performance of such applicant in providing services comparable to independent living services;

''(iii) the plan for satisfying or demonstrated success in satisfying the standards and the assurances set forth in section 725;

''(iv) the quality of key personnel and the involvement of individuals with severe disabilities;

''(v) budgets and cost-effectiveness;

''(vi) an evaluation plan; and

''(vii) the ability of such applicant to carry out the plans; and

''(C) shall give priority to applications from applicants proposing to serve geographic areas within each State that are currently unserved or underserved by independent living programs, consistent with the provisions of the State plan submitted under section 704 regarding establishment of a statewide network of centers for independent living.

''(3) CURRENT CENTERS.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B (or part A as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992) for a fiscal year for the general operation of the center shall be eligible for a grant for the subsequent fiscal year under this subsection.

''(e) ORDER OF PRIORITIES.—The Commissioner shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

''(1) The Commissioner shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

''(2) The Commissioner shall provide for a cost-of-living increase for such existing centers for independent living.

''(3) The Commissioner shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

''(f) REVIEW.—

''(1) IN GENERAL.—The Commissioner shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the Commissioner determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the Commissioner shall immediately notify such center that it is out of compliance.

''(2) ENFORCEMENT.—The Commissioner shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Commissioner.

''SEC. 723. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—

''(A) INITIAL YEAR.—

''(i) DETERMINATION.—Beginning on October 1, 1993, the director of a designated State unit, as provided in paragraph (2), or the Commissioner, as provided in paragraph (3), shall award grants under this section for an initial fiscal year if the Commissioner determines that the amount of State funds that were earmarked by a State for a preceding fiscal year to support the general operation of centers for independent living meeting the requirements of this part equaled or exceeded the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

''(ii) GRANTS.—The director or the Commissioner, as appropriate, shall award such grants, from the amount of funds so allotted for the initial fiscal year, to eligible agencies in the State for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

''(iii) REGULATION.—The Commissioner shall by regulation specify the preceding fiscal year with respect to which the Commissioner will make the determinations described in clause (i) and subparagraph (B).

''(B) SUBSEQUENT YEARS.—For each year subsequent to the initial fiscal year described in subparagraph (A), the director of the designated State unit shall continue to have the authority to award such grants under this section if the Commissioner determines that the State continues to earmark the amount of State funds described in subparagraph (A)(i). If the State does not continue to earmark such an amount for a fiscal year, the State shall be ineligible to make grants under this section after a final year following such fiscal year, as defined in accordance with regulations established by the Commissioner, and for each subsequent fiscal year.

''(2) GRANTS BY DESIGNATED STATE UNITS.—In order for the designated State unit to be eligible to award the grants described in paragraph (1) and carry out this section for a fiscal year with respect to a State, the designated State agency shall submit an application to the Commissioner at such time, and in such manner as the Commissioner may require, including information about the amount of State funds described in paragraph (1) for the preceding fiscal year. If the Commissioner makes a determination described in subparagraph (A)(i) or (B), as appropriate, of paragraph (1), the Commissioner shall approve the application and designate the director of the designated State unit to award the grant and carry out this section.

''(3) GRANTS BY COMMISSIONER.—If the designated State agency of a State described in paragraph (1) does not submit and obtain approval of an application under paragraph (2), the Commissioner shall award the grant described in paragraph (1) to the State in accordance with section 722.

''(b) ELIGIBLE AGENCIES.—In any State in which the Commissioner has approved the State plan required by section 704, the director of the designated State unit may award a grant under this section to any eligible agency that—

''(1) has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

''(2) is determined by the director to be able to plan, conduct, administer, and evaluate a center for independent living, consistent with the standards and assurances set forth in section 725; and

''(3) submits an application to the director at such time, in such manner, and containing such information as the head of the designated State unit may require.

''(c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the director of the designated State unit shall award grants under this section to any eligible agency that is receiving funds under this part on September 30, 1993, unless the director makes a finding that the agency involved fails to comply with the standards and assurances set forth in section 725.

''(d) NEW CENTERS FOR INDEPENDENT LIVING.—

''(1) IN GENERAL.—If there is no center for independent living serving a region of the State or the region is unserved or underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the director of the designated State unit may award a grant under this section from among eligible agencies, consistent with the provisions of the State plan under section 704 setting forth the design of the State for establishing a statewide network of centers for independent living.

''(2) SELECTION.—In selecting from among eligible agencies in awarding a grant under this part for a new center for independent living—

''(A) the director of the designated State unit and the chairperson of, or other individual designated by, the Statewide Independent Living Council acting on behalf of and at the direction of the Council, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances set forth in section 725 and criteria jointly established by such director and such chairperson or individual;

''(B) the peer review committee shall consider the ability of each such applicant to operate a center for independent living, and shall recommend an applicant to receive a grant under this section, based on—

''(i) evidence of the need for a center for independent living, consistent with the State plan;

''(ii) any past performance of such applicant in providing services comparable to independent living services;

''(iii) the plan for complying with, or demonstrated success in complying with, the standards and the assurances set forth in section 725;

''(iv) the quality of key personnel of the applicant and the involvement of individuals with severe disabilities by the applicant;

''(v) the budgets and cost-effectiveness of the applicant;

''(vi) the evaluation plan of the applicant; and

''(vii) the ability of such applicant to carry out the plans; and

''(C) the director of the designated State unit shall award the grant on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with Federal and State law.

''(3) CURRENT CENTERS.—Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B (or part A as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992) for a fiscal year for the general operation of the center shall be eligible for a grant for the subsequent fiscal year under this subsection.

''(e) ORDER OF PRIORITIES.—Unless the director of the designated State unit and the chairperson of the Council or other individual designated by the Council acting on behalf of and at the direction of the Council jointly agree on another order of priority, the director shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

''(1) The director of the designated State unit shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

''(2) The director of the designated State unit shall provide for a cost-of-living increase for such existing centers for independent living.

''(3) The director of the designated State unit shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

''(f) REVIEW.—

''(1) IN GENERAL.—The director of the designated State unit shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the director of the designated State unit determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the director of the designated State unit shall immediately notify such center that it is out of compliance.

''(2) ENFORCEMENT.—The director of the designated State unit shall terminate all funds under this section to such center 90 days after—

''(A) the date of such notification; or

''(B) in the case of a center that requests an appeal under subsection (h), the date of any final decision under subsection (h),

unless the center submits a plan to achieve compliance within 90 days and such plan is approved by the director, or if appealed, by the Commissioner.

''(g) ON-SITE COMPLIANCE REVIEW.—The director of the designated State unit shall conduct on-site compliance review of centers for independent living. Each team that conducts on-site compliance review of centers for independent living shall include at least one person who is not an employee of the designated State agency, who has experience in the operation of centers for independent living, and who is jointly selected by the director of the designated State unit and the chairperson of or other individual designated by the Council acting on behalf of and at the direction of the Council. A copy of this review shall be provided to the Commissioner.

''(h) ADVERSE ACTIONS.—If the director of the designated State unit proposes to take a significant adverse action against a center for independent living, the center may seek mediation and conciliation to be provided by an individual or individuals who are free of conflicts of interest identified by the chairperson of or other individual designated by the Council. If the issue is not resolved through the mediation and conciliation, the center may appeal the proposed adverse action to the Commissioner for a final decision.

''SEC. 724. CENTERS OPERATED BY STATE AGENCIES.

''(a) FISCAL YEAR 1993.—

''(1) IN GENERAL.—Notwithstanding section 702(1), if—

''(A) no nonprofit private agency—

''(i) submits an acceptable application to operate a center for independent living for fiscal year 1993 before a date specified by the Commissioner; and

''(ii) obtains approval of the application under section 722 or 723; and

''(B) a State directly operated such a center in fiscal year 1992 with funds provided under part B, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992,

the State may apply to the Commissioner for assistance under section 721(e)(2) for the conduct, administration, and evaluation of such a center.

''(2) COMPLIANCE.—A State that receives assistance with respect to a center in accordance with paragraph (1) shall ensure that the center shall comply with all of the requirements of this part, other than the requirement that the center be a private nonprofit agency.

''(b) FISCAL YEAR 1994 AND SUCCEEDING FISCAL YEARS.—A State that receives assistance for fiscal year 1993 with respect to a center in accordance with subsection (a) may continue to receive assistance under this part for fiscal year 1994 or a succeeding fiscal year if, for such fiscal year—

''(1) no nonprofit private agency—

''(A) submits an acceptable application to operate a center for independent living for fiscal year 1993 before a date specified by the Commissioner; and

''(B) obtains approval of the application under section 722 or 723; or

''(2) after funding all applications so submitted and approved, the Commissioner determines that funds remain available to provide such assistance.

"SEC. 725. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

''(a) IN GENERAL.—Each center for independent living that receives assistance under this part shall comply with the standards set out in subsection (b) and provide and comply with the assurances set out in subsection (c) in order to ensure that all programs and activities under this part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter and the objective of providing assistance effectively and efficiently.

''(b) STANDARDS.—

''(1) PHILOSOPHY.—The center shall promote and practice the independent living philosophy of—

''(A) consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

''(B) self-help and self-advocacy;

''(C) development of peer relationships and peer role models; and

''(D) equal access of individuals with severe disabilities to society and to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.

''(2) PROVISION OF SERVICES.—The center shall provide services to individuals with a range of severe disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of severe disabilities, including individuals with disabilities who are members of populations that are unserved or underserved by programs under this Act). Eligibility for services at any center for independent living shall not be based on the presence of any one or more specific severe disabilities.

''(3) INDEPENDENT LIVING GOALS.—The center shall facilitate the development and achievement of independent living goals selected by individuals with severe disabilities who seek such assistance by the center.

''(4) COMMUNITY OPTIONS.—The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with severe disabilities.

''(5) INDEPENDENT LIVING CORE SERVICES.—The center shall provide independent living core services and, as appropriate, a combination of any other independent living services specified in section 7(30)(B).

''(6) ACTIVITIES TO INCREASE COMMUNITY CAPACITY.—The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with severe disabilities.

''(7) RESOURCE DEVELOPMENT ACTIVITIES.—The center shall conduct resource development activities to obtain funding from sources other than this chapter.

''(c) ASSURANCES.—The eligible agency shall provide at such time and in such manner as the Commissioner may require, such satisfactory assurances as the Commissioner may require, including satisfactory assurances that—

''(1) the applicant is an eligible agency;

''(2) the center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a Board that is the principal governing body of the center and a majority of which shall be composed of individuals with severe disabilities;

''(3) the applicant will comply with the standards set forth in subsection (b);

''(4) the applicant will establish clear priorities through annual and 3-year program and financial planning objectives for the center, including overall goals or a mission for the center, a work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided, and a description that shall demonstrate how the proposed activities of the applicant are consistent with the most recent 3-year State plan under section 704;

''(5) the applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with severe disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503;

''(6) the applicant will ensure that the majority of the staff, and individuals in decisionmaking positions, of the applicant are individuals with disabilities;

''(7) the applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit;

''(8) the applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding, at a minimum—

''(A) the extent to which the center is in compliance with the standards;

''(B) the number and types of individuals with severe disabilities receiving services through the center;

''(C) the types of services provided through the center and the number of individuals with severe disabilities receiving each type of service;

''(D) the sources and amounts of funding for the operation of the center;

''(E) the number of individuals with severe disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and

''(F) a comparison, when appropriate, of the activities of the center in prior years with the activities of the center in the most recent year;

''(9) individuals with severe disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact, the client assistance program;

''(10) aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with severe disabilities that are unserved or underserved by programs under this title, especially minority groups and urban and rural populations;

''(11) staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;

''(12) the center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual report required under paragraph (8);

''(13) the center will prepare and submit a report to the designated State unit or the Commissioner, as the case may be, at the end of each fiscal year that contains the information described in paragraph (8) and information regarding the extent to which the center is in compliance with the standards set forth in subsection (b); and

''(14) an independent living plan described in section 704(e) will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

"SEC. 726. DEFINITIONS.

''As used in this part, the term 'eligible agency' means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

"SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997.''.

SEC. 702. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) CENTERS FOR INDEPENDENT LIVING.—The provisions of part C of chapter 1 of title VII of the Rehabilitation Act of 1973 (as added by section 701 of this Act), shall not apply with respect to fiscal year 1992 for programs receiving assistance under part B of such chapter, as in effect on the day before the date of enactment of this Act. The provisions of such part B shall continue to apply for such programs with respect to fiscal year 1992.

(c) STATE PLAN.—The Secretary of Education shall implement the provisions of section 704 of the Rehabilitation Act of 1973 (as amended by section 701 of this Act), as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), but not later than October 1, 1993.

SEC. 703. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

(a) SERVICES.—Title VII (29 U.S.C. 796 et seq.) is amended by adding at the end the following:

"CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

"SEC. 751. DEFINITION.

''For purposes of this chapter, the term 'older individual who is blind' means an individual age 55 or older whose severe visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

"SEC. 752. PROGRAM OF GRANTS.

''(a) IN GENERAL.—

''(1) AUTHORITY FOR GRANTS.—Subject to subsections (b) and (c), the Commissioner may make grants to States for the purpose of providing the services described in subsection (d) to older individuals who are blind.

''(2) DESIGNATED STATE UNIT.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be administered solely by the agency described in section 101(a)(1)(A)(i).

''(b) CONTINGENT COMPETITIVE GRANTS.—Beginning with fiscal year 1994, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants under subsection (a) shall be discretionary grants made on a competitive basis to States.

''(c) CONTINGENT FORMULA GRANTS.—

''(1) IN GENERAL.—In the case of any fiscal year for which the amount appropriated under section 753 is equal to or greater than $13,000,000, grants under subsection (a) shall be made only to States and shall be made only from allotments under paragraph (2).

''(2) ALLOTMENTS.—For grants under subsection (a) for a fiscal year described in paragraph (1), the Commissioner shall make an allotment to each State in an amount determined in accordance with subsection (j), and shall make a grant to the State of the allotment made for the State if the State submits to the Commissioner an application in accordance with subsection (i).

''(d) SERVICES GENERALLY.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for purposes of—

''(1) providing independent living services to older individuals who are blind;

''(2) conducting activities that will improve or expand services for such individuals; and

''(3) conducting activities to help improve public understanding of the problems of such individuals.

''(e) INDEPENDENT LIVING SERVICES.—Independent living services for purposes of subsection (d)(1) include—

''(1) services to help correct blindness, such as—

''(A) outreach services;

''(B) visual screening;

''(C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and

''(D) hospitalization related to such services;

''(2) the provision of eyeglasses and other visual aids;

''(3) the provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;

''(4) mobility training, Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;

''(5) guide services, reader services, and transportation;

''(6) any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services;

''(7) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and

''(8) other independent living services, as defined in section 7(30).

''(f) MATCHING FUNDS.—

''(1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $1 for each $9 of Federal funds provided in the grant.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(g) CERTAIN EXPENDITURES OF GRANTS.—A State may expend a grant under subsection (a) to carry out the purposes specified in subsection (d) through grants to public and nonprofit private agencies or organizations.

''(h) REQUIREMENT REGARDING STATE PLAN.—The Commissioner may not make a grant under subsection (a) unless the State involved agrees that, in carrying out subsection (d)(1), the State will seek to incorporate into the State plan under section 704 any new methods and approaches relating to independent living services for older individuals who are blind.

''(i) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless an application for the grant is submitted to the Commissioner and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this section (including agreements, assurances, and information with respect to any grants under subsection (j)(4)).

''(2) CONTENTS.—An application for a grant under this section shall contain—

''(A) an assurance that the designated State unit described in subsection (a)(2) will prepare and submit to the Commissioner a report, at the end of each fiscal year, with respect to each project or program the designated State unit operates or administers under this section, whether directly or through a grant or contract, which report shall contain, at a minimum, information on—

''(i) the number and types of older individuals who are blind and are receiving services;

''(ii) the types of services provided and the number of older individuals who are blind and are receiving each type of service;

''(iii) the sources and amounts of funding for the operation of each project or program;

''(iv) the amounts and percentages of resources committed to each type of service provided;

''(v) data on actions taken to employ, and advance in employment, qualified individuals with severe disabilities, including older individuals who are blind; and

''(vi) a comparison, if appropriate, of prior year activities with the activities of the most recent year;

''(B) an assurance that the designated State unit will—

''(i) provide services that contribute to the maintenance of, or the increased independence of, older individuals who are blind; and

''(ii) engage in—

''(I) capacity-building activities, including collaboration with other agencies and organizations;

''(II) activities to promote community awareness, involvement, and assistance; and

''(III) outreach efforts; and

''(C) an assurance that the application is consistent with the State plan for providing independent living services required by section 704.

''(j) AMOUNT OF FORMULA GRANT.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the amount of an allotment under subsection (a) for a State for a fiscal year shall be the greater of—

''(A) the amount determined under paragraph (2); and

''(B) the amount determined under paragraph (3).

''(2) MINIMUM ALLOTMENT.—

''(A) STATES.—In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is the greater of—

''(i) $225,000; and

''(ii) an amount equal to one-third of one percent of the amount appropriated under section 753 for the fiscal year and available for allotments under subsection (a).

''(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is $40,000, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

''(3) FORMULA.—The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of—

''(A) the amount appropriated under section 753 and available for allotments under subsection (a); and

''(B) a percentage equal to the quotient of—

''(i) an amount equal to the number of individuals residing in the State who are not less than 55 years of age; divided by

''(ii) an amount equal to the number of individuals residing in the United States who are not less than 55 years of age.

