MAN, Mr. SANGMEISTER, Mr. ANDREWS of New Jersey, Mr. MCCOLLUM, Mr. FIELDS of Texas, Mr. STUMP, Mrs. BYRNE, Mr. CASTLE, Mr. FORD of Tennessee, Mr. KANJORSKI, Ms. MCKINNEY, Mr. BROWN of California, Mr. MOORHEAD, Ms. KAPTUR, Mrs. MEYERS of Kansas, Mr. BATEMAN, Mr. BLUTE, Mr. BREWSTER, Mr. BLILEY, Mr. BROWDER, Mr. LEVY, Mr. REYNOLDS, Mr. HOCHBRUECKNER, Mr. DORNAN, Mr. BILBRAY, Mr. ANDREWS of Maine, Mr. TORKILDSEN, Mr. DELAY, Mr. GINGRICH, Mr. SAXTON, Mrs. JOHNSON of Connecticut, Mr. FORD of Michigan, and Mr. BLACKWELL.

H.J. Res. 230: Mr. BAKER of Louisiana, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BLACKWELL, Ms. BROWN of Florida, Mr. BURTON of Indiana, Mr. DEFAZIO, Mr. EMERSON, Mr. FLAKE, Mr. HOYER, Mr. HUTTO, Mr. KIM, Mrs. MEEK of Florida, Ms. MOLINARI, Mr. NADLER, Mr. TORRES, and Mr. YOUNG of Alaska.

H.J. Res. 231: Mrs. BYRNE, Mr. ANDREWS of New Jersey, Mr. KLEIN, Mr. LIVINGSTON, Mrs. MEEK of Florida, Mr. SCHAEFER, Mr. BORSKI, Mr. KING, Mr. MURPHY, Mr. HOAGLAND, Mr. FRANK of Massachusetts, Mr. YOUNG of Alaska, Mr. PICKETT, Mr. REED, Mr. FROST, Mrs. LLOYD, Mr. MANTON, and Mr. HOYER.

H.J. Res. 244: Mr. MOORHEAD, Mr. GALLEGLY, Mr. ROTH, Mr. VALENTINE, Mr. BROWN of California, Mr. FILNER, Mr. SABO, Mr. STUMP, Mr. BALLENGER, Mr. CALVERT, Mr. DIAZ-BALART, Mr. REGULA, Mr. EVANS, Mrs. BENTLEY, Mr. GOODLATTE, Mr. MARTINEZ, Mr. DORNAN, and Mr. FLAKE.

H.J. Res. 402: Mr. SOLOMON, and Mr. THOMAS of Wyoming.

H.J. Res. 411: Mrs. BYRNE, Mr. BACCHUS of Florida, Mr. BARCA of Wisconsin, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. MACHTLEY, Mr. RAMSTAD, Mr. GALLO, Mr. HASTERT, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. BROWN of California, Mr. WOLF, Mr. ROGERS, Mr. SMITH of Oregon, Mr. STOKES, Mrs. VUCANOVICH, Mr. BEVILL, Mr. LAUGHLIN, Mr. OLVER, Mr. HAMBURG, Mr. BECERRA, Mr. SCOTT, Mr. ROSTENKOWSKI, Mr. FIELDS of Louisiana, Mrs. MINK of Hawaii, Ms. MARGOLIES-MEZVINSKY, Ms. SHEPHERD, Mr. DARDEN, Mr. DEAL, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. DELLUMS, Mr. HUTTO, Mr. KANJORSKI, Mr. MAZZOLI, Mr. MOAKLEY, Mr. SPENCE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. GEKAS, Mr. HOLDEN, Mr. SHUSTER, Mr. MURPHY, Mr. RIDGE, Mr. ORTON, Mr. ANDREWS of Maine, Mr. KLINK, Mr. NEAL of North Carolina, Mr. SARPALIUS, Mr. LEVY, Mr. FLAKE, Mr. NADLER, Mr. SCHUMER, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. MOLINARI, Mr. RANGEL, Mr. ENGEL, Mr. GILMAN, Mr. PAXON, Mr. LAFALCE, Mr. HOUGHTON, Mr. SAM JOHNSON, Mr. SMITH of Michigan, Mr. ROHRABACHER, Mr. ZIMMER, Mr. CALVERT, Mr. HOKE, Mr. BARTLETT of Maryland, Mr. GRAMS, Ms. SNOWE, Mr. UPTON, Mr. YOUNG of Florida, Ms. DELAURO, Mr. HOCHBRUECKNER, Mr. CARDIN, Mr. TAUZIN, Mr. LEHMAN, Mr. HASTINGS, Mr. DOOLITTLE, Mr. HUNTER, Mr. LEACH, Mrs. MEYERS of Kansas, Mr. QUILLEN, Mr. RAVENEL, Mr. ROEMER, Mr. FALEOMAVAEGA, Mr. SERRANO, Mr. HALL of Texas, Mr. ANDREWS of Texas, Mr. ABERCROMBIE, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BROWDER, Mr. CARR, Mrs. CLAYTON, Mr. CLYBURN, Miss COLLINS of Michigan, Mr. COYNE, Mr. CRAMER, Ms. DANNER, Mr. DEFAZIO, Mr. EDWARDS of Texas, Ms. ENGLISH of Arizona, Mr. FARR, Mr. FINGERHUT, Mr. FOGLIETTA, Ms. FURSE, Mr. HUGHES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KLECZKA, Mr. KOPETSKI, Ms. LAMBERT, Mrs. LOWEY, Mr. MANTON, Mr. MARKEY, Mr. MCHALE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MINGE, Mr. MORAN, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. GEPHARDT, Mr. GONZALEZ, Mr. HAMILTON, Mr. PETERSON of Florida, Mr. POMEROY, Mr. RAHALL, Mr. ROMERO-BARCELÓ, Mr. ROSE, Mr. RUSH, Mr. SMITH of Iowa, Mr. STENHOLM, Mr. STUPAK, Mr. SYNAR, Mrs. THURMAN, Mrs. UNSOELD, Ms. WATERS, Ms. WOOLSEY, Mr. WYDEN, and Mr. DELAY.