''(4) DISPOSITION OF CERTAIN AMOUNTS.—

''(A) GRANTS.—From the amounts specified in subparagraph (B), the Commissioner may make grants to States whose population of older individuals who are blind has a substantial need for the services specified in subsection (d) relative to the populations in other States of older individuals who are blind.

''(B) AMOUNTS.—The amounts referred to in subparagraph (A) are any amounts that are not paid to States under subsection (a) as a result of—

''(i) the failure of any State to submit an application under subsection (i);

''(ii) the failure of any State to prepare within a reasonable period of time such application in compliance with such subsection; or

''(iii) any State informing the Commissioner that the State does not intend to expend the full amount of the allotment made for the State under subsection (a).

''(C) CONDITIONS.—The Commissioner may not make a grant under subparagraph (A) unless the State involved agrees that the grant is subject to the same conditions as grants made under subsection (a).

''SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1993 through 1997.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by striking the items relating to title VII and inserting the following:

''TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

''CHAPTER 1—INDIVIDUALS WITH SEVERE DISABILITIES

''PART A—GENERAL PROVISIONS

''Sec. 701. Purpose.
''Sec. 702. Definitions.
''Sec. 703. Eligibility for receipt of services.
''Sec. 704. State plan.
''Sec. 705. Statewide Independent Living Council.
''Sec. 706. Responsibilities of the Commissioner.

''PART B—INDEPENDENT LIVING SERVICES

''Sec. 711. Allotments.
''Sec. 712. Payments to States from allotments.
''Sec. 713. Authorized uses of funds.
''Sec. 714. Authorization of appropriations.

''PART C—CENTERS FOR INDEPENDENT LIVING

''Sec. 721. Program authorization.
''Sec. 722. Grants to centers for independent living in States in which Federal funding exceeds State funding.
''Sec. 723. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
''Sec. 724. Centers operated by State agencies.
''Sec. 725. Standards and assurances for centers for independent living.
''Sec. 726. Definitions.
''Sec. 727. Authorization of appropriations.

''CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

''Sec. 751. Definition.
''Sec. 751. Program of grants.
''Sec. 752. Authorization of appropriations.''.

TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

SEC. 801. SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS.

(a) IN GENERAL.—The Act (29 U.S.C. 701 et seq.) is amended by adding at the end the following title:

"TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

"SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEMONSTRATION PROJECTS.—There are authorized to be appropriated to carry out section 802, such sums as may be necessary for each of the fiscal years 1993 through 1997.

"(b) TRAINING INITIATIVES.—There are authorized to be appropriated to carry out section 803, such sums as may be necessary for each of the fiscal years 1993 through 1997.

"SEC. 802. DEMONSTRATION ACTIVITIES.

"(a) TRANSPORTATION SERVICES GRANTS.—

"(1) GRANTS.—The Commissioner shall make grants to States and to public or nonprofit agencies and organizations for the purpose of providing transportation services to individuals with disabilities who—

"(A)(i) are employed or seeking employment; or

"(ii) are receiving vocational rehabilitation services from public or private organizations; and

"(B) reside in geographic areas in which fixed route public transportation or comparable paratransit service is not available.

"(2) USE OF GRANT.—The Commissioner may make a grant under this subsection only if the applicant involved agrees that transportation services under this subsection will be provided on a regular and continuing basis between—

"(A) the home of the individual; and

"(B) the place of employment of the individual, the place where the individual is seeking employment, or the place where the individual is receiving vocational rehabilitation services.

"(3) CHARGES.—The Commissioner may make a grant under paragraph (1) only if the applicant involved agrees that, in providing transportation services under this subsection—

"(A) a charge for the transportation will be imposed on each employed eligible individual who uses the transportation; and

"(B) the amount of the charge for an instance of use of the transportation for the distance involved will be in a fair and reasonable amount that is consistent with fees for comparable services in comparable geographic areas.

"(4) REPORT.—The Commissioner may make a grant under this subsection only if the applicant involved agrees to prepare and submit to the Commissioner, not later than December 31 of the fiscal year following the fiscal year for which the grant is made, a report containing—

"(A) a description of the goals of the program carried out with the grant;

"(B) a description of the activities and services provided under the program;

"(C) a description of the number of eligible individuals served under the program;

"(D) a description of methods used to ensure that the program serves the eligible individuals most in need of the transportation services provided under the program; and

"(E) such additional information as the Commissioner may require.

"(5) CONSTRUCTION.—Nothing in this subsection may be construed as limiting the rights or responsibilities of any individual under any other provision of this Act, under the Americans with Disabilities Act of 1990, or under any other provision of law.

"(b) PROJECTS TO ACHIEVE HIGH QUALITY PLACEMENTS.—

"(1) SPECIAL PROJECTS AND DEMONSTRATIONS.—The Commissioner shall make grants to public or nonprofit community rehabilitation programs, designated State units, and other public or nonprofit agencies and organizations to pay for the cost of developing special projects and demonstrations related to vocational rehabilitation outcomes. Such projects and demonstrations may include activities providing alternatives to case closure practice and identifying and implementing appropriate incentives to vocational rehabilitation counselors to achieve high quality placements for individuals with the most severe disabilities.

"(2) CERTAIN REQUIREMENTS.—Each recipient of such a grant shall—

"(A) identify, develop, and test exemplary models that can be replicated; and

"(B) identify innovative methods, such as weighted case closures, to evaluate the performance of vocational rehabilitation counselors that in no way impede the accomplishment of the purposes and policy of serving, among others, those individuals with the most severe disabilities.

"(c) EARLY INTERVENTION DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall make grants to public or nonprofit agencies and organizations to carry out demonstration programs designed to demonstrate the utility of early intervention in furnishing vocational evaluation, training, and counseling services to working adults recently determined to have chronic and progressive diseases that may be severely disabling, such as multiple sclerosis.

"(2) GRANT ACTIVITIES.—In carrying out a demonstration program under paragraph (1), an eligible entity shall conduct a program intended to demonstrate the effectiveness of such early intervention in improving the job retention of the working adults or in facilitating the entry of the working adults to new careers and employment. The demonstration program shall test a number of alternative service systems, including an employer assistance program, a system involving early intervention by State vocational rehabilitation agencies, and a private nonprofit agency joint venture with an employer or State vocational rehabilitation agency.

"(d) TRANSITION DEMONSTRATION PROJECTS.—

"(1) GRANTS.—The Commissioner may make grants to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstration projects to support models for providing community-based, coordinated services to facilitate the transition of individuals with disabilities from rehabilitation hospital or nursing home programs or comparable programs, to programs providing independent living services in the community, including services such as personal assistance services, health maintenance services, counseling, and social and vocational services.

"(2) APPLICATION.—To be eligible to receive a grant under this subsection, an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(3) EVALUATION.—An agency or organization that receives a grant under this subsection shall evaluate the effectiveness of such models and prepare and submit to the Commissioner a report containing the evaluation.

"(e) BARRIERS TO SUCCESSFUL REHABILITATION OUTCOMES FOR MINORITIES.—The Commissioner may award grants to public or nonprofit agencies and organizations—

"(1) to conduct a study to examine the factors that have created barriers to successful rehabilitation outcomes for individuals with disabilities from minority backgrounds, and develop and evaluate policy, research, and training strategies for overcoming the barriers;

"(2) to conduct a study to examine the factors that have created significant under- representation of individuals from minority backgrounds in the rehabilitation professions, including such underrepresentation among researchers, and develop and evaluate policy, research, and training strategies for overcoming the underrepresentation; and

"(3) to conduct a study to examine the factors that have created barriers to successful rehabilitation outcomes for individuals with neurological or other related disorders, and examine how the hidden or episodic nature of the disability affects eligibility and the provision of services.

"(f) STUDIES, SPECIAL PROJECTS, AND DEMONSTRATION PROJECTS TO STUDY MANAGEMENT AND SERVICE DELIVERY.—

"(1) GRANTS.—The Commissioner may make grants to public or nonprofit agencies and organizations to pay part or all of the costs of conducting studies, special projects, or demonstration projects relating to the management and service delivery systems of the vocational rehabilitation programs authorized under this Act.

"(2) APPLICATION.—To be eligible to receive a grant under this subsection, an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(g) DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE.—

"(1) GRANTS.—The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

"(2) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the grant only—

"(A) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and

"(B) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects;

"(3) APPLICATION.—Any eligible entity that desires to receive a grant under this subsection shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

"(A) a description of—

"(i) how the applicant intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

"(ii) how the applicant intends to ensure that any vocational rehabilitation service or related service is provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

"(iii) the outreach activities to be conducted by the applicant to obtain eligible clients; and

"(B) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include—

"(i) a statement of the vocational rehabilitation goals to be achieved;

"(ii) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

"(iii) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

''(4) AWARD OF GRANTS.—In selecting entities to receive grants under paragraph (1), the Commissioner shall take into consideration the—

''(A) diversity of strategies used to increase client choice, including selection among qualified service providers;

''(B) geographic distribution of projects; and

''(C) diversity of clients to be served.

''(5) RECORDS.—Entities that receive grants under paragraph (1) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

''(6) DIRECT SERVICES.—At least 80 percent of the funds awarded for any project under this subsection shall be used for direct services, as specifically chosen by eligible clients.

''(7) EVALUATION.—The Commissioner shall conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this subsection for the fiscal year.

''(8) DEFINITIONS.—For the purposes of this subsection:

''(A) DIRECT SERVICES.—The term 'direct services' means vocational rehabilitation services, as described in section 103(a).

''(B) ELIGIBLE CLIENT.—The term 'eligible client' means an individual with a disability, as defined in section 7(8)(A), who is not currently receiving services under an individualized written rehabilitation program established through a designated State unit.

''(h) NATIONAL COMMISSION ON REHABILITATION SERVICES.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Subject to the availability of appropriations, there is hereby established a National Commission on Rehabilitation Services (referred to in this section as the 'National Commission') for the purpose of studying the nature, quality, and adequacy of vocational rehabilitation, independent living, supported employment, research, training, and other programs authorized under this Act, and submitting to the President and to Congress recommendations that will further the successful employment outcomes, independence, and integration of individuals with disabilities into the workplace and community.

''(B) COMPOSITION.—

''(i) QUALIFICATIONS.—The National Commission shall consist of 15 members who are recognized by knowledge, experience, and education as experts in the field of rehabilitation. At least a majority of the members of the National Commission shall be individuals with disabilities representing a cross-section of individuals with different types of disabilities.

''(ii) APPOINTMENT.—Members of the National Commission shall be appointed as follows:

''(I) PRESIDENTIAL APPOINTEES.—Five members shall be appointed by the President, or, if the President delegates the authority to make the appointment, by the Secretary of Education.

''(II) SENATE APPOINTEES.—Five members shall be appointed by the president pro tempore of the Senate, with the advice and approval of the Majority Leader and Minority Leader of the Senate.

''(III) HOUSE OF REPRESENTATIVES APPOINTEES.—Five members shall be appointed by the Speaker of the House of Representatives with the advice and approval of the Majority Leader and Minority Leader of the House of Representatives.

''(C) TERM.—Members shall be appointed for the life of the National Commission.

''(D) VACANCIES.—Any vacancy in the National Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(E) CHAIRPERSON.—The National Commission shall select a Chairperson from among its members.

''(F) MEETINGS.—The National Commission shall meet at the call of the Chairperson, but not less often than four times each year.

''(G) QUORUM.—Ten members of the National Commission shall constitute a quorum.

''(H) COMMITTEES.—The Chairperson, upon approval by the National Commission, may establish such committees as the Chairperson determines to be necessary to fulfill the duties of the National Commission.

''(2) DUTIES.—

''(A) STUDIES AND ANALYSES.—The National Commission shall conduct studies and analyses with respect to—

''(i) the effectiveness of vocational rehabilitation and independent living services in enhancing the employment outcomes of individuals with disabilities;

''(ii) the adequacy of research and training activities in fostering innovative approaches that further the employment of individuals with disabilities;

''(iii) the capacity of supported employment and independent living services in promoting the integration of individuals with disabilities into the workplace and community;

''(iv) methods for enhancing access to services authorized under this Act by minorities who are individuals with disabilities and individuals with disabilities who are members of populations that have traditionally been unserved or underserved by programs under this Act that provide such vocational rehabilitation services and independent living services;

''(v) means for enhancing interagency coordination among Federal and State agencies to promote the maximization of employment-related programs, services, and benefits on behalf of individuals with disabilities; and

''(vi) such other issues as the National Commission may identify as relevant to promoting the employment, independence, and integration of individuals with disabilities.

''(B) POLICY ANALYSES.—The National Commission shall conduct policy analyses to—

''(i) develop options for improving fiscal equity in the allotment of grants under section 110;

''(ii) provide guidance on implementing the order of selection described in section 101(a)(5)(A); and

''(iii) address the shortage of rehabilitation professionals.

''(C) REPORTS.—

''(i) INTERIM REPORT.—Not later than January 30, 1995, the National Commission shall prepare and issue a comprehensive interim report to the President, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, containing the results of the studies and analyses described in subparagraphs (A) and (B) and specific recommendations for amendments to this Act needed to promote the provision of comprehensive vocational rehabilitation and independent living services on behalf of individuals with disabilities.

''(ii) FINAL REPORT.—Not later than January 30, 1997, the National Commission shall prepare and issue a comprehensive final report to the President, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, containing the results and recommendations described in clause (i).

''(3) POWERS.—

''(A) HEARINGS.—The National Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the National Commission determines to be necessary to carry out its functions.

''(B) INFORMATION.—

''(i) FEDERAL ENTITIES.—The National Commission may secure directly from any Federal department or agency such information (including statistics) as the National Commission considers necessary to carry out the functions of the National Commission. Upon request of the Chairperson of the National Commission, the head of such department or agency shall furnish such information to the National Commission.

''(ii) OTHER ENTITIES.—The National Commission may secure, directly or by contract or other means, such additional information as the National Commission determines to be necessary from universities, research institutions, foundations, State and local agencies, and other public or private agencies.

''(C) CONSULTATION.—The National Commission is authorized to consult with—

''(i) any organization representing individuals with disabilities;

''(ii) public or private service providers;

''(iii) Federal, State, and local agencies;

''(iv) individual experts;

''(v) institutions of higher education involved in the preparation of vocational rehabilitation services personnel; and

''(vi) such other entities and persons as will aid the National Commission in carrying out its duties.

''(4) COMPENSATION AND TRAVEL EXPENSES.—

''(A) COMPENSATION.—Each member of the National Commission who is not an officer or full-time employee of the Federal Government shall receive a payment of $150 for each day (including travel time) during which the member is engaged in the performance of duties for the National Commission. Members of the National Commission who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

''(B) TRAVEL EXPENSES.—Each member of the National Commission may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

''(5) STAFF.—

''(A) APPOINTMENT.—

''(i) STAFF DIRECTOR.—The Chairperson of the National Commission may, without regard to provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate a staff director of the National Commission. The employment of the staff director shall be subject to confirmation by the National Commission. The staff director shall be appointed from among individuals who are experienced in the planning, administration, or operation of vocational rehabilitation and independent living services or programs.

''(ii) ADDITIONAL PERSONNEL.—The staff director of the National Commission may, without regard to provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate such additional personnel as may be necessary, but not more than ten full-time

equivalent positions, to enable the National Commission to carry out its duties.

''(B) COMPENSATION.—The Chairperson of the National Commission may fix the compensation of the staff director, and the staff director may fix the compensation of the additional personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, except that the rate of pay for the staff director and other personnel may not exceed the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code.

''(6) COOPERATION.—The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the national commission in carrying out its duties. The National Commission may utilize the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement, upon the consent of the heads of such agencies.

''(7) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the National Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(8) TERMINATION.—The National Commission shall terminate not later than 90 days following the submission of the final report as described in paragraph (2)(C)(ii).

''(i) MODEL PERSONAL ASSISTANCE SERVICES SYSTEMS.—The Commissioner may award grants to public or nonprofit agencies and organizations to establish model personal assistance services systems and other innovative service programs to maximize the full inclusion and integration into society, employment, independent living, and economic and social self-sufficiency of individuals with disabilities.

''(j) DEMONSTRATION PROJECTS TO UPGRADE WORKER SKILLS.—

''(1) GRANTS.—Consistent with the purposes of section 621, the Commissioner may make grants to partnerships or consortia that include private business concerns or industries to pay for the Federal share of developing and carrying out model demonstration projects for workers with disabilities who need new or upgraded skills to adapt to emerging technologies, work methods, and markets and to ensure that such individuals possess the knowledge and skills necessary to compete in the workplace.

''(2) PERIOD.—Grants made under this subsection shall be for 3-year periods.

''(3) APPLICATION.—Any partnership or consortia desiring to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

''(A) information identifying at least one member of the partnership or consortium that is a private business concern or industry; and

''(B) assurances that—

''(i) each member of the eligible partnership or consortium will pay a portion of the non-Federal share of the cost of developing and carrying out the project;

''(ii) the partnership or consortium will carry out all of the activities described in subparagraphs (A) through (E) of section 621(a)(2);

''(iii) the partnership or consortium will disseminate information on the model program conducted;

''(iv) the partnership or consortium will utilize, if available, job skill standards established jointly by management and labor to assist in evaluating the job skills of an individual and assessing the skills that are needed for the individual to compete in the workplace;

''(v) the partnership or consortium will prepare and submit an evaluation report containing data specified by the Commissioner at the end of each project year; and

''(vi) the partnership or consortium will take such steps as are necessary to continue the activities of the project after the period for which Federal assistance is sought.