H.J. Res. 413: Mr. PASTOR, Mr. BLUTE, Mr. JEFFERSON, Mr. TAUZIN, Mr. HAMILTON, Mr. GONZALEZ, Mr. LIPINSKI, Mr. EMERSON, Mr. ROMERO-BARCELO, Mrs. MINK of Hawaii, Mr. FLAKE, Ms. ENGLISH of Arizona, Mr. GILMAN, Mrs. MORELLA, Mr. TORKILDSEN, Mrs. BENTLEY, Mr. SHAW, Mrs. MEYERS of Kansas, Mr. CRANE, Mr. HOBSON, Mr. HYDE, Mr. BOEHLERT, Mr. FIELDS of Texas, Mr. HUNTER, Mr. REGULA, Mr. THOMAS of California, Mr. OXLEY, Mr. MYERS of Indiana, Mr. PACKARD, Mr. LIGHTFOOT, Mr. BALLENGER, Mr. WALSH, Mr. BARRETT of Nebraska, Mr. WELDON, Mr. DIAZ-BALART, Mr. DELAY, Mr. SKEEN, Mr. LEACH, Mr. SOLOMON, Mr. LIVINGSTON, Mr. RAMSTAD, Mr. MCMILLAN, MR. ROBERTS, Mr. TAYLOR of North Carolina, Mr. COBLE, Mr. HOUGHTON, Mr. HANSEN, Mr. MCCRERY, Mr. HAYES, Mr. COX, Mr. STUMP, Mr. CALLAHAN, Mr. DUNCAN, Mr. LAUGHLIN, Mr. SPENCE, Mr. KIM, Mr. RIDGE, Mr. DORNAN, Mr. BLILEY, Mr. POMBO, Mr. LUCAS, Mr. GINGRICH, Mr. LEWIS of California, Mr. HASTERT, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. GILCHREST, MR. GREENWOOD, Mr. HOEKSTRA, Mr. ROTH, Ms. SNOWE, Mr. GRANDY, Mr. KOLBE, Mr. EHLERS, Mr. YOUNG of Alaska, Mr. RAVENEL, Mr. PORTER, Mr. GEKAS, Mrs. FOWLER, Mr. BUNNING, Mr. SMITH of Iowa, Mr. SMITH of Texas, Mr. DURBIN, Mr. ROGERS, Mr. HALL of Texas, Mr. FAWELL, Mr. CUNNINGHAM, Mr. SAM JOHNSON, Mr. GRAMS, Mr. UPTON, Mr. GUNDERSON, Mr. MCCOLLUM, Mr. QUINN, Mr. ZIMMER, Mr. BEREUTER, Ms. MOLINARI, Mr. SCHAEFER, Mr. ROYCE, Mr. ROHRABACHER, Mr. CAMP, Mr. PETRI, Mr. CALVERT, Mr. SAXTON, Mr. MCKEON, Mr. DOOLITTLE, Ms. PRYCE of Ohio, Mr. CASTLE, Ms. DUNN, Mr. SANTORUM, Mr. QUILLEN, Mr. KASICH, Mr. MACHTLEY, Mr. HUTCHINSON, Mr. LEVY, Mr. LAZIO, Mr. BAKER of California, Mr. HERGER, Mr. FISH, Mr. PORTMAN, Mr. APPLEGATE, Mr. MILLER of Florida, Ms. LONG, Mr. KNOLLENBERG, Mr. FROST, Mr. BILIRAKIS, Mr. BROOKS, Mr. TRAFICANT, Mr. MURPHY, Mr. MILLER of California, Mr. FARR, Ms. MCKINNEY, Mr. GLICKMAN, Mr. COLEMAN, Mr. REED, Ms. COLLINS of Michigan, Ms. VELAZQUEZ, Mr. SERRANO, Mr. CARDIN, Mr. PAYNE of Virginia, Mr. HOAGLAND, Mr. HASTINGS, Mr. FORD of Michigan, Mr. VOLKMER, Mr. BARCA of Wisconsin, Ms. DANNER, Mr. THORNTON, Mr. MAZZOLI, Mr. PAXON, Mr. MOORHEAD, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BUYER, Mr. CLINGER, Mr. COLLINS of Georgia, Mr. DICKEY, Mr. DREIER, Mr. YOUNG of Florida, Mr. EWING, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Ms. SLAUGHTER, Mr. VISCLOSKY, Mr. GOODLATTE, Mr. HOKE, Mr. HORN, Mrs. JOHNSON of Connecticut, Mr. KING, Mr. KLUG, Mr. LEWIS of Kentucky, Mr. LEWIS of Florida, Mr. MCCANDLESS, Mr. MCDADE, Mr. MCINNIS, Mr. MICHEL, Mr. NUSSLE, Mr. SCHIFF, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. TALENT, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. WOLF, Mr. BACHUS of Alabama, Mr. KINGSTON, Mr. MINETA, Mr. BROWN of California, Mr. FAZIO, Mr. SKELTON, Mr. SISISKY, Mr. KILDEE, Mr. STUDDS, Mr. GIBBONS, Mr. GENE GREEN of Texas, Mr. JACOBS, Mr. VENTO, Mr. BEILENSON, Mr. BERMAN, Mr. MONTGOMERY, Mr. MARKEY, Mr. DINGELL, Mr. BILBRAY, Mr. KREIDLER, Ms. DELAURO, Ms. LAMBERT, Mr. KANJORSKI, Mr. FORD of Tennessee, Mr. RAHALL, Mr. ROSE, Mr. POSHARD, Mr. PETE GEREN of Texas, Mr. CONDIT, Mr. WISE, Mr. WILSON, Mr. CHAPMAN, Mr. COYNE, and Mr. BORSKI.

H.J. Res. 418: Mr. PAXON and Ms. DUNN.

H.J. Res. 419: Mr. WOLF, Mr. EWING, Mr. DUNCAN, and Mrs. VUCANOVICH.

H.J. Res. 422: Mr. WHEAT, Mr. MEEHAN, Mr. DEUTSCH, Ms. LOWEY, Mr. OWENS, Mr. BARRETT of Wisconsin, and Ms. MARGOLIES-MEZVINSKY.

H. Con. Res. 148: Mrs. VUCANOVICH and Mr. WILSON.

H. Con. Res. 173: Mr. ROEMER, Mr. MONTGOMERY, Mr. GEJDENSON, Mr. MILLER of California, Mr. POMEROY, Mr. MCDERMOTT, Mr. BISHOP, Mr. PALLONE, Mr. HASTINGS, Mrs. BYRNE, Mr. STOKES, and Mr. COX.

H. Con. Res. 233: Mr. ROSE, Mr. NADLER, Ms. CANTWELL, and Mr. NEAL of Massachusetts.

H. Con. Res. 239: Mr. FILNER, Mr. COLEMAN, and Mr. VOLKMER.

H. Con. Res. 243: Mr. PASTOR.

H. Con. Res. 247: Mr. KILDEE, Mr. BEILENSON, and Mr. WYDEN.

H. Res. 497: Ms. FURSE and Mr. LEWIS of Georgia.

H. Res. 525: Mr. GRAMS.

H. Res. 529: Mr. THORNTON.

H. Res. 531: Mr. CLEMENT.

H. Res. 569: Mr. LINDER, Mr. DUNCAN, Mr. ROGERS, Mr. THOMAS of Wyoming, Mr. DELAY, Mr. ROTH, Mr. GOODLATTE, and Mr. DICKEY.

FRIDAY, OCTOBER 7, 1994 (122)

The House was called to order by the SPEAKER.

¶122.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, October 7, 1994.

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

¶122.2 COMMUNICATIONS

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

3926. A letter from the Department of the Air Force, transmitting notification that the performance of the contracts for engineering and manufacturing development of the F–22 aircraft and for design, development, test and delivery of its engine, F–33657–91–C–0006 and F33657–91–C–0007 respectively, will continue for a period exceeding 10 years, pursuant to 22 U.S.C. 2352 note; to the Committee on Armed Services.

3927. A letter from the Department of the Air Force, transmitting notification that the performance of the contracts for engineering and manufacturing development of the B–52 Tri-Service Standoff Attack Missile [TSSAM] integration contract, F33657–84–C–2256, will continue for a period exceeding 10 years, pursuant to 22 U.S.C. 2352 note; to the Committee on Armed Services.

3928. A letter from the Deputy Secretary of Defense, transmitting the interim report of the Defense Equal Opportunity Council Task Force On Discrimination and Sexual Harassment; to the Committee on Armed Services.

3929. A letter from the Federal Housing Finance Board, transmitting the board's annual report on the low-income housing and community development activities of the Federal Home Loan Bank system for 1993, pursuant to 12 U.S.C. 1422a; to the Committee on Banking, Finance and Urban Affairs.

3930. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 01–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3931. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a cooperative feasibility study to be

conducted by the United States and eight other NATO nations–Canada, France, Germany, Italy, the Netherlands, Norway, Turkey, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3932. A letter from the Acting Director, Defense Security Assistance Agency, transmitting concerning the establishment and operation of an organization to further the implementation of Continuous Acquisition and Life-cycle Support [CALS] within NATO. The participants who are contributing to the support of the NATO CALS Office—the executive arm of the organization which will be located on the premises of NATO Headquarters in Brussels—are Canada, France, Germany, Italy, the Netherlands, Norway, Spain, Turkey, the United Kingdom, and the United States, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3933. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 95–01), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3934. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to France for defense articles and services (Transmittal No. 95–02), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3935. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Kuwait for defense articles and services (Transmittal No. 95–05), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3936. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 95–06), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3937. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. A–95 which relates to enhancement or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1), AECA certification 92–20 of 27 April 1992, pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination and certification that assistance to the countries of Europe and the Independent States of the former Soviet Union from funds appropriated or otherwise made available under that act is in the national interest of the United States; to the Committee on Foreign Affairs.

3939. A letter from the Secretary of Defense, transmitting a report pursuant to section 1206 of the Cooperative Threat Reduction Act of 1993, title XII of Public Law 103–160 and the fiscal year 1994 DoD Appropriations Act, Public Law 103–139; to the Committee on Foreign Affairs.

3940. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation entitled, ''To Approve the Location of the Thomas Paine Memorial''; to the Committee on Natural Resources.

3941. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide statutory authority for the surrender of fugitives and the provision of judicial assistance to the International Tribunal for the Prosecution of Persons responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, in accordance with the United States' obligations under U.N. Security Council Resolution No. 827; to the Committee on the Judiciary.

3942. A letter from the Secretary of Energy, transmitting the Department's 5-Year transportation program plan, pursuant to section 2021 of the Energy Policy Act of 1992 (42 U.S.C. 13431); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3943. A letter from the Secretary of Energy, transmitting the Department's report entitled, ''Clean Energy Demonstration Project'' proposed by Clean Energy Partners, L.P.; jointly, to the Committees on Energy and Commerce; Science, Space, and Technology, and Appropriations.

3944. A letter from the Secretary of Commerce, transmitting the annual report of the Secretary of Commerce to the Congress for the fiscal year ending September 30, 1993, pursuant to 15 U.S.C. 1519; jointly, to the Committees on Energy and Commerce; Ways and Means; Government Operations; the Judiciary; Science, Space, and Technology; Post Office and Civil Service; Banking, Finance and Urban Affairs; Foreign Affairs; Merchant Marine and Fisheries; and Public Works and Transportation.

¶122.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 3050. An Act to expand the boundaries of the Red Rock Canyon National Conservation Area;

H.R. 3678. An Act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources;

H.R. 4196. An Act to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy and a Sustainable Environment qualify for loans and grants from the Rural Development Administration;

H.R. 4535. An Act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes;

H.R. 4777. An Act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees;

H.R. 5084. An Act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes;

H.R. 5116. An Act to amend title 11 of the United States Code;

H.J. Res. 271. Joint resolution designating the month of November in each of calendar years 1993 and 1994 as ''National American Indian Heritage Month.''

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 amendment of the Senate to the bill (H.R. 4278) ''An Act to make improvements in the old-age, survivors, and disability insurance program under title I of the Social Security Act.''

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the bill (H.R. 783) ''An Act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization'' with amendments.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the bill (H.R. 2440) ''An Act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.''

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 560. An Act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes;

S. 1413. An Act to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for eight years, and for other purposes;

S. 2433. An Act to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes;

S.J. Res. 188. Joint resolution to designate 1995 the ''Year of the Girl Child''; and

S. Con. Res. 66. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 1614) ''An Act to amend the Children Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.''

¶122.4 ORDER OF BUSINESS—PRIVATE CALENDAR BUSINESS

On motion of Mr. BOUCHER, by unanimous consent,

Ordered, That business in order under clause 6, rule XXIV, the Private Calendar rule, be in order today.

¶122.5 PRIVATE CALENDAR

Pursuant to clause 6, rule XXIV, and the special order heretofore agreed to,

The SPEAKER directed the Private Calendar to be called.

When,

¶122.6 BILLS PASSED

The bills of the following titles were severally considered, read twice, ordered to be engrossed and read a third time, were severally read a third time by title, and passed:

H.R. 3344. A bill for the relief of Lloyd B. Gamble.

H.R. 3917. A bill for the relief of Arthur A. Carron, Jr.

Ordered, That the Clerk request the concurrence of the Senate in said bills, severally.

¶122.7 BILLS PASSED OVER

By unanimous consent, the bills of the following titles were severally passed over without prejudice and retain their places on the Private Calendar:

H.R. 1184. A bill for the relief of Jung Ja Golden.

H.R. 2084. A bill for the relief of Fanie Phily Mateo Angeles.

H.R. 3718. A bill for the relief of Mark A. Potts.

Motions severally made to reconsider the votes whereby each bill on the Private Calendar was disposed of today were, by unanimous consent, laid on the table.

¶122.8 PRIVILEGES OF THE HOUSE—RETURN OF SENATE BILL

Mr. GIBBONS rose to a question of the privileges of the House and submitted the following resolution (H. Res. 577):

Resolved, That the bill of the Senate (S. 1216) entitled the ''Crow Boundary Settlement Act of 1994'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore, Mr. MAZZOLI, ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and recognized Mr. GIBBONS and Mr. HERGER, each for thirty minutes.

After debate,

By unanimous consent, 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.

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.

Ordered, That the Clerk notify the Senate thereof.

¶122.9 VETERANS HEALTH IMPROVEMENTS ACT OF 1993

On motion of Mr. MONTGOMERY, by unanimous consent, the bill (H.R. 3313) to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Benefits and Services Amendments of 1994''.

SEC. 2 REVISION IN COMPUTATION OF AGGREGATE GUARANTY FOR HOME LOANS.

Section 3702(b) of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

''(1) the loan has been repaid in full, or the Secretary has been released from liability as to the loan, or if the Secretary has suffered a loss on the loan, the loss has been paid in full; or'';

(2) in paragraph (2), by striking out ''; or'' and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

SEC. 3. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—Section 3710(a) of title 38, United States Code, is amended by adding after paragraph (10) the following:

''(11) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d) of this section.''.

(b) AMOUNT OF GUARANTY.—Section 3710(e)(1) of such title is amended—

(1) in the matter above subparagraph (A), by inserting ''or subsection (a)(11)'' after ''subsection (a)(8)''; and

(2) by amending subparagraph (C) to read as follows:

''(C) the amount of the loan may not exceed—

''(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary, under regulations which the Secretary shall prescribe, to be included in such loan; or

''(ii) in the case of a loan for a purpose specified in such subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) of this subparagraph and the amount specified under subsection (d)(2) of this section;''.

(c) FEE.—Section 3729(a)(2)(E) of such title is amended by inserting ''3710(a)(11),'' after ''3710(a)(9)(B)(i),''.

SEC. 4. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) EXPANSION OF ERA.—Section 101(29) of title 38, United States Code, is amended to read as follows:

''(29) The term 'Vietnam era' means—

''(A) the period beginning February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period; and

''(B) the period beginning August 5, 1964, and ending on May 7, 1975, in all other cases.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994. No person shall be entitled to receive by reason of the amendment made by subsection (a) any benefits for any period before such date.