''(4) DEFINITION.—For the purposes of this subsection, the term 'workers with disabilities' shall mean individuals with disabilities who are working in competitive employment and who need new or upgraded skills to improve their employment and career advancement opportunities.

''(k) MODEL SYSTEMS REGARDING SEVERE DISABILITIES.—The Commissioner may award grants to public or nonprofit agencies and organizations to establish model systems of comprehensive service delivery to individuals with severe disabilities, other than spinal cord injuries, requiring a multidisciplinary system of providing vocational and other rehabilitation services, where the Commissioner determines that the development of such systems is needed.

''SEC. 803. TRAINING ACTIVITIES.

''(a) DISTANCE LEARNING THROUGH TELECOMMUNICATIONS.—

''(1) GRANTS.—The Commissioner shall award at least three grants to eligible institutions of higher education, to support the formation of regional partnerships with other public or private entities for the purpose of developing and implementing in-service training programs, including certificate or degree granting programs concerning vocational rehabilitation services and related services, for vocational rehabilitation professionals through the use of telecommunications.

''(2) APPLICATIONS.—Any eligible entity that desires to receive a grant under this subsection shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

''(A) a detailed explanation of how the applicant will utilize interactive audio, video, and computer technologies between distant locations to provide in-service training programs to the region;

''(B) a description of how the applicant intends to utilize and build upon existing telecommunications networks within the region to be served;

''(C) a copy of all agreements governing the division of functions within the partnership, including an assurance that all States within the region will be served;

''(D) a copy of a binding commitment entered into between the partnership and each entity that is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, that stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area to be served within a reasonable time and at a charge that is in accordance with State law;

''(E) a description of the curriculum to be provided, frequency of providing service, and sites of service;

''(F) a description of the need to purchase or lease—

''(i) computer hardware and software;

''(ii) audio and video equipment;

''(iii) telecommunications terminal equipment; or

''(iv) interactive video equipment;

''(G) an assurance that the partnership will use not less than 75 percent of the amount of the grant for instructional curriculum development and programming; and

''(H) a description of the means by which the project will be evaluated.

''(3) AWARD OF GRANTS.—In awarding grants under paragraph (1), the Commissioner shall take into consideration the sparsity of State populations in the region to be served.

''(4) DEFINITIONS.—For the purposes of this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means any institution of higher education with demonstrated experience in the area of continuing education for vocational rehabilitation personnel.

''(B) INTERACTIVE VIDEO EQUIPMENT.—The term 'interactive video equipment' means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

''(C) REGION.—The term 'region' means one of the ten regions served by the Rehabilitation Services Administration.

''(D) REHABILITATION PROFESSIONALS.—The term 'rehabilitation professionals' means personnel described in section 301(a)(1).

''(b) BRAILLE TRAINING PROJECTS.—

''(1) ESTABLISHMENT.—The Commissioner shall make grants to and enter into contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay all or part of the cost of training in the use of Braille for personnel providing vocational rehabilitation services or educational services to youth and adults who are blind.

''(2) PROJECTS.—Such grants shall be used for the establishment or continuation of projects that may provide—

''(A) development of Braille training materials; and

''(B) in-service or pre-service training in the use of Braille and methods of teaching Braille to youth and adults who are blind.

''(3) APPLICATION.—To be eligible to receive a grant, or enter into a contract, under paragraph (1), an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(c) PARENT INFORMATION AND TRAINING PROGRAMS.—

''(1) GRANTS.—The Commissioner is authorized to make grants through a separate competition to private nonprofit organizations for the purpose of establishing programs to provide training and information to enable individuals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of the individuals to participate more effectively with professionals in meeting the vocational and rehabilitation needs of individuals with disabilities. Such grants shall be designed to meet the unique training and information needs of individuals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of the individuals, who live in the area to be served, particularly those who are members of populations that have been unserved or underserved by programs under this Act.

''(2) USE OF GRANTS.—An organization that recieves a grant to establish training and information programs under this subsection shall use the grant to assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals to—

''(A) better understand vocational rehabilitation and independent living programs and services;

''(B) provide followup support for transition and employment programs;

''(C) communicate more effectively with transition and rehabilitation personnel and other relevant professionals;

''(D) provide support in the development of the individualized written rehabilitation program;

''(E) provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and

''(F) understand the provisions of this Act, particularly provisions relating to employment, supported employment, and independent living.

''(3) AWARD OF GRANTS.—The Commissioner shall ensure that grants under this subsection shall—

''(A) be distributed geographically to the greatest extent possible throughout all States; and

''(B) be targeted to individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, in both urban and rural areas or on a State or regional basis.

''(4) ELIGIBLE ORGANIZATIONS.—In order to receive a grant under this subsection, a private nonprofit organization shall—

''(A) submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating the capacity and expertise of the organization to—

''(i) coordinate and work closely with parent training and information centers established under section 631 of the Individuals with Disabilities Education Act (20 U.S.C. 1431); and

''(ii) effectively conduct the training and information activities authorized under this subsection;

''(B)(i) be governed by a board of directors—

''(I) that includes professionals in the field of vocational rehabilitation; and

''(II) on which a majority of the members are individuals with disabilities or the parents, family members, guardians, advocates, or authorized representatives of the individuals; or

''(ii)(I) have a membership that represents the interests of individuals with disabilities; and

''(II) establish a special governing committee that meets the requirements specified in subclauses (I) and (II) of clause (i) to operate a training and information program under this subsection; and

''(C) serve individuals with a full range of disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

''(5) CONSULTATION.—Each private nonprofit organization carrying out a program receiving assistance under this subsection shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the program.

''(6) COORDINATION.—The Commissioner shall provide coordination and technical assistance by grant or cooperative agreement for establishing, developing, and coordinating the training and information programs. To the extent practicable, such assistance shall be provided by the parent training and information centers established under section 631 of the Individuals with Disabilities Education Act (20 U.S.C. 1431).

''(7) REVIEW.—

''(A) QUARTERLY REVIEW.—The board of directors or special governing committee of a nonprofit private organization receiving a grant under this subsection shall meet at least once in each calendar quarter to review the training and information program, and each such committee shall directly advise the governing board regarding the views and recommendations of the committee.

''(B) REVIEW FOR GRANT RENEWAL.—If a nonprofit private organization requests the renewal of a grant under this subsection, the board of directors or the special governing committee shall prepare and submit to the Commissioner a written review of the training and information program conducted by the nonprofit private organization during the preceding fiscal year.

''(d) TRAINING REGARDING IMPARTIAL HEARING OFFICERS.—The Commissioner may award grants to public or nonprofit agencies and organizations to provide training designed to provide impartial hearing officers with the skills necessary to fairly decide appeals under this Act.

''(e) RECRUITMENT AND RETENTION OF URBAN PERSONNEL.—The Commissioner may award grants to public or nonprofit agencies and organizations to develop and demonstrate innovative methods to attract and retain professionals to serve in urban areas in the rehabilitation of individuals with disabilities, including individuals with severe disabilities.

''(f) CERTAIN REQUIREMENTS.—The requirements of subsections (a) (except the first sentence), (b), and (c), of section 302, and paragraphs (1) and (2) of subsection (g) of such section, shall apply with respect to grants made available under this section, other than subsection (c). The requirements of section 306 shall apply with respect to grants made available under this section.''.

(b) TECHNICAL AMENDMENT.—The table of contents relating to the Act is amended by adding at the end the following:

''TITLE VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

''Sec. 801. Authorization of appropriations.
''Sec. 802. Demonstration activities.
''Sec. 803. Training activities.''.

TITLE IX—AMENDMENTS TO OTHER ACTS

Subtitle A—Helen Keller National Center

SEC. 901. CONGRESSIONAL FINDINGS.

Section 202 of the Helen Keller National Center Act (29 U.S.C. 1901) is amended—

(1) in paragraph (2), by inserting '', the rapidly increasing number of older persons many of whom are experiencing significant losses of both vision and hearing,'' after ''1960's''; and

(2) in paragraph (5), by striking ''invested approximately $10,000,000'' and inserting ''made a substantial investment''.

SEC. 902. CONTINUED OPERATION OF CENTER.

Section 203 of the Helen Keller National Center Act (29 U.S.C. 1902) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) in subsection (a) (as so redesignated by paragraph (2))—

(A) by striking ''pursuant to section 313 of the Rehabilitation Act of 1973'' and inserting ''prior to the date of enactment of this Act''; and

(B) by striking ''(c)'' and inserting ''(b)''; and

(4) in subsection (b) (as so redesignated by paragraph (2))—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

''(2) train family members of individuals who are deaf-blind at the Center or anywhere else in the United States, in order to assist family members in providing and obtaining appropriate services for the individual who is deaf-blind;''.

SEC. 903. AUDIT, MONITORING, AND EVALUATION.

Section 204 of the Helen Keller National Center Act (29 U.S.C. 1903) is amended in subsection (a) by striking ''at such time as the Secretary shall prescribe'' and inserting ''within 15 days following the completion of the audit and acceptance of the audit by the Center''.

SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Helen Keller National Center Act (29 U.S.C. 1904) is amended in subsection (a) by striking ''1987 through 1992'' and inserting ''1993 through 1997''.

SEC. 905. DEFINITIONS.

Section 206 of the Helen Keller National Center Act (29 U.S.C. 1905) is amended—

(1) in paragraph (1), by striking ''section 313 of the Rehabilitation Act of 1973 and continued under''; and

(2) in paragraph (2), to read as follows:

''(2) the term 'individual who is deaf-blind' means any individual—

''(A)(i) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both these conditions;

''(ii) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and

''(iii) for whom the combination of impairments described in clauses (i) and (ii) cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation;

''(B) who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives; or

''(C) meets such other requirements as the Secretary may prescribe by regulation; and''.

SEC. 906. CONSTRUCTION OF ACT, EFFECT ON AGREEMENTS.

Section 207 of the Helen Keller National Center Act (29 U.S.C. 1906) is amended by striking ''Industrial Home for the Blind, Incorporated'' and inserting ''Helen Keller Services for the Blind, Incorporated''.

SEC. 907. ESTABLISHMENT OF A PROGRAM.

The Helen Keller National Center Act (29 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 208. HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary and the Board of Directors of the Helen Keller National Center are authorized to establish the Helen Keller National Center Federal Endowment Fund (hereafter in this section referred to as the 'Endowment Fund') in accordance with the provisions of this section, to promote the financial independence of the Helen Keller National Center. The Secretary and the Board may enter into such agreements as may be necessary to carry out the purposes of this section.

''(b) FEDERAL PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall make payments to the Endowment Fund from amounts appropriated pursuant to subsection (h), consistent with the provisions of this section.

''(2) AMOUNT OF PAYMENT.—Subject to the availability of appropriations, the Secretary shall make payments to the Endowment Fund in amounts equal to sums contributed to the Endowment Fund from non-Federal sources (excluding transfers from other endowment funds of the Center).

''(c) INVESTMENTS.—

''(1) IN GENERAL.—The Center, in investing the Endowment Fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

''(2) LIMITATIONS.—

''(A) FEDERALLY INSURED INVESTMENTS AND OTHER INVESTMENTS.—The Endowment Fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities in which a regulated insurance company may invest under the laws of the State of New York.

''(B) REAL ESTATE.—The Endowment Fund corpus and income may not be invested in real estate.

''(C) CONFLICT OF INTEREST.—The Endowment Fund corpus or income may not be invested in instruments or securities issued by an organization in which an executive officer is a controlling shareholder, director, or owner within the meaning of Federal securities laws and other applicable laws.

''(D) ENCUMBRANCES.—The Center may not assign, hypothecate, encumber, or create a lien on the Endowment Fund corpus without specific written authorization of the Secretary.

''(d) WITHDRAWALS AND EXPENDITURES.—

''(1) IN GENERAL.—For a 20-year period following the receipt of a payment under this section, the Center shall not withdraw or expend the Federal payment or matching contribution made to the Endowment Fund corpus. On the expiration of such period, the Center may use the Endowment Fund corpus plus any of the Endowment Fund income for any purpose that benefits individuals who are deaf-blind.

''(2) OPERATIONAL AND COMMERCIAL EXPENSES.—

''(A) IN GENERAL.—The Helen Keller National Center may withdraw or expend the Endowment Fund income for any expenses necessary for the operation of the Center, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and client services programs, technical assistance, and research.

''(B) LIMITATION.—The Center may not withdraw or expend the Endowment Fund income for any commercial purpose.

''(3) LIMITATIONS AND WAIVER OF LIMITATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Center shall not withdraw or expend more than 50 percent of the total aggregate Endowment Fund income earned prior to the time of withdrawal or expenditure.

''(B) EXCEPTION.—The Secretary may permit the Center to withdraw or expend more than 50 percent of its total aggregate endowment income where the Center demonstrates to the Secretary's satisfaction that such withdrawal or expenditure is necessary because of—

''(i) a financial emergency, such as a pending insolvency or temporary liquidity problem;

''(ii) a life-threatening situation occasioned by a natural disaster or arson; or

''(iii) another unusual occurrence or exigent circumstance.

''(e) REPORTING REQUIREMENTS.—

''(1) FINANCIAL RECORDS.—The Helen Keller National Center shall keep accurate financial records relating to the operation of the Endowment Fund.

''(2) AUDIT AND REPORT.—

''(A) AUDIT.—The Center shall arrange for the conduct of an annual financial and compliance audit of the Endowment Fund in the manner prescribed by the Secretary pursuant to section 204(a) (29 U.S.C. 1903(a)).

''(B) REPORT.—The Center shall submit a copy of the report on the audit required under subparagraph (A) to the Secretary within 15 days after completion of the audit and acceptance of the audit by the Center.

''(3) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Center shall provide to the Secretary an annual report on the uses of funds provided by the Federal endowment program authorized under this section. Such report shall contain such information, and be in such form as the Secretary may require.

''(f) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments made under this section if the Helen Keller National Center—

''(1) makes a withdrawal or expenditure from the Endowment Fund corpus or income which is not consistent with the provisions of this section;

''(2) fails to comply with the investment standards and limitations under this section; or

''(3) fails to account properly to the Secretary concerning the investment of or expenditures from the Endowment Fund corpus or income.

''(g) DEFINITIONS.—For the purposes of this section:

''(1) ENDOWMENT FUND.—The term 'endowment fund' means a fund, or a tax-exempt foundation, established and maintained by the Helen Keller National Center for the purpose of generating income for the support of the Center.

''(2) ENDOWMENT FUND CORPUS.—The term 'Endowment Fund corpus' means an amount equal to the Federal payments made to the Endowment Fund and amounts contributed to the Endowment Fund from non-Federal sources.

''(3) ENDOWMENT FUND INCOME.—The term 'Endowment Fund income' means an amount equal to the total market value of the Endowment Fund minus the Endowment Fund corpus.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1993 through 1997. Such sums shall remain available until expended.''.

SEC. 908. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEAF-BLIND INDIVIDUALS.—Paragraphs (1) through (4) of section 202, and section 203(b)(3) (as so redesignated by paragraphs (2) and (4)(A) of section 902), of the Helen Keller National Center Act (29 U.S.C. 1901 and 1902(b)(3)) are amended by striking ''deaf-blind individuals'' each place the term appears and inserting ''individuals who are deaf-blind''.

(b) DEAF-BLIND INDIVIDUAL.—Section 203(b)(1) of such Act (29 U.S.C. 1902(b)(1)) (as so redesignated by section 902(2)) is amended by striking ''deaf-blind individual'' and inserting ''individual who is deaf-blind''.

(c) DEAF-BLIND YOUTHS AND ADULTS.—

(1) Sections 202(4), 203(a) (as so redesignated by section 902(2)), and 206(1) of such Act (29 U.S.C. 1901(4), 1902(a), and 1905(1)) are amended by striking ''Deaf-Blind Youths and Adults'' each place the term appears and inserting ''Youths and Adults who are Deaf-Blind''.

(2) Section 203 of such Act (29 U.S.C. 1902) is amended in the section heading by striking ''DEAF-BLIND YOUTHS AND ADULTS'' and inserting ''YOUTHS AND ADULTS WHO ARE DEAF-BLIND''.

Subtitle B—Other Programs

SEC. 911. COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.

(a) WAGNER-O'DAY ACT.—Section 1 of the Act entitled ''An Act to Create a Committee on Purchases of Blind-made Products, and for other purposes'', approved June 25, 1938 (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46) is amended by striking ''from the Blind and Other Severely Handicapped'' and inserting ''From People Who Are Blind and Severely Disabled''.

(b) SMALL BUSINESS ACT.—Section 15(c)(1)(A) of the Small Business Act (15 U.S.C. 644(c)(1)(A)) is amended by striking '' from the Blind and Other Severely Handicapped'' and inserting '' From People Who Are Blind or Severely Disabled''.

SEC. 912. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) TRAINING OR RETRAINING.—Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by adding at the end thereof the following new paragraph:

''(8) In making grants under paragraph (1), the Secretary may provide for the training or retraining of regular education teachers who are involved in providing instruction to individuals who are deaf, but who are not certified as teachers of such individuals, to meet the communications needs of such individuals.''.

(b) NOTICE.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Education shall issue a Notice of Inquiry concerning the definition of the term ''serious emotional disturbance'' as used in the Individuals with Disabilities Education Act.

(2) PUBLIC COMMENT.—The Secretary of Education shall provide a public comment period of at least 90 days and shall request and consider—

(A) comments from the public on the need to revise the definition of the term in the regulations implementing such Act; and

(B) comments from the public on whether the term as used in such Act should be changed and on whether the substitution of the term ''emotional and behavioral disorders'' would be appropriate, or whether some other term should be used.