SEC. 5. EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES FROM DETERMINATION OF ANNUAL INCOME FOR PURPOSES OF ELIGIBILITY FOR PENSION.

Section 1503(a) of title 38, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10)(B) and inserting in lieu thereof ''; and''; and

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

''(11) cash, stock, land, or other interest referred to in subparagraphs (A) through (E) below paragraph (3) of section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)), whether attributable to the disposition of real property, profits from the operation of real property, or otherwise, that is received from a Native Corporation under such Act (43 U.S.C. 1601 et seq.).''.

SEC. 6. AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may enter into a long-term lease or similar agreement with the organization known as the The Caring Place at Loyola, Inc., a not-for-profit organization operating under the laws of the State of Illinois, to permit that organization to establish on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Medical Center, Hines, Illinois, a facility to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center.

(b) TERMS OF AGREEMENT.—An agreement under subsection (a)—

(1) shall ensure that there shall be no cost to the Federal Government as a result of the property use authorized under that subsection;

(2) may permit the use of the property without rent; and

(3) shall, to the extent practicable, ensure that one room of the facility is available for the use of a veteran (at no cost to the veteran) as temporary accommodations for the veteran while the veteran's severely ill child is treated at the Loyola University of Chicago Medical Center.

Amend the title so as to read: ''To amend title 38, United States Code, to permit home loan guaranties for energy efficiency improvements, to extend the period of the Vietnam era, to exclude certain payments to Alaska natives from annual income determinations for pension purposes, and for other purposes.''.

On motion of Mr. MONTGOMERY, said Senate amendments were agreed to with the following amendment:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Health Programs Extension Act of 1994''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

Sec. 101. Sexual trauma counseling and services.
Sec. 102. Research relating to women veterans.
Sec. 103. Extension of expiring authorities.
Sec. 104. Facilities in Republic of the Philippines.
Sec. 105. Savings provision.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects and major medical facility leases.
Sec. 202. Authorization of appropriations.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly 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 title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF

LIMITATION ON TIME TO SEEK SERVICES.—Subsection (a) of section 1720D is amended—

(1) by striking out paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.''.

(b) EXTENSION OF PERIOD OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Such subsection is further amended—

(1) in paragraph (1), by striking out ''December 31, 1995,'' and inserting in lieu thereof ''December 31, 1998,''; and

(2) in paragraph (3), by striking out ''December 31, 1994,'' and inserting in lieu thereof ''December 31, 1998,''.

(c) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Such section is further amended—

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

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(d) COORDINATION OF CARE.—Paragraph (1) of subsection (b) of such section, as redesignated by subsection (c)(2), is amended to read as follows:

''(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.''.

(e) INCREASED PRIORITY OF CARE.—Section 1712(i) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''To a veteran''; and

(B) by inserting '', or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services'' before the period at the end; and

(2) in paragraph (2)—

(A) by striking out '', (B)'' and inserting in lieu thereof ''or (B)''; and

(B) by striking out '', or (C)'' and all that follows through ''such counseling''.

(f) PROGRAM REVISION.—(1) Section 1720D is further amended—

(A) by striking out ''woman'' in subsection (a)(1);

(B) by striking out ''women'' in subsection (b)(2)(C) and in the first sentence of subsection (c), as redesignated by subsection (c); and

(C) by striking out ''women'' in subsection (c)(2), as so redesignated, and inserting in lieu thereof ''individuals''.

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

''§ 1720D. Counseling and treatment for sexual trauma''.

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

''1720D. Counseling and treatment for sexual trauma.''.

(g) INFORMATION BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c), as redesignated by subsection (c) of this section, is amended to read as follows:

''(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number); and''.

(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(5) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

(A) The number of persons who sought information during the period covered by the report through a toll free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

(B) A description of the training provided to the personnel who provide such assistance.

(C) The recommendations and plans of the Secretary for the improvement of the service.

(h) CONFORMING REPEAL.—Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

SEC. 102. RESEARCH RELATING TO WOMEN VETERANS.

(a) INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.—Section 7303 is amended—

(1) by transferring the text of subsection (c) to the end of subsection (a)(1); and

(2) by striking out ''(c)'' and inserting in lieu thereof the following:

''(c)(1) In conducting or supporting clinical research, the Secretary shall ensure that, whenever possible and appropriate—

''(A) women who are veterans are included as subjects in each project of such research; and

''(B) members of minority groups who are veterans are included as subjects of such research.

''(2) In the case of a project of clinical research in which women or members of minority groups will under paragraph (1) be included as subjects of the research, the Secretary shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.''.

(b) HEALTH RESEARCH.—(1) Such section is further amended by adding after subsection (c), as added by subsection (a), the following new subsection:

''(d)(1) The Secretary, in carrying out the Secretary's responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

''(2) In carrying out this subsection, the Secretary shall consult with the following to assist the Secretary in setting research priorities:

''(A) Officials of the Department assigned responsibility for women's health programs and sexual trauma services.

''(B) The members of the Advisory Committee on Women Veterans.

''(C) Members of appropriate task forces and working groups within the Department (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).''.

(2) Section 109 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 7303 note) is repealed.

(c) POPULATION STUDY.—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: ''If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women.''.

SEC. 103. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES.—Chapter 17 is amended—

(1) in section 1710(e)(3)—

(A) by striking out ''June 30, 1994'' and inserting in lieu thereof ''June 30, 1995''; and

(B) by striking out ''December 31, 1994'' and inserting in lieu thereof ''December 31, 1995''; and

(2) in section 1712(a)(1)(D), by striking out ''December 31, 1994'' and inserting in lieu thereof ''December 31, 1995''.

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) is amended by striking out ''December 31, 1994'' and inserting in lieu thereof ''December 31, 1995''.

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—(1) Effective as of October 1, 1994, subsection (a) of section 1720C is amended by striking out ''During the four-year period beginning on October 1, 1990,'' and inserting in lieu thereof ''During the period through September 30, 1995,''.

(2) Such subsection is further amended by striking out ''care and who—'' and inserting in lieu thereof ''care. The Secretary shall give priority for participation in such program to veterans who—''.

(d) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 is amended by striking out ''December 31, 1994'' and inserting in lieu thereof ''December 31, 1995''.

(e) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''September 30, 1994'' and inserting in lieu thereof ''September 30, 1995''.

(f) DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.—Sction 7(a) of Public Law 102–54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended by striking out ''1994'' and inserting in lieu thereof ''1995''.

(g) REPORT DEADLINES.—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366; 38 U.S.C. 1720C note) is amended by striking out ''February 1, 1994,'' and inserting in lieu thereof ''February 1, 1995,''.

SEC. 104. FACILITIES IN REPUBLIC OF THE PHILIPPINES.

Notwithstanding section 1724 of title 38, United States Code, the Secretary of Veter-

ans Affairs may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish, during the period from February 28, 1994, through June 1, 1994, hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services under the preceding sentence to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

SEC. 105. RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY.

Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) PROJECTS AUTHORIZED.—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(b) ADDITIONAL PROJECTS.—(1) In addition to the projects authorized in subsection (a), the Secretary may carry out the following major medical facility projects in the amounts specified for such projects:

(A) The projects that are proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget of the President for fiscal year 1995 to be financed with funds from the proposed Health Care Investment Fund.

(B) Construction of a nursing home facility at the Department of Veterans Affairs Medical Center in Charleston, South Carolina, in the amount of $7,300,000.

(C) Construction of an outpatient care addition at the Department of Veterans Affairs medical center in Phoenix, Arizona, in the amount of $50,000,000.

(D) A lease/purchase of a nursing home facility near Fort Myers, Florida, in the amount of $12,800,000.

(2) The authorizations in paragraph (1) apply to projects which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(c) PROJECTS FOR WHICH FUNDS APPROPRIATED.—In addition to the projects authorized in subsections (a) and (b), the Secretary may carry out the following major medical facility projects for which funds were appropriated in chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103–211; 108 Stat. 10) in the amounts specified:

(1) Construction of an ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, $53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake-damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, $50,000,000.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995—

(1) $379,370,000 for the major medical facility projects authorized in subsections (a), (b), and (c) of section 201; and

(2) $15,800,000 for the major medical facility leases authorized in section 201(a).

(b) LIMITATION.—The projects authorized in subsections (a) and (b) of section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1995 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1995 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1995 for a category of activity not specific to a project.

(c) LIMITATION ON CERTAIN PROJECTS.—The projects authorized in subsection (c) of section 201 may only be carried out using—

(1) funds appropriated to the Construction, Major Projects account under chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103–211; 108 Stat. 10) and funds transferred by the President to the Construction, Major Projects account pursuant to chapter 8 of that Act (108 Stat. 14);

(2) funds appropriated to the Medical Care account by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 that are transferred to the Construction, Major Projects account;

(3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1995 that remain available for obligation; and

(4) funds appropriated to the Construction, Major Projects account for fiscal year 1995 for a category of activity not specific to a project.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: ''An Act to amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.''.

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

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶122.10 VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT

On motion of Mr. MONTGOMERY, by unanimous consent, the bill of the Senate (S. 1927) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; together with the following amendment of the Senate to the amendment of the House was taken from the Speaker's table:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 1994''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1994, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b)—

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(7) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1994. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1994, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

On motion of Mr. MONTGOMERY, said Senate amendment to the House amendment was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶122.11 NEW LONDON NATIONAL FISHING HATCHERY

On motion of Mr. STUDDS, by unanimous consent, the bill (H.R. 3664) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fishing Hatchery production facility; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

SEC. 2. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the State of Iowa, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National Fish Hatchery located in Muscatine County, Iowa, adjacent to State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

SEC. 3. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the State of Arkansas, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

Amend the title so as to read: ''A bill to direct the Secretary of the Interior to transfer certain national fish hatcheries.''.

On motion of Mr. STUDDS, said Senate amendments were agreed to with the following amendments:

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

TITLE I—FISH HATCHERY CONVEYANCES

SECTION 101. CONVEYANCE OF NEW LONDON NATIONAL FISH HATCHERY PRODUCTION FACILITY TO THE STATE OF MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the enactment of this Act, the Secretary of the Interior shall convey to the State of Minnesota without reimbursement all right, title, and interest of the United States in and to the property comprising the New London National Fish Hatchery production facility, located outside of downtown New London, Minnesota, including—

(1) all easements and water rights relating to that property; and

(2) all land, improvements, and related personal property comprising that production facility.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Minnesota Department of Natural Resources for the Minnesota fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Minnesota fishery resources management program.

SEC. 102. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the State of Iowa, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National fish Hatchery located in Muscatine County, Iowa, adjacent to the State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

SEC. 103. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the State of Arkansas, without reimbursement and by no later than 90 days after the enactment of this act, all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas Fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas, consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF THE UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

TITLE II—OCEAN RADIOACTIVE WASTE DUMPING BAN

SEC. 201. OCEAN RADIOACTIVE WASTE.

(a) AMENDMENTS TO THE OCEAN DUMPING ACT.—The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended—

(1) in section 3 (33 U.S.C. 1402), by—

(A) striking paragraph (j); and

(B) redesignating the following paragraphs accordingly;

(2) by altering a reference to the paragraphs redesignated under paragraph (1) of this section;

(3) in section 102(a) (33 U.S.C. 1412(a)), by striking ''high-level'' before ''radioactive waste''; and

(4) in section 104 (33 U.S.C. 1414), by striking subsection (i).

(b) CLARIFICATION.—Nothing in this section shall affect the transportation of material containing de minimis levels of radioactivity for the purpose of dumping it into ocean waters under the Marine Protection, Research, and Sanctuaries Act of 1972.

TITLE III—THE EDWIN B. FORSYTHE NATIONAL WILDLIFE REFUGE

SEC. 301. VISITOR CENTER.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior shall, subject to the availability of appropriations, construct and operate a visitor center at the Edwin B. Forsythe National Wildlife Refuge in Atlantic County, New Jersey for purposes of—

(A) providing public opportunities, facilities, and resources to study the natural history and natural resources of New Jersey and its coast;

(B) providing public opportunities, facilities, and resources to highlight and research areas and artifacts of historical significance within the Refuge;

(C) fostering an awareness and understanding of the interactions among wildlife, coastal and wetland ecosystems, and human activities both in a modern and historical context; and

(D) providing office space and facilities for refuge administration, research, educational, and related activities.

(b) DESIGN.—The Secretary of the Interior shall ensure that the design, size, and location of a facility constructed under this section are consistent with the cultural and natural history of the area with which the facility will be concerned.

(c) COST SHARING.—The Secretary of the Interior may accept contributions of funds from non-Federal sources to pay the costs of operating and maintaining the facility authorized under this section, and shall diligently pursue appropriate steps to obtain such contributions.

TITLE IV—STATE AND FEDERAL COOPERATION

SEC. 401. IN GENERAL.—To the greatest extent practicable, the Secretary of the Interior and the heads of other federal agencies shall consult and cooperate with state fish and wildlife agency personnel on areas of mutual concern involving the conservation of fish, wildlife and their habitats, and the implementation of federal laws involving the conservation of such species and their habitats. In cooperating with such agencies, the Secretary and the heads of other federal agencies shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. APP. 2).

TITLE V—DON EDWARDS CENTER FOR ENVIRONMENTAL EDUCATION AT SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

SEC. 501 FINDINGS.

The Congress Finds that—

(1) The San Francisco Bay National Wildlife Refuge provides great opportunities for observing and interpreting the biological richness of the San Francisco Bay estuary and its wetlands and wildlife.

(2) Congressman Don Edwards was the sponsor of legislation to establish and to expand the San Francisco Bay National Wildlife Refuge and has led the efforts to secure acquisition funds for the refuge.

(3) The people of the San Francisco Bay area and the State of California will benefit, for decades to come, from the tireless efforts of Congressman Don Edwards on behalf of environmental protection and specifically, in

establishing the San Francisco Bay National Wildlife Refuge.

(4) Congressman Don Edwards should most appropriately be recognized for his work by having the San Francisco Bay National Wildlife Refuge visitor center named and dedicated in his honor.

SEC. 502. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE NAMED AS DON EDWARDS CENTER FOR ENVIRONMENTAL EDUCATION.

Within 60 days of enactment, the Secretary of the Interior shall rename the San Francisco Bay National Wildlife Refuge visitor center as the Don Edwards Center for Environmental Education.

SEC. 503. COST SHARING.

Notwithstanding any provision of law, the Secretary of the Interior may solicit, accept and expend contributions of funds from non-Federal sources to help support the costs of operation and maintenance of the Don Edwards Center for Environmental Education.