(3) DEFINITION.—The Notice of Inquiry shall contain the following proposed definition for use in the regulations implementing such Act:

''(1) As used in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)):

''(A) The term 'serious emotional disturbance' means a disability that is—

''(i) characterized by behavioral or emotional response in school programs so different from appropriate age, cultural, or ethnic norms that the responses adversely affect educational performance, including academic, social, vocational or personal skills;

''(ii) more than a temporary, expected response to stressful events in the environment;

''(iii) consistently exhibited in two different settings, at least one of which is school-related; and

''(iv) unresponsive to direct intervention applied in general education, or the condition of a child is such that general education interventions would be insufficient.

''(B) The term includes such a disability that co-exists with other disabilities.

''(C) The term includes a schizophrenic disorder, affective disorder, anxiety disorder, or other sustained disorder of conduct or adjustment, affecting a child, if the disorder affects educational performance as described in paragraph (1).

''(2) The term 'seriously emotionally disturbed' means, with respect to a child, that

the child has a serious emotional disturbance.''.

(4) REPORT.—The Secretary shall, within 10 months after the date of enactment of this Act, prepare a report containing a summary of the public comments described in paragraph (2)(B) received as a result of the Notice of Inquiry, and recommendations concerning whether such Act should be amended. The report shall be submitted to the appropriate committees of Congress, including the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives, and the Subcommittee on Disability Policy of the Committee on Labor and Human Resources of the Senate.

SEC. 913. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 is amended—

(1) in section 221(a)(1) (29 U.S.C. 2251(a)(1)), by striking ''nonprofit or for-profit entities'' and inserting ''public or private agencies and organizations, including institutions of higher education,'';

(2) in section 222(a) (29 U.S.C. 2252(a)), by striking ''nonprofit and for-profit entities'' and inserting ''public or private agencies and organizations, including institutions of higher education,''; and

(3) in section 231(a) (29 U.S.C. 2252(a)), by striking ''nonprofit and for-profit entities'' and inserting ''public or private agencies and organizations, including institutions of higher education,''.

SEC. 914. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

The Joint Resolution entitled ''Joint Resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week'', approved July 11, 1949 (36 U.S.C. 155a) is amended—

(1) by striking ''handicapped persons'' and inserting ''persons with disabilities'';

(2) by striking ''the handicapped'' and inserting ''such persons'';

(3) by striking ''for each of the fiscal years 1987, 1988, 1989, 1990, and 1991,'' and inserting ''for each of the fiscal years 1993, 1994, 1995, 1996, and 1997,''; and

(4) by striking ''The President's Committee on Employment of the Handicapped shall be guided by the general policies of the National Council on the Handicapped.''.

And the Senate agree to the same.

WILLIAM D. FORD,
PAT WILLIAMS,
MAJOR R. OWENS,
DONALD M. PAYNE,
JOSÉ E. SERRANO,
WM. JEFFERSON,
ED PASTOR,
BILL GOODLING,
CASS BALLENGER,
SCOTT KLUG,
RANDY ''DUKE'' CUNNINGHAM,
Managers on the Part of the House.

EDWARD M. KENNEDY,
TOM HARKIN,
HOWARD M. METZENBAUM,
PAUL SIMON,
BROCK ADAMS,
ORRIN HATCH,
DAVE DURENBERGER,
JIM JEFFORDS,
Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. OWENS of New York and Mr. GOODLING, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. RICHARDSON, 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 conference report was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶118.50 CORRECT ENROLLMENT—H.R. 5482

Mr. OWENS of New York, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 371):

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 5482) to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes, the Clerk of the House of Representatives shall make corrections in the bill as follows:

(1) In section 308 of the bill, strike subsection (e) of the section and insert the following:

(e) RELATIONSHIP TO SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a), as amended by subsection (b), is amended by adding at the end the following new subsection:

''(e) EDUCATIONAL AND VOCATIONAL REHABILITATION DEMONSTRATION PROJECTS REGARDING LOW-FUNCTIONING.—

''(1) GRANTS.—The Commissioner may make grants to public or private institutions to pay for the cost of developing special projects and demonstration projects to address the general education, counseling, vocational training, work transition, supported employment, job placement, followup, and community outreach needs of individuals who are either low-functioning and deaf or low-functioning and hard-of-hearing. Such projects shall provide educational and vocational rehabilitation services that are not otherwise available in the region involved and shall maximize the potential of such individuals, including individuals who are deaf and have additional severe disabilities.

''(2) MONITORING.—The Commissioner shall monitor the activities of the recipients of grants under this subsection to ensure that the recipients carry out the projects in accordance with paragraph (1), that the recipients coordinate the projects as described in paragraph (3), and that information about innovative methods of service delivery developed by such projects is disseminated.

''(3) ANNUAL REPORT.—The Commissioner shall prepare and submit an annual report to Congress that includes an assessment of the manner in which the recipients carrying out the projects coordinate the projects with projects carried out by other public or nonprofit agencies serving individuals who are deaf, to expand or improve services for such individuals.''.

(f) RELATIONSHIP TO SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a), as amended by subsection (e), is amended by adding at the end the following new subsection:

''(f)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund special demonstration programs, projects and activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund programs, projects, and activities described in section 802.

''(2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII.''.

(2) In section 801 of the bill:

(A) Redesignate subsection (b) as subsection (c).

(B) Insert after subsection (a) the following subsection.

(b) ACCOUNT.—There shall be established an account with a distinct designated budget account identification code number in the President's budget, for activities under title VIII of the Rehabilitation Act of 1973. Funding for such activities shall be available only to such extent as is provided, or in such amounts as are provided, in appropriations Acts. Such account shall be separate and distinct from the accounts for all other activities under titles I through VII of such Act.

When said concurrent resolution was considered and agreed to.

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

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶118.51 NATIVE AMERICAN LANGUAGES

Mr. MARTINEZ moved to suspend the rules and pass the bill of the Senate (S. 2044) to assist Native Americans in assuring the survival and continuing vitality of their languages; as amended.

The SPEAKER pro tempore, Mr. RICHARDSON, recognized Mr. MARTINEZ and Mr. GOODLING, 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. KOLTER, 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 amendment.

¶118.52 JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. MARTINEZ moved to suspend the rules and agree to the following resolution (H. Res. 594):

Resolved, That upon the adoption of this resolution the bill (H.R. 5194) to amend the

Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with an amendment as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

''(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;'';

(3) in paragraph (4), as redesignated by paragraph (1), by inserting ''prosecutorial and public defender offices,'' after ''juvenile courts,'';

(4) by striking ''and'' at the end of paragraph (9), as redesignated by paragraph (1);

(5) by striking the period at the end of paragraph (10), as redesignated by paragraph (1), and inserting '';''; and

(6) by adding at the end the following new paragraphs:

''(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

''(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.''.

(b) PURPOSE.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''delinquency'' and inserting ''justice and delinquency prevention'';

(B) in paragraph (2) by striking ''agencies, institutions, and individuals in developing and implementing juvenile delinquency programs'' and inserting ''nonprofit juvenile justice and delinquency prevention programs'';

(C) by striking ''and'' at the end of paragraph (7);

(D) by redesignating paragraph (8) as paragraph (9);

(E) by inserting after paragraph (7) the following new paragraph:

''(8) to strengthen families in which juvenile delinquency has been a problem;'';

(F) by striking the period at the end of paragraph (9), as redesignated by subparagraph (D), and inserting a semicolon; and

(G) by adding at the end the following new paragraphs:

''(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

''(11) to assist States and local communities to prevent youth from entering the justice system to begin with.''; and

(2) in subsection (b)—

(A) by striking ''maintaining and strengthening the family unit'' and inserting ''preserving and strengthening families'';

(B) by striking ''and (4)'' and inserting ''(4)''; and

(C) by inserting ''; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services'' before the period at the end.

(c) DEFINITIONS.—Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by amending paragraph (16) to read as follows:

''(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

''(A) who was brought before the court and made subject to such order;

''(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

''(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

''(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

''(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

''(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

''(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);'';

(2) by striking ''and'' at the end of paragraph (17);

(3) by striking the period at the end of paragraph (18) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(19) the term 'comprehensive and coordinated system of services' means a system that—

''(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

''(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

''(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

''(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

''(20) the term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided;

''(21) the term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

''(22) the term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

''(i) pending the filing of a charge of violating a criminal law;

''(ii) awaiting trial on a criminal charge; or

''(iii) convicted of violating a criminal law; and

''(23) the term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.''.

SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 (b)) is amended by amending the third sentence to read as follows: ''The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.''.

(b) PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.—Section 202 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612) is amended—

(1) in subsection (b) by striking ''prescribes for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'';

(2) in subsection (c) by striking ''Act'' and inserting ''title''; and

(3) in subsection (d) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376''.

(c) CONCENTRATION OF EFFORT.—Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by inserting ''(1)'' after ''(a)''; and

(ii) by striking ''implement overall policy and develop objectives and priorities'' and inserting ''develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan,''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The plan described in paragraph (1) shall—

''(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this title; and

''(ii) provide for coordinating the administration programs and activities under this title with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

''(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the Federal Register—

''(i) not later than 240 days after the date of enactment of this paragraph, in the case of the initial plan required by paragraph (1); and

''(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.'';

(2) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (5); and

(B) by striking the period at the end of paragraph (6) and inserting ''; and'';

(3) by adding at the end the following new paragraph:

''(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing health care to incarcerated juveniles.''; and

(4) by striking subsections (f) and (g).

(d) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''the Director of the Office of Community Services''

and all that follows through the period and inserting ''the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Director of the ACTION Agency, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decision making authority as the President may designate, and individuals appointed under paragraph (2).''; and

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

''(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

''(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

''(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

''(iii) Three members shall be appointed by the President.

''(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

''(I) 1 shall be appointed for a term of 1 year;

''(II) 1 shall be appointed for a term of 2 years; and

''(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

''(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

''(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.'';

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'';

(B) in the first sentence by inserting ''(in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles,'' after ''delinquency programs'';

(C) in the second sentence—

(i) by inserting ''shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and'' after ''Council''; and

(ii) by inserting ''and all Federal programs and activities that detain or care for unaccompanied juveniles'' before the period; and

(D) by adding at the end the following new paragraph:

''(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

''(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

''(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.''; and

(3) in subsection (f)—

(A) by inserting ''Members appointed under subsection (a)(2) shall serve without compensation.'' after ''(f)''; and

(B) by striking ''who are employed by the Federal Government full time''.

(e) ANNUAL REPORT.—Section 207(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(1)) is amended—

(1) in subparagraph (D)—

(A) by inserting ''(including juveniles treated as adults for purposes of prosecution)'' after ''juveniles''; and

(B) by striking ''and'' at the end;

(2) in subparagraph (E) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.''.

(f) FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS.—

(1) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 221(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5613(b)(2)) is amended—

(A) in the first sentence by striking ''existence'' and inserting ''experience''; and

(B) in the second sentence by striking ''section 291(c)(1)'' and inserting ''section 299(c)(1)''.

(2) ALLOCATION.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(A) by striking ''allotted'' each place it appears and inserting ''allocated'' and striking ''allotment'' each place it appears and inserting ''allocation'';

(B) in subsection (a)—

(i) in paragraph (2)(A)—

(I) by striking ''part D'' and inserting ''parts D and E'';

(II) by inserting ''or such greater amount, up to $400,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992'' after ''$325,000,''; and

(III) by inserting '', or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992,'' after ''$75,000'';

(ii) in paragraph (2)(B)—

(I) by inserting ''or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by section 299(a)(1) and (3)'' after ''$400,000,''; and

(II) by inserting '', or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992'' after ''$100,000''; and

(iii) in paragraph (3) by striking ''1988'' each place it appears and inserting ''1992''; and

(C) in subsection (c)—

(i) in the first sentence by striking ''and evaluation'' and inserting '', evaluation, and one full-time staff position''; and

(ii) in the second sentence by striking ''7½ per centum'' and inserting ''10 percent''.

(3) STATE PLANS.—(A) Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(i) in subsection (a)—

(I) in the second sentence by striking ''programs, and the State'' and inserting ''programs and challenge activities subsequent to State participation in part E. The State'';

(II) in paragraph (1) by striking ''section 291(c)(1)'' and inserting ''section 299(c)(1)'';

(III) by amending paragraph (3) to read as follows:

''(3) provide for an advisory group, which—

''(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

''(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

''(ii) which members include—

''(I) at least 1 locally elected official representing general purpose local government;

''(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

''(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

''(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

''(V) volunteers who work with delinquents or potential delinquents;

''(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

''(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

''(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

''(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

''(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

''(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

''(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

''(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

''(D) shall, consistent with this title—

''(i) advise the State agency designated under paragraph (1) and its supervisory board;

''(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E; and

''(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

''(E) may, consistent with this title—

''(i) advise on State supervisory board and local criminal justice advisory board composition;

''(ii) review progress and accomplishments of projects funded under the State plan.'';

(IV) in paragraph (8)—

(aa) by inserting ''(A)'' after ''(8)'';

(bb) by striking ''(A) an'' and inserting ''(i) an'';

(cc) by striking ''(B)'' and inserting ''(ii)'';

(dd) by striking ''(C)'' and inserting ''(iii)'';

(ee) by inserting ''(including educational needs)'' after ''delinquency prevention needs'' each place it appears; and

(ff) by adding at the end the following new subparagraphs:

''(B) contain—

''(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

''(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(C) contain—

''(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(D) contain—

''(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

''(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;'';

(V) in paragraph (9) by inserting ''recreation,'' after ''special education,'';

(VI) by amending paragraph (10) to read as follows:

''(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

''(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, specifically—

''(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

''(ii) for youth who need temporary placement: crisis intervention, shelter, and aftercare; and

''(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

''(B) community-based programs and services to work with—

''(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

''(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

''(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

''(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

''(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

''(E) educational programs or supportive services for delinquent or other juveniles, provided equitably regardless of sex, race, or family income, designed to—

''(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

''(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

''(II) assistance in making the transition to the world of work and self-sufficiency;

''(III) alternatives to suspension and expulsion; and

''(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

''(ii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

''(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

''(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

''(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

''(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;

''(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

''(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

''(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

''(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

''(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

''(i) a sense of safety and structure;

''(ii) a sense of belonging and membership;

''(iii) a sense of self-worth and social contribution;

''(iv) a sense of independence and control over one's life;

''(v) a sense of closeness in interpersonal relationships; and

''(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

''(M) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(ii) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

''(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and

''(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of their families.'';

(VII) in paragraph (12)(A) by inserting ''or alien juveniles in custody,'' after ''court orders,'';

(VIII) in paragraph (13)—

(aa) by striking ''regular'', and

(bb) by inserting before the semicolon at the end ''or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults'';

(IX) in paragraph (14)—

(aa) by striking ''; beginning after the five-year period following December 8, 1980,'';

(bb) by striking ''1993'' and inserting ''1997''; and

(cc) by striking ''areas which'' and all that follows through the end of the paragraph and inserting ''areas that are in compliance with paragraph (13) and—

''(A)(i) are outside a Standard Metropolitan Statistical Area; and

''(ii) have no existing acceptable alternative placement available;

''(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

''(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;'';

(X) by amending paragraph (16) to read as follows:

''(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions;''; and

(XI) in paragraph (17)—

(aa) by striking ''and maintain the family units'' and inserting ''the families'';

(bb) by striking ''deliquency. Such'' and inserting ''delinquency (which''; and

(cc) by inserting ''and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)'' before the semicolon;

(XII) by striking ''and'' at the end of paragraph (23);

(XIII) by striking the period at the end of paragraph (24) and inserting ''; and''; and

(XIV) by adding at the end the following new paragraph:

''(25) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services.''; and

(ii) by amending subsection (c) to read as follows:

''(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

''(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

''(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

''(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

''(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

''(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

''(ii) the Administrator determines, in the discretion of the Administrator, that the State—

''(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

''(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.''; and

(iii) in subsection (d)—

(I) by inserting '', excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d),'' after ''section 222(a)'';

(II) by striking ''the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)'' and inserting ''activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23)''; and

(III) by striking ''subsection (a)(12)(A) and subsection (a)(13)'' and inserting ''subsection (a) (12)(A), (13), (14) and (23)''.

(B) Notwithstanding the amendment made by subparagraph (A)(ii), section 223(c)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)(3)), as in effect on the day prior to the date of enactment of this Act, shall remain in effect to the extent that it provides the Administrator authority to grant a waiver with respect to a fiscal year prior to a fiscal year beginning before January 1, 1993.

(f) NATIONAL PROGRAMS.—

(1) NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 241(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)(2)) is amended—

(A) in subsection (d)—

(i) by inserting ''recreation and park personnel,'' after ''special education personnel''; and

(ii) by inserting ''prosecutors and defense attorneys,'' after ''probation personnel,''; and

(B) in subsection (e)—

(i) in paragraph (5) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376''; and

(ii) in paragraph (6) by striking ''Act'' and inserting ''title''.

(2) INFORMATION FUNCTION.—Section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)) is amended by inserting ''(including drug and alcohol programs and gender-specific programs)'' after ''treatment programs''.