TITLE VI—AMENDMENTS TO THE COASTAL BARRIER RESOURCES SYSTEM

SEC. 601. CORRECTION TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 30 days after the enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that—

(1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled ''Coastal Barrier Resources System'', dated September 27, 1994, and on file with the Secretary of the Interior; and

(2) the Coastal Barriers Resources System does not include any area that, on the day before the date of the enactment of this Act, was part of unit FL–O5P of the system.

(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled ''Coastal Barrier Resources System'', dated October 24, 1990; and

(2) relate to the following units of the Coastal Barrier Resources System: AL–01P, FL–O5P, P11A, P17, P17A, P18P, P19P, FL–15, FL–95P, FL–36P, P31P, FL–72P, MI–21, NY–75, and VA–62P.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of Coastal Barrier Resources Act (16 U.S.C. 3510) is amended to read as follows:

"SEC 12. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary for carrying out this Act $2,000,000 for each of fiscal years 1995 through 1998.''.

TITLE VII—RHINOCEROS AND TIGER CONSERVATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Rhinoceros and Tiger Conservation Act of 1994''.

SEC. 702. FINDINGS.

The Congress finds the following:

(1) The world's rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.

(2) All 5 subspecies of tiger are currently threatened with extinction in the wild, with approximately 5,000 to 6,000 tigers remaining worldwide.

(3) All rhinoceros species have been listed on Appendix I of CITES since 1977.

(4) All tiger subspecies have been listed on Appendix I of CITES since 1987.

(5) The tiger and all rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) In 1987, the parties of CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade in rhinoceros products.

(7) On September 7, 1993, under section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) the Secretary certified that the People's Republic of China and Taiwan were engaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.

(8) On September 9, 1993, the Standing Committee on CITES, in debating the continuing problem of trade in rhinoceros horn and tiger parts, adopted a resolution urging parties to CITES to implement stricter domestic measures, up to and including an immediate prohibition in trade in wildlife species.

(9) On November 8, 1993, under section 8 of the Fishermen's Protection Act of 1967 (22 U.S.C. 1978), the President announced that the United States would impose trade sanction against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.

(10) On April 11, 1994, under section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978), the President—

(A) directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan's failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and

(B) indicated that the certification of China would remain in effect and directed that additional monitoring of China's progress be undertaken.

SEC. 703. PURPOSES.

The purposes of this Act are the following:

(1) To assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and the CITES Secretariat.

(2) To provide financial resources for those programs.

SEC 704. DEFINITIONS.

In this Act—

(1) ''CITES'' means the Convention of International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices;

(2) ''conservation'' means the use of all methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure that those species do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat protection, acquisition, and management, propagation, live trapping, and transportation;

(3) ''Fund'' means the Rhinoceros and Tiger Conservation Fund established under section 706(a);

(4) ''Secretary'' means the Secretary of the Interior; and

(5) ''Administrator'' means the Administrator of the Agency for International Development.

SEC. 705. RHINOCEROS AND TIGER CONSERVATION ASSISTANCE.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations and in consultation with the Administrator, shall use amounts in the Fund to provide financial assistance for projects for the conservation of rhinoceros and tigers.

(b) PROJECT PROPOSAL.—A country whose activities directly or indirectly affect rhinoceros or tiger populations, the CITES Secretariat, or any other person may submit to the Secretary a project proposal under this section. Each proposal shall—

(1) name the individual responsible for conducting the project;

(2) state the purposes of the project succinctly;

(3) describe the qualifications of the individuals who will conduct the project;

(4) estimate the funds and time required to complete the project;

(5) provide evidence of support of the project by appropriate governmental entities of countries in which the project will be conducted, if the Secretary determines that the support is required for the success of the project; and

(6) provide any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—Within 30 days of receiving a final project proposal, the Secretary shall provide a copy of the proposal to the Administrator. The Secretary shall review each final project proposal to determine if it meets the criteria set forth in subsection (d). Not later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary, after consulting with the Administrator, shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal, to the Administrator, and to each country within which the project is to be conducted.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project under this section if the project will enhance programs for conservation of rhinoceros or tigers by assisting efforts to—

(1) implement conservation programs;

(2) enhance compliance with provisions of CITES and laws of the United States or a foreign country that prohibit or regulate the taking or trade of rhinoceros or tigers or the use of rhinoceros or tiger habitat; or

(3) develop sound scientific information on that species' habitat condition and carrying capacity, total numbers and population trends, or annual reproduction and mortality.

(e) PROJECT SUSTAINABILITY.—To the maximum extent practical, the Secretary should give consideration to projects which will enhance sustainable development programs to ensure effective, long-term conservation of rhinoceros and tigers.

(f) PROJECT REPORTING.—Each person that receives assistance under this section for a project shall provide periodic reports, as the Secretary considers necessary, to the Secretary and the Administrator. Each report shall include all information requested by the Secretary, after consulting with the Administrator, for evaluating the progress and success of the project.

SEC. 706. RHINOCEROS AND TIGER CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the ''Rhinoceros and Tiger Conservation Fund'', which shall consist of amounts deposited into the Fund of the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Fund.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 705.

(2) ADMINISTRATION.—Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 705. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $10,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000 to carry out this Act, to remain available until expended.

Amend the title so as to read ''A bill to direct the Secretary of the Interior to transfer certain national fish hatcheries, and for other purposes''.

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

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶122.12 PAYMENTS IN LIEU OF TAXES

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 565 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill of the Senate (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, designated Mr. LANCASTER as Chairman of the Committee of the Whole; and after some time spent therein,

¶122.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Supplemental Payments in Lieu of Taxes Act of 1994''.

(b) FINDINGS.—The Congress finds that—

(1) since 1907, Congress has enacted a variety of laws under which the United States makes payments to States and local governments based in various ways on the location, management, or use of Federal lands;

(2) in 1970, the Public Land Law Review Commission found that ''existing revenue-sharing programs do not meet a standard of equity and fair treatment either to State and local governments nor to the Federal taxpayers'' and recommended that these programs be replaced with a system of payments-in-lieu-of-taxes (''PILT'');

(3) in 1976, Congress enacted a PILT program, based primarily on the location rather than the management or use of Federal lands, in addition to, but not as a replacement for, other payment programs;

(4) local governmental units eligible for payments under the PILT program vary considerably in terms of the rates of taxation of non-Federal lands, the services provided to and received from the United States because of the location of Federal lands, and the level of payments received from the United States under programs other than the PILT program;

(5) since 1976, inflation has eroded the purchasing power of PILT payments, while other developments have greatly affected the other payments to States and local governments that are related to the management and use of Federal lands; and

(6) under the circumstances described in these findings, it is appropriate to authorize temporary increases in payments under the PILT program, and to provide for later consideration of a restructuring of both the PILT program and other payment programs, along lines suggested by the Public Land Law Review Commission.

(c) PURPOSE.—The purpose of this Act is to authorize a temporary increase in PILT payments, while requiring a review of payment programs and the submission of recommendations as to whether the PILT program and other payment programs should be revised to more fully achieve the goals of equitable treatment of both payment recipients and the Federal taxpayers.

SEC. 2. DEFINITIONS AND ADDITIONAL PAYMENTS.

(a) DEFINITIONS.—As used in this Act—

(1) the term ''PILT Act'' means chapter 69 of title 31, United States Code;

(2) the term ''unit of general local government'' has the same meaning as in the PILT Act; and

(3) the term ''supplemental PILT payments'' means payments made under this Act.

(b) SUPPLEMENTAL PAYMENTS IN FISCAL YEARS 1996 AND 1997.—(1) There are hereby authorized to be appropriated such sums as may be necessary for supplemental PILT payments pursuant to this Act to be made for fiscal years 1996 and 1997 to units of general local government qualified to receive payments under the PILT Act.

(2) Payments authorized by this Act shall be calculated in the same manner as payments under the PILT Act, except that solely for the purpose of calculating payments authorized by this Act—

(A) the phrase ''93 cents for each acre of entitlement land for fiscal year 1996, and $1.11 for fiscal year 1997,'' shall be substituted in subparagraph (A) of section 6903(b)(1) of title 31, United States Code, in lieu of ''75 cents per each acre of entitlement land''; and

(B) the following tables shall be substituted for the table at the end of section 6903(c)(2) of title 31, United States Code—

(i) for fiscal year 1996:

If population equals—	the limitation is equal to the population times—
5,000	$62.00
6,000	58.00
7,000	54.50
8,000	51.00
9,000	47.00
10,000	43.50
11,000	42.00
12,000	41.00
13,000	40.00
14,000	38.50
15,000	37.00
16,000	36.50
17,000	36.00
18,000	35.50
19,000	34.50
20,000	34.00
21,000	33.75
22,000	33.50
23,000	33.00
24,000	32.50
25,000	32.25
26,000	32.00
27,000	31.75
28,000	31.50
29,000	31.25
30,000	31.00
31,000	30.75
32,000	30.50
33,000	30.00
34,000	29.75
35,000	29.50
36,000	29.25
37,000	28.75
38,000	28.50
39,000	28.25
40,000	28.00
41,000	27.50
42,000	27.25
43,000	27.00
44,000	26.50
45,000	26.25
46,000	26.00
47,000	25.75
48,000	25.50
49,000	25.00
50,000	24.75

(ii) for fiscal year 1997:

If population equals—	the limitation is equal to the population times—
5,000	$74.00
6,000	68.50
7,000	65.00
8,000	61.00
9,000	56.00
10,000	52.00
11,000	50.50
12,000	49.00
13,000	47.50
14,000	46.00
15,000	44.50
16,000	43.50
17,000	43.00
18,000	42.00
19,000	41.50
20,000	41.00
21,000	40.25
22,000	40.00
23,000	39.50
24,000	39.00
25,000	38.50
26,000	38.25
27,000	38.00
28,000	37.50
29,000	37.25
30,000	37.00
31,000	36.75
32,000	36.25
33,000	36.00
34,000	35.50
35,000	35.00
36,000	34.75
37,000	34.50
38,000	34.00
39,000	33.75
40,000	33.25
41,000	33.00
42,000	32.50
43,000	32.25
44,000	32.00
45,000	31.50
46,000	31.00
47,000	30.75
48,000	30.50
49,000	30.00
50,000	29.50

SEC. 3. STUDY AND REPORT.

(a) DEADLINE AND RECOMMENDATIONS.—(1) No later than January 1, 1996, the Comptroller General of the United States shall submit to the Congress a report concerning the results of the study described in subsection (b) of this section.

(2) The report required by paragraph (1) shall include recommendations for revisions of the PILT Act and other laws that would—

(A) provide reasonably predictable payments that are at least as stable as receipts from taxes on non-Federal lands; and

(B) provide an equitable payment system to compensate units of local government for

the net costs incurred by such governments as a result of the presence of Federal lands that are not within the local tax base.

(b) STUDY.—In preparing the report required by this section, the Comptroller General shall—

(1) review the authorities and resulting payments under the PILT Act and other laws providing payments to States and units of local government related to the presence of Federal lands within the jurisdiction of recipient units of government, including the extent to which such payments differ because of disparate treatment of lands classed as public domain and those classed as acquired lands;

(2) assess the adequacy of agency auditing and monitoring, and of the funding for such auditing and monitoring, of the reports required by section 6903(b)(2) of title 31, United States Code;

(3) compare the payments under the PILT Act and other studied laws with—

(A) the net costs imposed on recipient units of local governments by the presence of Federal lands;

(B) the tax payments private landowners would likely have paid to recipient units during the same period; and

(C) services provided to local units of government by Federal land-managing agencies;

(4) examine how payments under the PILT Act and other studied laws affect and interact with the rates of taxation imposed by local units of government on non-Federal lands, including the extent to which total Federal payments are affected by State laws providing for the distribution to independent entities (other than units of general local government);

(5) assess the cost and equity of expanding the categories of lands that would be included in the ''entitlement lands'', as such term is used in the PILT Act, including (but not limited) to Indian trust lands and acquired lands included in the National Wildlife Refuge System;

(6) identify the extent to which the States make payments to their political subdivisions that are related to the presence within such subdivisions of State-owned lands; and

(7) examine alternatives to the current system of payments under the PILT Act and other laws, including (but not limited to) methods used by States to make payments to their political subdivisions related to the location of State-owned lands within such subdivisions.

It was decided in the negative ..... { Yeas ..... 160 / Nays 262

¶122.14 [Roll No. 502]

AYES—160

Abercrombie
Andrews (TX)
Armey
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Boucher
Brown (OH)
Bryant
Cardin
Carr
Castle
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cox
Crane
de Lugo (VI)
Dellums
Deutsch
Diaz-Balart
Dreier
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
Ewing
Faleomavaega (AS)
Fawell
Fields (LA)
Filner
Fingerhut
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilchrest
Gillmor
Glickman
Gordon
Grams
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hancock
Hastert
Hinchey
Hobson
Hoke
Holden
Inglis
Jacobs
Jefferson
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
McCrery
McHale
McHugh
Meehan
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Moorhead
Moran
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Olver
Owens
Pallone
Pelosi
Penny
Petri
Pickle
Porter
Portman
Pryce (OH)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schumer
Sensenbrenner
Sharp
Shays
Shuster
Slaughter
Smith (NJ)
Stark
Studds
Synar
Torricelli
Traficant
Underwood (GU)
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Watt
Waxman
Weldon
Woolsey
Yates
Zimmer

NOES—262

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dunn
Edwards (TX)
Emerson
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (TX)
Fish
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Furse
Gallegly
Gekas
Geren
Gibbons
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hamburg
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hochbrueckner
Hoekstra
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kennedy
Kennelly
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Manton
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McDade
McDermott
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Mica
Moakley
Molinari
Montgomery
Murtha
Myers
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Quillen
Ramstad
Richardson
Ridge
Roberts
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Sanders
Sangmeister
Schaefer
Schenk
Schiff
Schroeder
Scott
Serrano
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Unsoeld
Valentine
Vucanovich
Walker
Waters
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—18

Applegate
Barton
Bilirakis
Chapman
DeLay
Gallo
Inhofe
Istook
Levy
Lewis (FL)
McCurdy
Ravenel
Romero-Barcelo (PR)
Slattery
Sundquist
Tucker
Washington
Whitten

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶122.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. VENTO:

Page 4, strike lines 1 through 12 and renumber subsequent sections accordingly.