(3) RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.—Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended—

(A) by striking ''The'' and inserting ''(a) The'';

(B) in paragraph (1) by striking ''maintain the family unit'' and inserting ''preserve families'';

(C) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), (10), and (11), respectively;

(D) by inserting after paragraph (2) the following new paragraphs:

''(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(ii) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

''(4) Encourage the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

''(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;'';

(E) in subparagraph (D) of paragraph (7), as redesignated by subparagraph (C), by inserting ''(including the productive use of discretionary time through organized recreational'' after ''lawful activities'';

(F) by striking ''and'' at the end of paragraph (10), as redesignated by subparagraph (C);

(G) by striking the period at the end of paragraph (11), as redesignated by subparagraph (C), and inserting ''; and''; and

(H) by adding at the end the following new paragraphs and subsection:

''(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

''(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

''(14) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

''(A) all aspects of juveniles as victims and offenders;

''(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

''(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

''(b) The Administrator shall make available to the public—

''(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8); and

''(2) the data and studies referred to in subsection (a)(9);

that the Administrator is authorized to disseminate under subsection (a).''.

(3) TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.—Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(A) in paragraph (2) by inserting ''(including juveniles who commit hate crimes)'' after ''offenders'';

(B) in paragraph (3)—

(i) by inserting ''prosecutors and defense attorneys,'' after ''judges'';

(ii) by striking ''and'' at the end;

(C) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).''.

(4) ESTABLISHMENT OF TRAINING PROGRAM.—Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5659) is amended in the first sentence by inserting '', including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles'' before the period .

(5) CURRICULUM FOR TRAINING PROGRAM.—Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended in the second sentence by inserting ''and shall include training designed to prevent juveniles from committing hate crimes'' before the period.

(6) SPECIAL STUDIES AND REPORTS.—Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(A) by striking ''(a) Not later than 1 year after the date'' and inserting ''(a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date'';

(B) by striking ''(1) to review'' and inserting ''(A) to review'';

(C) by striking ''(A) conditions'' and inserting ''(i) conditions'';

(D) by striking ''(B) the extent'' and inserting ''(ii) the extent'';

(E) by striking ''(2) to make'' and inserting ''(B) to make'';

(F) by striking ''(b)(1) Not later'' and inserting ''(2)(A) Not later'';

(G) by striking ''(A) how'' and inserting ''(i) how'';

(H) by striking ''(B) the amount'' and inserting ''(ii) the amount'';

(I) by striking ''(C) the extent'' and inserting ''(iii) the extent'';

(J) by striking ''(2)(A) for purposes'' and inserting ''(B)(i) for purposes'';

(K) by striking ''(B) For purposes'' and inserting ''(ii) for purposes'';

(L) by striking ''(c) Not later'' and inserting ''(3) Not later'';

(M) by striking ''subsection (a) or (b)'' and inserting ''paragraph (1) or (2)''; and

(N) by adding at the end the following new subsection:

''(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

''(A) conduct a study with respect to juveniles waived to adult court that reviews—

''(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

''(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

''(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

''(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

''(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

''(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

''(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

''(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

''(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

''(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

''(A) conduct a study of gender bias within State juvenile justice systems that reviews—

''(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

''(ii) the appropriateness of the placement and conditions of confinement for females; and

''(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

''(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

''(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

''(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

''(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

''(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

''(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

''(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

''(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

''(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

''(B) The urban areas shall include—

''(i) the District of Columbia;

''(ii) Los Angeles, California;

''(iii) Milwaukee, Wisconsin;

''(iv) Denver, Colorado;

''(v) Pittsburgh, Pennsylvania;

''(vi) Rochester, New York; and

''(vii) such other cities as the Administrator determines to be appropriate.

''(C) At least one rural area shall be included.

''(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

''(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

''(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

''(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

''(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

''(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

''(vi) to improve current systems to prevent and control violence by or against juveniles; and

''(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

''(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

''(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

''(i) conduct a study described in subparagraph (B); and

''(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

''(B) The study required by subparagraph (A) shall assess—

''(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—

''(I) the motives for committing hate crimes;

''(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

''(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

''(ii) the characteristics of hate crimes committed by juveniles, including—

''(I) the types of hate crimes committed;

''(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

''(III) the number of persons who participated with juveniles in committing such crimes;

''(IV) the types of law enforcement investigations conducted with respect to such crimes;

''(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

''(VI) the penalties imposed on such juveniles as a result of such proceedings; and

''(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

''(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

''(II) the motivation behind the attack.''.

(7) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665) is amended—

(A) in subsection (a)—

(i) by striking ''(a) The'' and inserting ''(a) Except as provided in subsection (f), the'';

(ii) in paragraph (1) by inserting ''(including home-based treatment programs)'' after ''alternatives''; and

(iii) by amending paragraph (3) to read as follows:

''(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.'';

(iv) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(v) by inserting after paragraph (3) the following new paragraph:

''(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.'';

(vi) in paragraph (4), as redesignated by clause (iv)—

(I) by inserting ''(including self-help programs for parents)'' after ''programs''; and

(II) by inserting '', including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability'' before the period at the end;

(vii) in paragraph (7), as redesignated by clause (iv)—

(I) by striking the period at the end of subchapter (C) and inserting a comma; and

(II) by adding at the end the following: ''that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system.''; and

(viii) by adding at the end the following new paragraph:

''(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

''(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

''(i) addressing the specific prejudicial attitude of each offender;

''(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

''(iii) educating the offender about the importance of tolerance in our society; and

''(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration.''; and

(B) in subsection (b)(5) by inserting ''community service personnel,'' after ''law enforcement personnel,'';

(C) in subsection (b)—

(i) by striking ''(b) The'' and inserting ''(b) Except as provided in subsection (f), the''; and

(ii) in paragraph (2) by inserting ''to assist in identifying learning difficulties (including learning disabilities),'' after ''schools,''; and

(D) by adding at the end the following new subsection:

''(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.''.

(g) CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.—Section 262(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(d)(1)) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

''(i) with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists; or

''(ii) with respect to a particular program described in part C that is uniquely qualified.''; and

(2) by striking subparagraph (C).

(h) PREVENTION, INTERVENTION, AND TREATMENT PROGRAM RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is amended to read as follows:

''PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

''Subpart I—Gang-Free Schools and Communities

''AUTHORITY TO MAKE GRANTS AND CONTRACTS

''SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

''(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

''(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

''(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

''(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

''(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

''(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

''(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

''(3) To target elementary school students, with the purpose of steering students away from gang involvement.

''(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

''(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

''(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

''(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

''(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

''(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

''(10) To provide services authorized in this section at a special location in a school or housing project.

''(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

''(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

''(1) to conduct research on issues related to juvenile gangs;

''(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

''(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

''APPROVAL OF APPLICATIONS

''SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

''(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

''(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

''(3) provide for the proper and efficient administration of such program or activity;

''(4) provide for regular evaluation of such program or activity;

''(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

''(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

''(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

''(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

''(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

''(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

''(3) for assistance for programs and activities that—

''(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

''(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

''Subpart II—Community-Based Gang Intervention

''SEC. 282. (a) The Administrator shall make grants to or enter into contracts with

public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

''(1) to reduce the participation of juveniles in the illegal activities of gangs;

''(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

''(3) to facilitate coordination and cooperation among—

''(A) local education, juvenile justice, employment, and social service agencies;

''(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

''(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

''(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

''(B) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

''(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

''(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

''(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

''(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

''(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

''(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

''(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

''APPROVAL OF APPLICATIONS

''SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

''(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

''(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

''(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

''(3) provide for the proper and efficient administration of such program or activity;

''(4) provide for regular evaluation of such program or activity;

''(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

''(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

''(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

''(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

''(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

''(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

''(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

''(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

''(3) for assistance for programs and activities that—

''(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

''(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

''Subpart III—General Provisions

''DEFINITION

''SEC. 283. For purposes of this part, the term 'juvenile' means an individual who is less than 22 years of age.''.

(i) ADDITIONAL PARTS IN TITLE II.—(1) Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(A) by redesignating part E as part I;

(B) by redesignating sections 291, 292, 293, 294, 295, and 296 as sections 299, 299A, 299B, 299C, 299D, and 299E, respectively; and

(C) by inserting after part D the following new parts:

''PART E—STATE CHALLENGE ACTIVITIES

''ESTABLISHMENT OF PROGRAM

''SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

''(b) DEFINITIONS.—For purposes of this part—

''(1) the term 'case review system' means a procedure for ensuring that—

''(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interests and special needs of the youth;

''(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

''(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

''(D) a youth's health, mental health, and education record is reviewed and updated periodically; and

''(2) the term 'challenge activity' means a program maintained for 1 of the following purposes:

''(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

''(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

''(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

''(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

''(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

''(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

''(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

''(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

''(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

''(J) Developing and adopting policies to establish—

''(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

''(ii) a statewide case review system.

''Part F—Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect

''DEFINITION

''SEC. 287. For the purposes of this part, the term 'juvenile' means a person who is less than 18 years of age.

''AUTHORITY TO MAKE GRANTS

''SEC. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

''(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

''(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

''(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

''(B) to facilitate their alternative placement; and

''(C) to prepare juveniles aged 16 years and older to live independently; and

''(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

''ADMINISTRATIVE REQUIREMENTS

''SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

''PRIORITY

''SEC. 287C. In making grants under section 287A, the Administrator—

''(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

''(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.

''PART G—MENTORING

''PURPOSES

''SEC. 288. The purposes of this part are—

''(1) to reduce juvenile delinquency and gang participation;

''(2) to improve academic performance; and

''(3) to reduce the dropout rate,

through the use of mentors for at-risk youth.

''DEFINITIONS

''SEC. 288A. For purposes of this part—

''(1) the term 'at-risk youth' means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

''(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth's ability to become a responsible citizen.

''GRANTS

''SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

''(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

''(2) are intended to achieve 1 or more of the following goals:

''(A) Provide general guidance to at-risk youth.

''(B) Promote personal and social responsibility among at-risk youth.

''(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

''(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

''(E) Discourage involvement of at-risk youth in gangs.

''(F) Encourage at-risk youth's participation in community service and community activities.

''REGULATIONS AND GUIDELINES

''SEC. 288C. (a) REGULATIONS.—The Administrator, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Labor, shall promulgate regulations to implement this part.

''(b) GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

''USE OF GRANTS

''SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

''(1) hiring of mentoring coordinators and support staff;

''(2) recruitment, screening, and training of adult mentors;

''(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

''(4) such other purposes as the Administrator may reasonably prescribe by regulation.

''(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

''(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

''(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

''(3) to support litigation of any kind; or

''(4) for any other purpose reasonably prohibited by the Administrator by regulation.

''PRIORITY

''SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

''(1) serve at-risk youth in high crime areas;

''(2) have 60 percent or more of their youth eligible to receive funds under chapter 1 of the Elementary and Secondary Education Act of 1965; and

''(3) have a considerable number of youth who drop out of school each year.

''(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

''(1) the geographic distribution (urban and rural) of applications;

''(2) the quality of a mentoring plan, including—

''(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

''(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

''(3) the capability of the applicant to effectively implement the mentoring plan.

''APPLICATIONS

''SEC. 288F. An application for assistance under this part shall include—

''(1) information on the youth expected to be served by the program;

''(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

''(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

''(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

''(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

''(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

''(C) assistance with homework assignments; and

''(D) exposure to experiences that youth might not otherwise encounter;

''(5) an assurance that projects operated in elementary schools will provide youth with—

''(A) academic assistance;

''(B) exposure to new experiences and activities that youth might not encounter on their own; and

''(C) emotional support;

''(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

''(7) the method by which mentors and youth will be recruited to the project;

''(8) the method by which prospective mentors will be screened; and

''(9) the training that will be provided to mentors.

''GRANT CYCLES

''SEC. 288G. Grants under this part shall be made for 3-year periods.

''REPORTS

''SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang

participation, improving academic performance, and reducing the dropout rate.

''PART H—BOOT CAMPS

''ESTABLISHMENT OF PROGRAM

''SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as ''boot camps'').

''(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

''(2) The Administrator shall—

''(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

''(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

''(c) REGIMEN.—The boot camps shall provide—

''(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

''(2) regular, remedial, special, and vocational education; and

''(3) counseling and treatment for substance abuse and other health and mental health problems.

''CAPACITY

''SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

''ELIGIBILITY AND PLACEMENT

''SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

''(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

''(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

''(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

''(1) the boot camp is the least restrictive environment that is appropriate for the juvenile's delinquent behavior and the juvenile's treatment need; and

''(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

''POST-RELEASE SUPERVISION

''SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

''(1) the provisions that the State will make for the continued supervision of juveniles following release; and

''(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

''PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

''SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the ''Conference'') in accordance with this part.

''(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

''(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

''(2) to examine the status of minors currently in the juvenile and adult justice systems;

''(3) to examine the increasing number of violent crimes committed by juveniles;

''(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

''(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

''(6) to examine the need for improving services for girls in the juvenile justice system;

''(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

''(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

''(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

''(d) PRIOR STATE AND REGIONAL CONFERENCES.—

''(1) IN GENERAL.—Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

''(2) PURPOSE OF STATE AND REGIONAL CONFERENCES.—State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

''(3) ADMITTANCE.—No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

''CONFERENCE PARTICIPANTS

''SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

''(b) SELECTION.—

''(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

''(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

''(i) each Governor may appoint 1 delegate and 1 alternate;

''(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

''(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

''(iv) the President may appoint 20 delegates and 5 alternates;

''(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

''(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

''(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

''(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

''(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed $10.

''STAFF AND EXECUTIVE BRANCH

''SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, 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 that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

''(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

''PLANNING AND ADMINISTRATION OF CONFERENCE

''SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

''(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

''(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

''(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

''(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

''REPORTS

''SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

''(b) CONTENTS.—A report described in subsection (a)—

''(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

''(2) shall be made available to the public.

''OVERSIGHT

''SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.''.

(2) REPEALER.—Subtitle G of title II of the Crime Control Act of 1990 (42 U.S.C. 13051 et seq.) is repealed effective September 30, 1993.

(j) GENERAL AND ADMINISTRATIVE PROVISIONS.—Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974, as redesignated by subsection (g), is amended—

(1) by amending subsection (a) to read as follows:

''(a)(1) To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated $150,000,000 for fiscal years 1993, 1994, 1995,

and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

''(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

''(i) to carry out subpart 1, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

''(ii) to carry put subpart 2, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

''(B) No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

''(3) To carry out part E, there are authorized to be appropriated $50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

''(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

''(i) $15,000,000 for fiscal year 1993; and

''(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

''(B) No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate amount appropriated to carry out this title for the preceding fiscal year.

''(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

''(i) not less than 85 percent to make grants for treatment and transitional services;

''(ii) not to exceed 10 percent for grants for research; and

''(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

''(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

''(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

''(i) not more than $12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

''(ii) not more than $2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

''(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

''(7)(A) There are authorized to be appropriated such sums are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

''(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

''(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

''(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursuant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.''; and

(2) by adding at the end the following new subsection:

''(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.''.

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701) is amended—

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

''(1) juveniles who have become homeless or who leave and remain away from home without parental permission, are at risk of developing serious health and other problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;'';

(2) by striking ''and'' at the end of paragraph (4);

(3) in paragraph (5) by striking ''temporary'' and all that follows through the period at the end and inserting ''care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;'' and

(4) by adding at the end the following new paragraphs:

''(6) runaway and homeless youth have a disproportionate share of health, behavioral, and emotional problems compared to the general population of youth, but have less access to health care and other appropriate services and therefore may need access to longer periods of residential care, more intensive aftercare service, and other assistance;

''(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment;

''(8) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures;

''(9) early intervention services (such as home-based services) are needed to prevent runaway and homeless youth from becoming involved in the juvenile justice system and other law enforcement systems; and

''(10) street-based services that target runaway and homeless youth where they congregate are needed to reach youth who require assistance but who would not otherwise avail themselves of such assistance or services without street-based outreach.''.

(b) AUTHORITY TO MAKE GRANTS.—

(1) AUTHORITY.—Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended by striking ''structure and'' and inserting ''system, the child welfare system, the mental health system, and''.

(2) ALLOTMENT OF FUNDS.—Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended—

(A) in paragraph (2)—

(i) by striking ''$75,000'' and inserting ''$100,000''; and

(ii) by striking ''$30,000'' and inserting ''$45,000''; and

(B) in paragraph (3) by striking ''1988'' each place it appears and inserting ''1992''.

(3) STREET-BASED SERVICES; HOME-BASED SERVICES.—Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended by striking subsection (c) and inserting the following:

''(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants under this subsection for that fiscal year to entities that receive grants under subsection (a) to establish and operate street-based service projects for runaway and homeless youth.

''(2) For purposes of this part, the term 'street-based services' includes—

''(i) street-based crisis intervention and counseling;

''(ii) information and referral for housing;

''(iii) information and referral for transitional living and health care services; and

''(iv) advocacy, education, and prevention services for—

''(I) alcohol and drug abuse;

''(II) sexually transmitted diseases including HIV/AIDS infection; and

''(III) physical and sexual assault.

''(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants for that fiscal year to entities that receive grants under subsection (a) to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

''(2) For purposes of this part—

''(A) the term 'home-based service project' means a project that provides—

''(i) case management; and

''(ii) in the family residence (to the maximum extent practicable)—

''(I) intensive, time-limited, family and individual counseling;

''(II) training relating to life skills and parenting; and

''(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth or to return to their families;

''(B) the term 'youth at risk of family separation' means an individual—

''(i) who is less than 18 years of age; and

''(ii)(I) who has a history of running away from the family of such individual;

''(II) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(III) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

''(C) the term 'time-limited' means for a period not to exceed 6 months.''.

(c) ELIGIBILITY.—Section 312 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712) is amended—

(1) in subsection (a) by striking ''facility providing'' and inserting ''project (including a host family home) that provides''; and

(2) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

''(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

''(A) a maximum capacity of not more than 20 youth; and

''(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;'';

(B) in paragraph (3)—

(i) by striking ''child's parents or relatives and assuring'' and inserting ''parents or other relatives of the youth and ensuring''; and

(ii) by striking ''child'' each place it appears and inserting ''youth'';

(C) by amending paragraph (4) to read as follows:

''(4) shall develop an adequate plan for ensuring—

''(A) proper relations with law enforcement personnel, health and mental health care personnel, social service personnel, school system personnel, and welfare personnel;

''(B) coordination with personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of those schools; and

''(C) the return of runaway and homeless youth from correctional institutions;'';

(D) in paragraph (5)—

(i) by striking ''aftercare'' and all that follows through ''assuring'' and inserting ''providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring''; and

(ii) by striking ''children'' and inserting ''youth'';

(E) in paragraph (6) by striking ''children and family members which it serves'' and inserting ''youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)'';

(F) by redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (7), (8), (9), (10), and (11), respectively;

(G) by inserting after paragraph (5) the following new paragraph:

''(6) shall develop an adequate plan for establishing or coordinating with outreach programs designed to attract persons (including, where applicable, persons who are members of a cultural minority and persons with limited ability to speak English) who are eligible to receive services for which a grant under subsection (a) may be expended;''; and

(H) by adding at the end the following new subsections:

''(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

''(1) to provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) to provide backup personnel for on-street staff;

''(3) to provide informational and health educational material to runaway and homeless youth in need of services;

''(4) to provide initial and periodic training of staff who provide services under the project;

''(5) to carry out outreach activities for runaway and homeless youth and to collect statistical information on runaway and homeless youth contacted through such activities;

''(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, mental health and health care;

''(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth who participate in such project in the year for which the report is submitted;

''(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

''(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under subsection 311(c);

''(10) to keep adequate statistical records that profile runaway and homeless youth whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

''(11) not to disclose records maintained on an individual runaway and homeless youth without the informed consent of the youth, to any person other than an agency compiling statistical records; and

''(12) to provide to the Secretary such other information as the Secretary may reasonably require.

''(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

''(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

''(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises);

''(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

''(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

''(5) to provide initial and periodic training of staff who provide services under the project;

''(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

''(7) to ensure that—

''(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

''(ii) qualified supervision will be provided to staff who provide services under the project;

''(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

''(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

''(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

''(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

''(12) not to disclose records maintained on an individual runaway youth or youth at risk of family separation without the informed consent of the youth, to any person other than an agency compiling statistical records; and

''(13) to provide to the Secretary such other information as the Secretary may reasonably require.''.

(d) APPROVAL BY SECRETARY.—Section 316 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended—

(1) in the first sentence by striking ''section 311(a)'' each place it appears and inserting ''section 311 (a), (c), or (d)''; and

(2) in the second sentence by striking ''$150,000'' and inserting ''$200,000''.

(e) GRANTS TO PRIVATE ENTITIES; STAFFING.—Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended—

(1) by striking ''part'' each place it appears and inserting ''title'';

(2) in the first sentence inserting ''and the programs, projects, and activities they carry out under this title'' after ''center''; and

(3) in the last sentence by inserting ''under this title'' before the period.

(f) TRANSITIONAL LIVING GRANT PROGRAM.—Section 322(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1) by inserting ''which shall include money management, budgeting, consumer education, and use of credit'' after ''basic life skills''; and

(2) in paragraph (13)—

(A) by striking ''consent of the individual youth and parent or legal guardian'' and inserting ''informed consent of the individual youth''; and

(B) by striking ''or a government agency involved in the disposition of criminal charges against youth''.

(g) NATIONAL COMMUNICATION SYSTEM; STREET-BASED SERVICES PROGRAM; HOME-BASED SERVICES PROGRAM; COORDINATING ACTIVITIES.—

(1) ADDITIONAL PARTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) in part D—

(i) by striking ''PART D'' and inserting ''PART F''; and

(ii) by redesignating sections 361, 362, 363, 364, and 366 as sections 381 through 385, respectively;

(B) in part C—

(i) by striking PART C'' and inserting ''PART E''; and

(ii) by redesignating sections 341 and 342 as sections 371 and 372, respectively; and

(C) by inserting after part B the following new parts:

''PART C—NATIONAL COMMUNICATIONS SYSTEM

''AUTHORITY TO MAKE GRANTS

''SEC. 331. With funds reserved under section 385(a)(3), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

''PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

''COORDINATION

''SEC. 341. With respect to matters relating to the health, education, employment, and

housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.

''GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

''SEC. 342. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under this title, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

''AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

''SEC. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

''(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

''(1) youth who repeatedly leave and remain away from their homes;

''(2) home-based and street-based services for, and outreach to, runaway youth and homeless youth;

''(3) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

''(4) the special needs of runaway youth and homeless youth programs in rural areas;

''(5) the special needs of programs that place runaway youth and homeless youth in host family homes;

''(6) staff training in—

''(A) the behavioral and emotional effects of sexual abuse and assault;

''(B) responding to youth who are showing effects of sexual abuse and assault; and

''(C) agency-wide strategies for working with runway and homeless youth who have been sexually victimized;

''(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers;

''(8) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

''(9) increasing access to health care (including mental health care) for runaway youth and homeless youth; and

''(10) increasing access to education for runaway youth and homeless youth.

''(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.

''TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

''SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

''(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

''(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants carry out projects in not fewer than 10 States.

''(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

''(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

''(b) To be eligible to receive a grant under subsection (a), an applicant shall—

''(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

''(2) propose to carry out such project in a geographical area that—

''(A) has a population under 20,000;

''(B) is located outside a Standard Metropolitan Statistical Area; and

''(C) agree to provide to the Secretary an annual report identifying—

''(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

''(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

''(iii) the reasons the services identified under clause (ii) were not provided by the project; and

''(iv) such other information as the Secretary may require.''.

(2) TECHNICAL AMENDMENTS.—(A) Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5712a) is repealed.

(B) Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5712b) is repealed.

(C) Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5712c) is repealed.

(D) Sections 316 and 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5713, 5714) are redesignated as sections 313 and 314, respectively.

(E) Section 365 of the Runaway and Homeless Youth Act (42 U.S.C. 5733) is repealed.

(h) REPORTS.—Section 361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715) is amended to read as follows:

''REPORTS

''SEC. 361. (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status, activities, and accomplishments of the runaway and homeless youth centers that are funded under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A—

''(A) their effectiveness in alleviating the problems of runaway and homeless youth;

''(B) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

''(C) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

''(D) their effectiveness in helping youth decide upon a future course of action; and

''(2) in the case of centers funded under part B—

''(A) the number and characteristic of homeless youth served by such projects;

''(B) describing the types of activities carried out under such projects;

''(C) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living;

''(F) the ability of such projects to strengthen family relationships, and encourage the resolution of intrafamily problems through counseling and the development of self-sufficient living skills; and

''(G) plans for the following fiscal year.''.

(2) by adding at the end the following:

''(b)(1) The Secretary shall include in the report required by subsection (a) an evaluation of the results of Federal evaluation of the programs, projects, and activities carried out under this title and a description of the training provided to the persons who carry out the evaluation.

''(2) As part of the evaluation described in paragraph (1), the Secretary shall require the persons who carry out the evaluation to visit each grantee on-site not less frequently than every 3 years.''.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751) is amended—

(1) in subsection (a)—

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

''(1) There are authorized to be appropriated to carry out this title (other than part B and section 344) $75,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.''; and

(B) by adding at the end the following new paragraphs:

''(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 331—

''(A) for fiscal year 1993 not less than $912,500, of which $125,000 shall be available for the acquisition of communications equipment;

''(B) for fiscal year 1994 not less than $826,900;

''(C) for fiscal year 1995 not less than $868,300; and

''(D) for fiscal year 1996 not less than $911,700.

''(4) In the use of funds appropriated under paragraph (1) that are in excess of $38,000,000 but less than $42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

''(A) increasing and retaining trained staff;

''(B) strengthening family reunification efforts;

''(C) improving aftercare services;

''(D) fostering better coordination of services with public and private entities;

''(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and vocational services; and

''(F) improving data collection efforts.

''(5) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

''(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

''(B) 50 percent may be targeted at program enhancement activities described in paragraph (3).'';

(2) in subsection (b) by amending paragraph (1) to read as follows:

''(1) Subject to paragraph (2), there are authorized to be appropriated to carry out B $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.''

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following new subsection:

''(c) There is authorized to be appropriated to carry out section 344 $1,000,000 for each of fiscal years 1993, 1994, 1995, and 1996.''.

SEC. 4. MISSING CHILDREN.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended by striking ''fiscal years 1989, 1990, 1991, and 1992'' and inserting ''fiscal years 1993, 1994, 1995, and 1996''.

SEC. 5. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

''TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

''SEC. 501. SHORT TITLE.

''This title may be cited as the 'Incentive Grants for Local Delinquency Prevention Programs Act'.

''SEC. 502. FINDINGS.

''The Congress finds that—

''(1) approximately 700,000 youth enter the juvenile justice system every year;

''(2) Federal, State, and local governments spend close to $2,000,000,000 a year confining many of those youth;

''(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

''(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

''(5) few Federal resources are dedicated to delinquency prevention; and

''(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

''SEC. 503. DEFINITION.

''In this title, the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

''SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

''The Administrator shall—

''(1) issue such rules as are necessary or appropriate to carry out this title;

''(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

''(3) provide adequate staff and resources necessary to properly carry out this title; and

''(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

''(A) describing activities and accomplishments of grant activities funded under this title;

''(B) describing procedures followed to disseminate grant activity products and research findings;

''(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

''(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

''SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

''(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

''(1) recreation services;

''(2) tutoring and remedial education;

''(3) assistance in the development of work awareness skills;

''(4) child and adolescent health and mental health services;

''(5) alcohol and substance abuse prevention services;

''(6) leadership development activities; and

''(7) the teaching that people are and should be held accountable for their actions.

''(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

''(1) the unit is in compliance with the requirements of part B of title II;

''(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

''(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

''(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

''(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

''(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

''(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

''(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

''(1) plans for service and agency coordination and collaboration including the colocation of services;

''(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

''(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

''SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

''To carry out this title, there are authorized to be appropriated $30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.''.

(b) STUDY.—After the program established by subsection (a) has been funded for two years, the General Accounting Office shall prepare and submit to Congress a study of the effects of the program in encouraging States and units of general local government to comply with the requirements of part B of title II.

SEC. 6. CHILDREN'S ADVOCACY PROGRAM.

(a) FINDINGS.—Section 211 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

''(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;'' and

(3) by inserting after paragraph (4), as redesignated by paragraph (1), the following new paragraph:

''(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;''.

(b) REGIONAL CHILDREN'S ADVOCACY PROGRAM.—Subtitle A of the Victims of Child Abuse Act (42 U.S.C. 13001 et seq.) is amended—

(1) by redesignating sections 212, 213, and 214 as sections 214, 214A, and 214B, respectively; and

(2) by inserting after section 211 the following new sections:

''SEC. 212. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'Administrator' means the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b));

''(2) the term 'applicant' means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

''(3) the term 'board' means the Children's Advocacy Advisory Board established under section 213(e);

''(4) the term 'census region' means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section;

''(5) the term 'child abuse' means physical or sexual abuse or neglect of a child;

''(6) the term 'Director' means the Director of the National Center on Child Abuse and Neglect;

''(7) the term 'multidisciplinary response to child abuse' means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

''(8) the term 'nonoffending family member' means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse; and

''(9) the term 'regional children's advocacy program' means the children's advocacy program established under section 213(a).

''SEC. 213. REGIONAL CHILDREN'S ADVOCACY CENTERS.

''(a) ESTABLISHMENT OF REGIONAL CHILDREN'S ADVOCACY PROGRAM.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall establish a children's advocacy program to—

''(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

''(2) provide support for nonoffending family members;

''(3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

''(4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in

the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

''(b) ACTIVITIES OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

''(1) ADMINISTRATOR.—The Administrator, in coordination with the Director, shall—

''(A) establish regional children's advocacy program centers;

''(B) fund existing regional centers with expertise in the prevention, judicial handling, and treatment of child abuse and neglect; and

''(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities,

for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

''(2) GRANT RECIPIENTS.—A grant recipient under this section shall—

''(A) assist communities—

''(i) in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

''(ii) in establishing a freestanding facility where interviews of and services for abused children can be provided;

''(iii) in preventing or reducing trauma to children caused by multiple contacts with community professionals;

''(iv) in providing families with needed services and assisting them in regaining maximum functioning;

''(v) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

''(vi) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

''(vii) in obtaining information useful for criminal and civil proceedings;

''(viii) in holding offenders accountable through improved prosecution of child abuse cases;

''(ix) in enhancing professional skills necessary to effectively respond to cases of child abuse thorough training; and

''(x) in enhancing community understanding of child abuse; and

''(B) provide training and technical assistance to local children's advocacy centers in its census region that are grant recipients under section 214.

''(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

''(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section, the Administrator shall solicit proposals for assistance under this section.

''(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

''(A) A proven record in conducting activities of the kinds described in subsection (c).

''(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

''(C) Multidisciplinary staff experienced in providing remedial counseling to children and families.

''(D) Experience in serving as a center for training and education and as a resource facility.

''(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

''(3) PROPOSAL REQUIREMENTS.—

''(A) IN GENERAL.—A proposal submitted in response to the solicitation under paragraph (1) shall—

''(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities so that communities can establish multidisciplinary programs that respond to child abuse;

''(ii) demonstrate the ability of the applicant to operate successfully a multidisciplinary child abuse program or provide training to allow others to do so; and

''(iii) state the annual cost of the proposal and a breakdown of those costs.

''(B) CONTENT OF MANAGEMENT PLAN.—A management plan described in paragraph (3)(A) shall—

''(i) outline the basic activities expected to be performed;

''(ii) describe the entities that will conduct the basic activities;

''(iii) establish the period of time over which the basic activities will take place; and

''(iv) define the overall program management and direction by—

''(I) identifying managerial, organizational, and administrative procedures and responsibilities;

''(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

''(III) providing sufficient rationale to support the costs of the plan.

''(4) SELECTION OF PROPOSALS.—

''(A) COMPETITIVE BASIS.—Proposals shall be selected under this section on a competitive basis.

''(B) CRITERIA.—The Administrator, in coordination with the Director, shall select proposals for funding that—

''(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

''(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse; and

''(iii) carry out the objectives developed by the Board under subsection (e)(2)(A);

''(C) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

''(D) otherwise best carry out the purposes of this section.

''(5) FUNDING OF PROGRAM.—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

''(6) COORDINATION OF EFFORT.—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

''(d) REVIEW.—

''(1) EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.—The Administrator, in coordination with the Director, shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

''(2) ANNUAL REPORT.—A grant recipient shall provide an annual report to the Administrator and the Director that—

''(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

''(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

''(3) DISCONTINUATION OF FUNDING.—

''(A) FAILURE TO IMPLEMENT PROGRAM ACTIVITIES.—If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.

''(B) SOLICITATION OF NEW PROPOSALS.—Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

''(e) CHILDREN'S ADVOCACY ADVISORY BOARD.—

''(1) ESTABLISHMENT OF BOARD.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

''(B) MEMBERSHIP.—(i) The board—

''(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority of whom shall be individuals experienced in the child abuse investigation, prosecution, prevention, and intervention systems;

''(II) shall include at least 1 member from each of the 4 census regions; and

''(III) shall have members appointed for a term not to exceed 3 years.

''(ii) Members of the Board may be reappointed for successive terms.

''(2) REVIEW AND RECOMMENDATIONS.—

''(A) OBJECTIVES.—Not later than 180 days after the date of enactment of this section and annually thereafter, the Board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b).

''(B) REVIEW.—The board shall annually—

''(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

''(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

''(3) RULES AND REGULATIONS.—The Board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section.

''(f) REPORTING.—The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities.''.

(c) LOCAL CHILDREN'S ADVOCACY PROGRAM.—Section 214 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002), as redesignated by subsection (b)(1), is amended—

(1) by amending the heading to read as follows:

''SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.'';

(2) in subsection (a) by striking ''The Director of the Office of Victims of Crime (hereinafter in this subtitle referred to as the 'Director'), in consultation with officials of the Department of Health and Human Services,'' and inserting ''The Administrator, in coordination with the Director and

with the Director of the Office of Victims of Crime,'';

(3) in subsection (b)(2)(B) by inserting ''and nonoffending family members'' after ''neglect''; and

(4) by adding at the end the following new subsection:

''(d) CONSULTATION WITH REGIONAL CHILDREN'S ADVOCACY CENTERS.—A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 213.''.

(d) SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003), as redesignated by subsection (b)(1), is amended in subsections (a) and (c)(1) by striking ''Director'' and inserting ''Administrator''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004), as redesignated by subsection (b)(1), is amended to read as follows:

''SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

''(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214—

''(1) $15,000,000 for fiscal year 1993; and

''(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.

''(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A—

''(1) $5,000,000 for fiscal year 1993; and

''(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.''.

SEC. 7. HEAD START TRAINING IMPROVEMENT.

(a) PURPOSE.—It is the purpose of this section—

(1) to promote continued access for Head Start and other early childhood staff to the Child Development Associate credential;

(2) to increase the ability of Head Start staff to address the problems facing Head Start families;

(3) to create a systematic approach to training, thereby improving the quality of Head Start instruction and using training funds more efficiently and effectively; and

(4) to allow the use of training funds for creative approaches to learning for children.