It was decided in the negative ..... { Yeas ..... 195 / Nays 223

¶122.16 [Roll No. 503]

AYES—195

Abercrombie
Andrews (TX)
Armey
Baesler
Ballenger
Barca
Barcia
Barrett (WI)
Beilenson
Bereuter
Berman
Blute
Boehlert
Borski
Bryant
Buyer
Cardin
Carr
Castle
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cox
Coyne
Crane
Danner
de Lugo (VI)
Dellums
Deutsch
Diaz-Balart
Dingell
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
Ewing
Fawell
Fields (LA)
Filner
Fingerhut
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gonzalez
Goodling
Gordon
Grams
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastert
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hughes
Hutto
Inglis
Jacobs
Jefferson
Johnson (GA)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
King
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Lambert
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
McCloskey
McCollum
McCrery
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Olver
Owens
Oxley
Pallone
Payne (VA)
Pelosi
Penny
Petri
Pickle
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Reed
Regula
Reynolds
Roemer
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roukema
Royce
Rush
Sabo
Santorum
Sawyer
Saxton
Schroeder
Schumer
Sensenbrenner

Serrano
Sharp
Shays
Shuster
Sisisky
Skaggs
Slaughter
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stearns
Swett
Synar
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Waxman
Weldon
Woolsey
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—223

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Archer
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Barlow
Barrett (NE)
Bartlett
Bateman
Becerra
Bentley
Bevill
Bilbray
Bishop
Blackwell
Bliley
Boehner
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Conyers
Cooper
Coppersmith
Costello
Cramer
Crapo
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (TX)
Fish
Flake
Foley
Ford (MI)
Frost
Furse
Gallegly
Gibbons
Gilman
Gingrich
Glickman
Goodlatte
Goss
Grandy
Gunderson
Hall (TX)
Hamburg
Hancock
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hunter
Hutchinson
Hyde
Inslee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kennelly
Kim
Kingston
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Manton
Martinez
Matsui
Mazzoli
McDade
McDermott
McInnis
McKeon
Meek
Menendez
Mica
Moakley
Molinari
Montgomery
Moorhead
Moran
Myers
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Pastor
Paxon
Payne (NJ)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Quillen
Rangel
Richardson
Ridge
Roberts
Rogers
Rose
Roth
Rowland
Roybal-Allard
Sanders
Sangmeister
Sarpalius
Schaefer
Schenk
Schiff
Scott
Shaw
Shepherd
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Snowe
Stenholm
Stokes
Strickland
Stump
Stupak
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Underwood (GU)
Unsoeld
Valentine
Vucanovich
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Young (AK)

NOT VOTING—22

Applegate
Barton
Bilirakis
DeLay
Faleomavaega (AS)
Ford (TN)
Gallo
Houghton
Inhofe
Istook
Levy
Lewis (FL)
McCandless
McCurdy
Ravenel
Romero-Barcelo (PR)
Slattery
Studds
Sundquist
Tucker
Washington
Whitten

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SHARP, assumed the Chair.

When Mr. LANCASTER, Chairman, pursuant to House Resolution 565, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

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

Mr. KLECZKA demanded that the vote be taken by the yeas and nays, which demand was not supported by one-fifth of the Members present, so the yeas and nays were refused.

So the bill was passed.

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

Ordered, That the Clerk notify the Senate thereof.

¶122.17 QUINEBAUG AND SHETUCKET RIVERS VALLEY

On motion of Mr. VENTO, by unanimous consent, the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike all after the enacting clause and insert the following:

TITLE I—QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR

SECTION 101. SHORT TITLE.

This title may be cited as the ''Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994''.

SEC. 102. FINDINGS.

The Congress finds that—

(1) the Quinebaug and Shetucket Rivers Valley in the State of Connecticut is one of the last unspoiled and undeveloped areas in the Northeastern United States and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and other permanent open space;

(2) the State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other Northeastern States in the amount of land set-aside for public recreation;

(3) the beautiful rural landscapes, scenic vistas and excellent water quality of the Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States;

(4) the Quinebaug and Shetucket Rivers Valley is within a two-hour drive of the major metropolitan areas of New York City, Hartford, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter ''closer-to-home'' vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for significant population;

(5) the existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution;

(6) the Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States;

(7) the Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the Northeastern United States;

(8) the Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period, leading the transformation from Puritan to Yankee, the ''Great Awakening'' religious revival and early political development leading up to and during the War of Independence; and

(9) many local, regional and State 'agencies businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

SEC. 103. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the State of Connecticut the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

(b) PURPOSE.—It is the purpose of this title to provide assistance to the State of Connecticut, its units of local and regional government and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, and structures of the Quinebaug and Shetucket Rivers Valley.

SEC. 104. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The boundaries of the Corridor shall include the towns of Ashford, Brooklyn, Canterbury, Chaplin, Coventry, Eastford, Franklin, Griswold, Hampton, Killingly, Lebanon, Lisbon, Mansfield, Norwich, Plainfield, Pomfret, Preston, Putnam, Scotland, Sprague, Sterling, Thompson, Voluntown, Windham, and Woodstock. As soon as practical after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of boundaries established under this subsection.

SEC. 105. STATE CORRIDOR PLAN.

(a) PREPARATION OF PLAN.—Within two years after the date of enactment of this title, the Governor of the State of Connecticut is encouraged to develop a Cultural Heritage and Corridor Management Plan. The plan shall be based on existing Federal, State, and local plans, but shall coordinate those plans and present a comprehensive historic preservation, interpretation, and recreational plan for the Corridor. The plan shall—

(1) recommend non-binding advisory standards and criteria pertaining to the construction, preservation, restoration, alteration and use of properties within the Corridor, including an inventory of such properties which potentially could be preserved, restored, managed, developed, maintained, or acquired based upon their historic, cultural or recreational significance;

(2) develop an historic interpretation plan to interpret the history of the Corridor;

(3) develop an inventory of existing and potential recreational sites which are developed or which could be developed within the Corridor;

(4) recommend policies for resource management which consider and detail applica-

tion of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Corridor's historical, cultural, recreational, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(5) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(6) contain a program for implementation of the plan by the State and its political subdivisions.

(b) PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.—During development of the Plan, the Governor is encouraged to include:

(1) the participation of at least the following:

(A) local elected officials in the communities defined in section 104;

(B) representatives of the three Regional Planning Agencies defined in section 108;

(C) representatives of Northeast Connecticut Visitors District and Southeastern Connecticut Tourism District;

(D) the Commissioners, or their designees, of the Connecticut Department of Environmental Protection and the Connecticut Department of Economic Development;

(E) Director, or his designee of the Connecticut State Historical Commission; and

(F) residents of the communities within the Corridor as defined in section 104.

(2) hold at least one public hearing in each of the following counties: Windham; Tolland; and New London; and

(3) consider, to the maximum extent practicable, the recommendations, comments, proposals and other information submitted at the public hearings when developing the final version of the plan. The Governor is encouraged to publish notice of hearings discussed in subparagraph (2) of this paragraph in newspapers of general circulation at least 30 days prior to the hearing date. The Governor is encouraged to use any other means authorized by Connecticut law to gather public input and/or involve members of the public in the development of the plan.

(c) IMPLEMENTATION OF PLAN.—After review of the plan by the Secretary as provided for in section 106, the Governor shall implement the plan. Upon the request of the Governor, the Secretary may take appropriate steps to assist in the preservation and interpretation of historic resources, and to assist in the development of recreational resources within the Corridor. These steps may include, but need not be limited to—

(1) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in preserving the Corridor and ensuring appropriate use of lands and structures throughout the Corridor;

(2) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in establishing and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in developing recreational programs and resources in the Corridor;

(4) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the historical and