(b) TECHNICAL ASSISTANCE, TRAINING, AND STAFF QUALIFICATIONS.—Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (a) by striking ''(2) training'' and all that follows through the end of the subsection and inserting ''(2) training for specialized or other personnel needed in connection with Head Start programs, including funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.''; and

(2) by adding at the end the following new subsections:

''(c) The Secretary shall—

''(1) develop a systematic approach to training Head Start personnel, including—

''(A) specific goals and objectives for program improvement and continuing professional development;

''(B) a process for continuing input from the Head Start community; and

''(C) a strategy for delivering training and technical assistance; and

''(2) report on the approach developed under paragraph (1) to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

''(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children.''.

SEC. 8. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

(a) SPENDING OF FUNDS BY STATES.—Section 658J(c) of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858h(c)) is amended—

(1) by striking ''obligated'' and inserting ''expended''; and

(2) by striking ''succeeding fiscal year'' and inserting ''succeeding 3 fiscal years''.

(b) PAYMENTS EXCLUDED FROM INCOME.—The Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858a et seq.) is amended by adding at the end the following new section:

''SEC. 658S. MISCELLANEOUS PROVISIONS.

''Notwithstanding any other law, the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under this subchapter shall not be treated as income for purposes of any other Federal or Federally-assisted program that bases eligibility, or the amount of benefits, on need.''.

(c) TECHNICAL AMENDMENTS.—

(1) CORRECTION IN CITATION.—Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) is amended by striking ''title IV'' and inserting ''title VI''.

(2) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858n) is amended—

(A) in paragraph (7), by striking ''4(b)'' and inserting ''4(e)''; and

(B) in paragraph (14), by striking ''4(c)'' and inserting ''4(l)''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—The amendments made by this section shall not apply with respect to fiscal years beginning before October 1, 1992.

SEC. 9. AMENDMENT TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) FINDINGS.—The Congress finds that—

(1) circumstances surrounding the death of a young boy named Adam Mann in New York City prompted a shocking documentary focusing on the inability of child protection services to protect suffering children;

(2) the documentary described in paragraph (1) showed the serious need for systemic changes in our child welfare protection system;

(3) thorough, coordinated, and comprehensive investigation will, it is hoped, lead to the prevention of abuse, neglect, or death in the future;

(4) an undue burden is placed on investigation due to strict Federal and State laws and regulations regarding confidentiality;

(5) while the Congress recognizes the importance of maintaining the confidentiality of records pertaining to child abuse, neglect, and death, often the purpose of confidentiality laws and regulations are defeated when they have the effect of protecting those responsible;

(6) comprehensive and coordinated interagency communication needs to be established, with adequate provisions to protect against the public disclosure of any detrimental information need to be established;

(7) Certain States, including Georgia, North Carolina, California, Missouri, Arizona, Minnesota, Oklahoma, and Oregon, have taken steps to establish by statute interagency, multidisciplinary fatality review teams to fully investigate incidents of death believed to be caused by child abuse or neglect;

(8) teams such as those described in paragraph (7) should be established in every State, and their scope of review should be expanded to include egregious incidents of child abuse and neglect before the child in question dies; and

(9) teams such as those described in paragraph (7) will increase the accountability of child protection services.

(b) MODIFICATION OF CONFIDENTIALITY PROVISION REGARDING STATE GRANTS UNDER CHILD ABUSE PREVENTION AND TREATMENT ACT.—Section 107(b)(4) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106A(b)(4)) is amended to read as follows:

''(4) provide for—

''(A) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to purposes of this Act; and

''(B) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;''.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should review and reform of the system in the State for protecting against child abuse and neglect, including implementing formal interagency, multidisciplinary teams—

(1) to review—

(A) all cases of child death in which the child was previously known by the State to have been abused or neglected; and

(B) incidents of child abuse before a child dies when there is evidence of negligent handling by the State,

in order to hold the State accountable; and

(2) to make recommendations regarding the outcomes of individual cases and systemic changes in the State's procedures for protecting against child abuse and neglect.

The SPEAKER pro tempore, Mr. KOLTER, recognized Mr. MARTINEZ and Mr. GOODLING, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KOLTER, 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 resolution was agreed to.

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

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶118.53 INDIAN HEALTH PROGRAMS

Mr. MILLER of California moved to suspend the rules and pass the bill of

the Senate (S. 2481) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs; as amended.

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

Mr. DANNEMEYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. KOLTER, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Saturday, October 3, 1992, pursuant to the prior announcement of the Chair.

¶118.54 AIRPORT AND AIRWAY IMPROVEMENT

Mr. OBERSTAR moved to suspend the rules and pass the bill (H.R. 6093) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, and 1995, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. KOLTER, recognized Mr. OBERSTAR and Mr. CLINGER, 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. RICHARDSON, 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.

¶118.55 PROGRAM ON THE CAPITOL GROUNDS

Mr. SAVAGE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 367):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PROGRAM ON THE CAPITOL GROUNDS.

On October 12, 1992, the Morning Star Foundation and the 1992 Alliance (in this resolution referred to as the ''non-Federal sponsor''), may present on the Capitol grounds a program known as the ''Native Voices: 500 Years After''.

SEC. 2. REQUIREMENT FOR WRITTEN AGREEMENT.

The non-Federal sponsor may construct and use structures and equipment on the Capitol grounds, and otherwise make arrangements for presentation of the program, only in accordance with a written agreement between the non-Federal sponsor and the Architect of the Capitol.

SEC. 3. CONDITIONS.

The program shall be carried out in accordance with such conditions as the Architect of the Capitol and the Capitol Police Board may prescribe. Such conditions, to be included in the agreement under section 2, shall include the following:

(1) CAPITOL GROUNDS.—Only that portion of the Capitol grounds comprising the upper Senate park may be used for the program.

(2) ADMISSION.—The program shall be open for admission to the general public without charge.

(3) EXPENSES AND LIABILITIES.—The non-Federal sponsor shall assume full responsibility for all expenses incident to activities associated with the program and shall indemnify, hold harmless, and defend the United States against any loss, damage, claim, or other liability incident to such activities.

(4) LIMITATION ON REPRESENTATIONS.—The non-Federal sponsor shall ensure that no person who supports presentation of the program by contributing amounts or products to the non-Federal sponsor will represent, either directly or indirectly, that such support in any way constitutes approval or endorsement by the Federal Government of such person or any product or service offered by such person.

The SPEAKER pro tempore, Mr. RICHARDSON, recognized Mr. SAVAGE and Mr. CLINGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution.

The SPEAKER pro tempore, Mr. RICHARDSON, 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 concurrent resolution was agreed to.

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

¶118.56 PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Mr. KOLTER moved to suspend the rules and pass the bill (H.R. 4157) to amend the Public Work and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; as amended.

The SPEAKER pro tempore, Mr. RICHARDSON, recognized Mr. KOLTER and Mrs. BENTLEY, 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. RICHARDSON, 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.

¶118.57 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 20. An Act to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes; jointly, to the Committees on Government Operations and Rules.

S. 1664. An Act to establish the Keweenaw National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1893. An Act to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3100. An Act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

¶118.58 ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1628. An Act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes.

H.R. 3508. An Act to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes.

H.R. 4178. An Act to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

H.R. 5673. An Act to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research.

H.J. Res. 320. Joint resolution authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who served with Union forces during the Civil War.

¶118.59 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. SENSENBRENNER, for today until 12 o'clock noon on October 3; and

To Mr. BLACKWELL, for today.

And then,

¶118.60 ADJOURNMENT

On motion of Mr. DORNAN, at 12 o'clock and 52 minutes a.m. October 3 (Legislative day of October 2), 1992, the House adjourned.

¶118.61 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on the District of Columbia. H.R. 5811. A bill to create a Supreme Court for the District of Columbia, and for other purposes (Rept. No. 102–975). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 592. Resolution waiving points of order against the conference report to accompany the bill (S. 2532) entitled the ''Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act,'' and against the consideration of such conference report. (Rept. No. 102–976). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 593. Resolution providing for consideration of the bill (S. 2681) relating to native Hawaiian health care, and for other purposes. (Rept. No. 102–977). Referred to the House Calendar.

Mr. DE LA GARZA: Committee of Conference. Conference report on H.R. 707 (Rept. No. 102–978). Ordered to be printed.

Mr. ROSE: Committee on House Administration. H.R. 5575. A bill to authorize certain uses of real property acquired by the Architect of the Capitol for use by the Librarian of Congress and for other purposes; with amendments (Rept. No. 102–979). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4363. A bill to amend title 11 of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; with an amendment (Rept. No. 102–980). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4797. A bill to direct the U.S. Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes (Rept. No. 102–981). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 5304. A bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court; with an amendment (Rept. No. 102–982). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 5602. A bill granting the consent of the Congress to the Interstate Rail Passenger Network Compact (Rept. No. 102–983). Referred to the House Calendar.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1126. A bill to extend the coverage of certain Federal labor laws to foreign flagships; with an amendment (Rept. No. 102–984, Pt. 1). Ordered to be printed.

¶118.62 SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 3927. Referral to the Committee on Ways and Means extended for a period ending not later than October 6, 1992.

¶118.63 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of title X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 6092. A bill to amend the Agricultural Act of 1949 with respect to the use of certain foreign currency proceeds; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 6093. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, and 1995, and for other purposes; jointly, to the Committees on Public Works and Transportation; Science, Space, and Technology; and Ways and Means.

By Mr. GONZALEZ (for himself and Mr. WYLIE):

H.R. 6094. A bill to improve supervision and regulation with respect to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SWETT:

H.R. 6095. A bill to amend title IX of the Federal Property and Administrative Services Act of 1949 to provide an architectural and engineering design competition for the construction, renovation, and repair of certain public buildings, and for other purposes; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. WYDEN:

H.R. 6096. A bill to provide for the certification of ambulatory surgery and emergency care facilities; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CAMPBELL of Colorado (for himself, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. BLACKWELL, Ms. NORTON, Mr. HOCHBRUECKNER, Mr. ESPY, Mr. RANGEL, Mr. FROST, Mr. MILLER of California, Mr. RHODES, Mr. HORTON, Mr. BEREUTER, Mr. PETERSON of Minnesota, Mrs. UNSOELD, Mr. DORGAN of North Dakota, Mr. HAYES of Illinois, Mrs. MINK, Mr. HERTEL, and Mr. BUSTAMANTE):

H.R. 6097. A bill to amend chapter 37 of title 38, United States Code, to establish a pilot program for furnishing housing loans to Native American veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DREIER of California:

H.R. 6098. A bill to prohibit direct Federal financial benefits and unemployment benefits for illegal aliens and to end Federal mandates for States to provide benefits for illegal aliens; to the Committee on the Judiciary.

By Mr. EMERSON:

H.R. 6099. A bill to remove inappropriate limitations on work requirements and to enhance waiver authority for welfare reform demonstration projects for the Food Stamp Program; to the Committee on Agriculture.

By Mr. GEKAS:

H.R. 6100. A bill to reform the United States health care delivery and financing system, to increase access to health care and affordable health insurance, to contain costs of health care in a manner that improves health care, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, the Judiciary, Education and Labor, and Rules.

By Mr. HENRY (for himself and Mr. ANDREWS of New Jersey):

H.R. 6101. A bill to amend the Occupational Safety and Health Act to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes; to the Committee on Education and Labor.

By Mr. HUNTER:

H.R. 6102. A bill to facilitate the providing of loan capital to and investments in residential homebuilders and other small business concerns, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MILLER of Washington:

H.R. 6103. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Wenatchee River in Washington as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of Washington:

H.R. 6104. A bill to amend title 31, United States Code, to reduce the time period within which a member of the uniformed services or a Federal employee may make a claim against the Federal Government for losses to personal property incident to service when the personal property is in a commercial shipment or storage arranged or reimbursed by the Government; to the Committee on the Judiciary.

By Mr. NEAL of North Carolina:

H.R. 6105. A bill to establish a cabinet-level interagency task force to develop a comprehensive legislative proposal that coordinates and reforms all Federal programs that provide assistance to individuals with limited incomes; to the Committee on Government Operations.

By Mr. PAXON:

H.R. 6106. A bill to amend the Internal Revenue Code of 1986 to reduce capital gains taxes, to reinstate a 5-percent investment tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. RIDGE (for himself, Mr. SCHULZE, Mr. MCDADE, Mr. MURPHY, Mr. CLINGER, Mr. SANTORUM, Mr. WELDON, Mr. YATRON, Mr. FOGLIETTA, Mr. SHUSTER, Mr. GEKAS, and Mr. GAYDOS):

H.R. 6107. A bill to amend section 123 of the Housing and Urban-Rural Recovery Act of 1983 to require coordination with community development funding organizations in carrying out eligible neighborhood development activities under the neighborhood development program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RITTER (for himself and Mr. GINGRICH):

H.R. 6108. A bill to establish a Bipartisan Commission on Total Quality Government; jointly, to the Committees on Government Operations, House Administration, and Post Office and Civil Service.

By Mrs. SCHROEDER:

H.R. 6109. A bill to amend the Public Health Service Act to provide for grants to immunize children against vaccine-preventable diseases through programs established in elementary schools; to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. EMERSON, and Mr. ARMEY):

H.R. 6110. A bill to authorize five local pilot projects for the development of community opportunity systems to demonstrate the potential for improving economic opportunity for low-income residents of the community through restructured programs providing services and benefits, and for meeting the identified priorities of the community and the needs of the individuals and families to be served; to the Committee on Government Operations.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, and Mr. GRANDY):

H.R. 6111. A bill to amend parts A and F of title IV of the Social Security Act to remove certain limitations on employment-related programs, to strengthen the requirement to cooperate in paternity establishment, and for other purposes; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. BOEHNER, and Mr. HERGER):

H.R. 6112. A bill to amend the Egg Research and Consumer Information Act, to accomplish an expansion of exemption eligibility from assessments under this act and to authorize increased assessment rates if approved by producers; to the Committee on Agriculture.

By Mr. VALENTINE:

H.R. 6113. A bill to amend the Federal Transit Act, the Airport and Airway Improvement Program Act of 1982, and title 23, United States Code, to provide for utilization of the latest available census data in the administration of certain transportation programs; to the Committee on Public Works and Transportation.

By Mr. WALKER (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. BLILEY, Mr. CAMPBELL of California, Mr. COBLE, Mr. FAWELL, Mr. GOSS, Mr. LEWIS of Florida, Mr. PACKARD, Mr. RHODES, Mr. RITTER, Mr. ROHRABACHER, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. ZIMMER, Mr. DORNAN of California, Mr. EWING, Mr. BALLENGER, Mr. IRELAND, Mr. CAMP, Mr. HANCOCK, Mr. SANTORUM, Mr. OXLEY, Mr. RAVENEL, Mr. GEKAS, Mr. DOOLITTLE, Mr. KOLBE, Mr. NUSSLE, Mr. BARTON of Texas, Mr. ALLEN, Mr. THOMAS of Wyoming, Mr. UPTON, Mr. ZELIFF, and Mr. HEFLEY):

H.R. 6114. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; jointly, to the Committee on Ways and Means and Government Operations.

By Mr. DURBIN:

H.J. Res. 558. Joint resolution congratulating the Springfield Commission on International Visitors for 30 years of superb service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. DAVIS, Mr. FIELDS, and Mr. YOUNG of Alaska):

H.J. Res. 559. Joint resolution honoring the Coast Guard Women's Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. LEWIS of Georgia (for himself and Mr. BROOMFIELD):

H. Con. Res. 370. Concurrent resolution concerning the humanitarian crisis in Somalia; to the Committee on Foreign Affairs.

By Mr. OWENS of New York:

H. Con. Res. 371. Concurrent resolution to make corrections in the enrollment of the bill, H.R. 5482; considered and agreed to.

By Mr. DELAY:

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress that the Postmaster General should not issue a commemorative postage stamp in honor of any individual who, at the time of his death, was a member of the Communist Party or was no longer a citizen of the United States because he had renounced his citizenship; to the Committee on Post Office and Civil Service.

By Mr. TORRICELLI (for himself and Mr. BURTON of Indiana):

H. Con. Res. 373. Concurrent resolution expressing the sense of the Congress that the President should prohibit the acquition of Allison Transmission, a division of General Motors Corp., by a foreign person; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Foreign Affairs.

By Mr. MARTINEZ:

H. Res. 594. Resolution relating to the consideration of the Senate amendment to H.R. 5194; rules suspended; considered and agreed to.

¶118.64 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 117: Mr. COMBEST and Mr. JONTZ.
H.R. 701: Mr. CAMPBELL of California.
H.R. 811: Mr. COX of California.
H.R. 875: Mr. COX of Illinois.
H.R. 1188: Mr. KOSTMAYER.
H.R. 1622: Mr. JENKINS.
H.R. 1886: Mr. SCHAEFER.
H.R. 2164: Mr. CAMP, Mr. BREWSTER, Mr. PANETTA, and Mr. GILLMOR.
H.R. 2348: Mr. PAXON.
H.R. 2511: Mr. LEHMAN of California.
H.R. 2528: Mr. JAMES.
H.R. 2595: Mr. CAMPBELL of California.
H.R. 2618: Mr. ROE, Mr. MINETA, Mr. HANSEN, Mr. DURBIN, Mrs. KENNELLY, Mr. SPENCE, Mr. SKEEN, Mr. BRUCE, and Mr. FAZIO.
H.R. 2643: Mr. CAMPBELL of California.
H.R. 2695: Mr. SHAYS.
H.R. 3056: Mr. SIKORSKI.
H.R. 3102: Mr. TRAFICANT, Mr. COLORADO, and Mrs. COLLINS of Illinois.
H.R. 3517: Mr. WALSH, Mr. HAYES of Illinois, Mr. KLUG, and Mr. SARPALIUS.
H.R. 3518: Mr. BILIRAKIS.
H.R. 3780: Mr. CAMPBELL of California.
H.R. 3801: Mr. FISH.
H.R. 4182: Mr. CAMPBELL of California and Mr. STUMP.
H.R. 4207: Mr. ORTON and Mr. POSHARD.
H.R. 4224: Mr. CAMPBELL of California.
H.R. 4271: Mr. TOWNS.
H.R. 4315: Mr. CAMPBELL of California.
H.R. 4385: Mr. ENGEL.
H.R. 4457: Mrs. LOWEY of New York.
H.R. 4530: Mr. CAMPBELL of California.
H.R. 4585: Mr. SHAYS.
H.R. 4684: Mr. CAMPBELL of California.
H.R. 4749: Mr. CAMPBELL of California.
H.R. 4764: Mr. MCCRERY, Mr. KANJORSKI, Mr. DUNCAN, Mr. STUMP, Mr. MCMILLEN of Maryland, and Mr. RHODES.
H.R. 4851: Mr. CAMPBELL of California.
H.R. 4852: Mr. CAMPBELL of California and Mr. COX of California.
H.R. 4853: Mr. CAMPBELL of California and Mr. COX of California.
H.R. 4854: Mr. COX of California.
H.R. 4857: Mr. CAMPBELL of California.
H.R. 4859: Mr. CAMPBELL of California.
H.R. 4860: Mr. COX of California.
H.R. 4861: Mr. COX of California.
H.R. 4862: Mr. COX of California.
H.R. 4863: Mr. COX of California.
H.R. 4864: Mr. COX of California and Mr. CAMPBELL of California.
H.R. 4865: Mr. CAMPBELL of California.
H.R. 4866: Mr. CAMPBELL of California.
H.R. 4868: Mr. CAMPBELL of California.
H.R. 4869: Mr. CAMPBELL of California and Mr. COX of California.
H.R. 4870: Mr. CAMPBELL of California.
H.R. 4871: Mr. CAMPBELL of California and Mr. COX of California.
H.R. 4872: Mr. CAMPBELL of California and Mr. COX of California.
H.R. 4875: Mr. CAMPBELL of California and Mr. COX of California.
H.R. 4876: Mr. COX of California.
H.R. 4878: Mr. CAMPBELL of California.
H.R. 5003: Mr. COX of California.
H.R. 5106: Mr. GOSS.
H.R. 5201: Mrs. LLOYD.
H.R. 5208: Mr. MOODY.
H.R. 5216: Mr. BROWDER, Mr. ZELIFF, and Mr. INHOFE.
H.R. 5266: Mr. LEHMAN of California and Mr. FROST.
H.R. 5294: Mr. PAYNE of Virginia and Mr. BUSTAMANTE.
H.R. 5297: Mr. ROTH, Mr. FISH, Mr. KLUG, Mr. MCCLOSKEY, Mrs. LLOYD, Mr. SHAW, Mr. DREIER of California, Ms. SNOWE, Ms. KAPTUR, Mr. WILLIAMS, Mr. ROSE, Mr. LIVINGSTON, and Ms. LONG.
H.R. 5320: Mr. TOWNS.
H.R. 5357: Mr. SKAGGS and Mr. MORAN.
H.R. 5364: Mr. RANGEL and Mr. SERRANO.
H.R. 5367: Mr. ROWLAND, Mr. RAVENEL, Mr. OWENS of Utah, Mr. LAGOMARSINO, Mr. WOLPE, Mr. BACCHUS, and Mr. MCNULTY.
H.R. 5398: Mr. MATSUI.
H.R. 5449: Mr. SHAYS, Mr. PAXON, and Mr. OLVER.
H.R. 5526: Mr. DORNAN of California, Mr. SKEEN, Mr. BLAZ, and Mr. MACHTLEY.
H.R. 5580: Mr. HAYES of Illinois.
H.R. 5593: Mr. RHODES.
H.R. 5613: Mr. RANGEL and Mr. MARKEY.
H.R. 5680: Mr. GUARINI, Mr. TORRICELLI, Mrs. SCHROEDER, Mr. GONZALEZ, and Mr. MANTON.
H.R. 5709: Mr. CRANE.
H.R. 5732: Mr. HANCOCK and Mr. CAMP.
H.R. 5772: Mr. ZELIFF and Mr. NUSSLE.
H.R. 5783: Mr. MACHTLEY and Mr. EDWARDS of California.
H.R. 5842: Mr. ANDERSON, Mr. ANNUNZIO, Mr. BONIOR, Mr. BROOMFIELD, Mr. BACCHUS, Mr. CHAPMAN, Mr. CARPER, Mr. DINGELL, Ms. DELAURO, Mr. DELAY, Mr. FRANKS of Connecticut, Mr. GEPHARDT, Mr. GRANDY, Mr. GOODLING, Mr. GINGRICH, Mr. HEFNER, Mr. HENRY, Mr. KYL, Mr. MATSUI, Mr. MCNULTY, Mr. MONTGOMERY, Mr. MINETA, Mr. MICHEL, Mr. OBERSTAR, Ms. OAKAR, Mr. PETERSON of Florida, Mr. PURSELL, Mr. ROSE, Mr. RAY, Mr. RICHARDSON, Mr. ROBERTS, Mrs. ROUKEMA, and Mr. SCHEUER.
H.R. 5862: Mr. SERRANO.
H.R. 5865: Mr. GILLMOR, Mr. RANGEL, Ms. KAPTUR, and Mr. VISCLOSKY.
H.R. 5866: Mr. GILLMOR, Mr. RANGEL, Ms. KAPTUR, Mr. VISCLOSKY, and Mr. ZELIFF.
H.R. 5867: Mr. OLVER.
H.R. 5880: Mr. CLEMENT.
H.R. 5883: Mr. RANGEL and Ms. NORTON.
H.R. 5928: Mr. FROST.
H.R. 5947: Mr. PETERSON of Florida.
H.R. 5960: Mr. NICHOLS, Mr. GALLEGLY, Mr. COLEMAN of Missouri, and Mr. KASICH.
H.R. 5973: Mr. DELLUMS, Mr. ACKERMAN, Mr. HAYES of Illinois, and Mr. TOWNS.
H.R. 5977: Mr. ALLARD, Mr. LIGHTFOOT, Mr. DORNAN of California, Mr. DOOLEY, Mr. KOSTMAYER, Mr. MCDADE, Mr. ENGLISH, Mr. GOSS, Mr. CAMP, Mr. LEHMAN of California, and Mr. PAXON.
H.R. 6020: Mr. SARPALIUS.
H.R. 6033: Mrs. MINK, Mr. BLACKWELL, and Mr. BEREUTER.
H.R. 6051: Mr. MOAKLEY.
H.R. 6065: Mr. DOWNEY.
H.R. 6075: Mr. BEVILL, Mr. CAMPBELL of Colorado, Mr. BACCHUS, Mr. HEFNER, Mr. NOWAK, Mr. ABERCROMBIE, Mr. SANDERS, Mr. RHODES, Mr. MARTINEZ, Mr. BOUCHER, Mr. MCCLOSKEY, Ms. LONG, Mr. COLEMAN of Missouri, Mr. JOHNSON of South Dakota, Mr. KANJORSKI, Ms. OAKAR, Ms. DELAURO, Mr. AUCOIN, Mr. TANNER, Mr. SCHIFF, Mr. VISCLOSKY, Mr. DARDEN, and Mrs. UNSOELD.
H.J. Res. 196: Mr. LEHMAN of Florida.
H.J. Res. 449: Mr. HOCHBRUECKNER, Mr. SANDERS, Mr. SCHIFF, and Mrs. UNSOELD.
H.J. Res. 474: Mr. FROST, Mr. LAUGHLIN, Mr. CARPER, Ms. LONG, Mr. WISE, Mr. STUDDS, Mr. DICKINSON, Mr. SKELTON, Mr. LANCASTER, Mr. SARPALIUS, Mr. PANETTA, Mr. SPRATT, Mr. MONTGOMERY, Mr. PARKER, Mr. REGULA, Mr. RAY, Mr. HUTTO, Mr. GEREN of Texas, Mr. HARRIS, Mr. MCCOLLUM, Mr. WEBER, Mr. GILCHREST, Mr. CAMP, Mr. LAGOMARSINO, Mr. FORD of Michigan, Mr. MCNULTY, Mr. BAKER, Mr. CHAPMAN, Mr. CONYERS, Mr. ANDERSON, Mr. MORAN, Mr. HENRY, Mr. JOHNSTON of Florida, Mr. STENHOLM, Mr.

BACCHUS, Mr. WAXMAN, Mr. ACKERMAN, Mr. SERRANO, Mr. SANGMEISTER, Mr. INHOFE, Mr. ECKART, Mr. JENKINS, Mr. SWIFT, Mr. RUSSO, Mr. LUKEN, Mr. HOAGLAND, Mr. LEVINE of California, Mr. GEJDENSON, Ms. PELOSI, Mr. RAHALL, Mr. BEILENSON, Mr. MRAZEK, Mr. DINGELL, Mr. ENGEL, Mr. LEVIN of Michigan, Mr. MCDERMOTT, Mr. DURBIN, Mr. KOPETSKI, Ms. MOLINARI., Mr. ABERCROMBIE, Mr. MINETA, Mr. KANJORSKI, Mr. OBERSTAR, Mr. BURTON of Indiana, Mr. BUNNING, Mr. SHAYS, Mr. MILLER of California, Mr. MARKEY, Mr. WYDEN, Mr. BORSKI, Mr. BONIOR, Mr. CAMPBELL of Colorado, Mr. COSTELLO, Mr. ANTHONY, Mr. ROWLAND, Mr. HUGHES, Mr. NEAL of Massachusetts, Mr. WASHINGTON, Mr. VALENTINE, Mr. DARDEN, Mr. DERRICK, Mr. DIXON, Mr. SCHUMER, Mrs. BYRON, and Mr. MURPHY.

H.J. Res. 479: Mr. ROBERTS, Mr. BOEHLERT, Mr. THOMAS of Wyoming, Mr. INHOFE, Mr. HEFLEY, Mr. HASTERT, Mr. ROGERS, Mr. SMITH of Iowa, Mr. ARMEY, Mr. BALLENGER, Mr. BUNNING, Mr. DELAY, Mr. HOPKINS, Mr. RIDGE, Ms. KAPTUR, Mr. NAGLE, Mr. VISCLOSKY, and Mr. FORD of Tennessee.

H.J. Res. 531: Mr. MAVROULES, Mr. BLACKWELL, Mr. BROOMFIELD, Mr. WOLF, Mr. FISH, Mr. SERRANO, Mr. SIKORSKI, Mr. MCEWEN, Mrs. LOWEY of New York, and Mr. MARKEY.

H.J. Res. 538: Mr. MORRISON, Mr. QUILLEN, and Mr. SLATTERY.

H.J. Res. 543: Mr. RICHARDSON, Mr. ROBERTS, Mr. REGULA, Mr. TALLON, Mrs. UNSOELD, Mr. RINALDO, Mr. HAMMERSCHMIDT, Mr. PARKER, Ms. SLAUGHTER, Mr. HATCHER, Mr. STARK, Ms. MOLINARI, Mr. GREEN of New York, Mr. LEHMAN of California, Mr. BRYANT, Mr. BILIRAKIS, Mr. DARDEN, Mr. GRANDY, Mr. JEFFERSON, Mr. OBERSTAR, Mr. SARPALIUS, Mr. MCCRERY, Ms. OAKAR, Mr. MORRISON, Mr. SLATTERY, Ms. HORN, Mr. WYDEN, Mr. ANDERSON, Mr. TRAXLER, Mr. MCCLOSKEY, Mr. RAHALL, Mr. RUSSO, Mr. PAXON, Mr. TORRICELLI, Mr. STOKES, Mr. DICKS, Mr. CARPER, Mr. EDWARDS of Texas, Mr. LAUGHLIN, Mrs. BENTLEY, Mr. BROWDER, Mrs. MORELLA, Mr. BOUCHER, Mr. MURTHA, Mr. SOLARZ, MR. OWENS of New York, Mr. SERRANO, Mr. ANTHONY, Mr. OWENS of Utah, Mr. KENNEDY, and Mr. TAUZIN.

H.J. Res. 547: Mr. HOAGLAND, Mr. RANGEL, Mr. FAZIO, and Mr. JONTZ.

H.J. Res. 548: Mr. HUGHES, Mr. SABO, Ms. ROS-LEHTINEN, Mr. EVANS, Mr. ANDREWS of New Jersey, Mr. SKAGGS, Mr. PORTER, Mr. EDWARDS of California, Mr. SANDERS, Mr. JONES of Georgia, Mr. JOHNSTON of Florida, Mr. FRANK of Massachusetts, Mr. ENGEL, and Mr. DOOLEY.

H.J. Res. 549: Mr. YATES, Mr. CAMPBELL of Colorado, Mr. BACCHUS, Mr. FORD of Tennessee, Ms. ROS-LEHTINEN, Ms. MOLINARI, Ms. SLAUGHTER, Mr. HALL of Texas, Mr. JOHNSTON of Florida, and Mr. DOOLEY.

H.J. Res. 552: Mr. SOLARZ and Mrs. LOWEY of New York.

H. Con. Res. 11: Mr. GILMAN.

H. Con. Res. 362: Mr. SHAYS, Mr. DORNAN of California, Mr. WALSH, and Mr. JOHNSON of Texas.

H. Con. Res. 363: Mr. WEBER, Mr. KOLBE, Mr. BILBRAY, Mr. RHODES, Mr. WELDON, Mr. MCEWEN, Ms. ROS-LEHTINEN, Mr. BUNNING, Mr. HUNTER, Mr. DUNCAN, Mr. DORNAN of California, Mr. DELAY, Mr. CRANE, Mr. HANCOCK, Mr. MILLER of California, Mr. FISH, Mr. SHAYS, Mr. LIVINGTON, Mr. SUNDQUIST, Mr. COX of California, Mr. LEWIS of California, Mr. COMBEST, Mr. UPTON, Mr. COBLE, Mr. DANNEMEYER, Mr. HYDE, Mr. HOLLOWAY, Mr. WALKER, Mr. GINGRICH, Mr. SOLOMON, Mr. BILIRAKIS, Mr. JAMES, Mr. SAXTON, Mr. MOORHEAD, Mr. CAMP, Mr. BALLENGER, Mr. ROTH, Mr. GRANDY, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SISISKY, Mr. WOLF, Mr. BATEMAN, Mr. DEFAZIO, Mr. HENRY, Mr. RANGEL, Mr. FROST, Mr. ACKERMAN, and Mr. WAXMAN.

H. Res. 515: Mr. SHAYS.

H. Res. 538: Mr. MFUME and Mr. GILMAN.

¶118.65 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 529: Mr. CAMPBELL of California.

SATURDAY, OCTOBER 3, 1992 (119)

The House was called to order by the SPEAKER.

¶119.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, October 2, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

¶119.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4351. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund [ESF] for fiscal year 1991, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

4352. A letter from the Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a medium-term financial guarantee to support United States exports to the Russian Federation; to the Committee on Banking, Finance and Urban Affairs.

4353. A letter from the Director, Office of Management and Budget, transmitting a pay-as-you-go status report for district spending and receipts legislation enacted as of October 2, 1992, pursuant to Public Law 101–508, section 1301(a) (104 Stat. 1388–582); to the Committee on Government Operations.

4354. A letter from the Chairperson, U.S. Commission on Civil Rights, transmitting an interim report entitled ''Prospects and Impact of Losing State and Local Agencies from the Federal Fair Housing System,'' pursuant to 42 U.S.C. 1975c(c), 1975f; to the Committee on the Judiciary.

4355. A letter from the Chairman, U.S. International Trade Commission, transmitting the seventh annual report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers, pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

4356. A letter from the President, Resolution Trust Corporation, transmitting a status report of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act for the month of August 1992, pursuant to Public Law 101–507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

¶119.3 LABOR, HHS, EDUCATION APPROPRIATIONS

Mr. NATCHER, pursuant to the special order of the House of October 2, 1992, called up the following conference report (Rept. No. 102–974):

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5677) ''making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes,'' having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 8, 9, 10, 39, 41, 42, 44, 47, 48, 50, 64, 74, 81, 86, 91, 94, 98, 104, 106, 107, 113, 120, 121, 122, 123, 128, 129, 140, 158, 166, 182, 183, 190, 196, 199, 206, 208, 223, 225, 235, 240, 241, and 242.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 13, 19, 22, 26, 29, 30, 38, 46, 66, 67, 72, 76, 82, 83, 93, 99, 101, 102, 105, 108, 109, 110, 111, 118, 119, 124, 127, 141, 150, 151, 153, 155, 156, 157, 159, 160, 161, 162, 167, 168, 169, 172, 174, 175, 177, 178, 179, 180, 181, 186, 187, 188, 189, 192, 193, 194, 209, 210, 211, 212, 226, 227, 228, 229, 230, 231, 232, 233, 234, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,803,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$78,934,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,144,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$20,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$306,700,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$86,506,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,747,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,729,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: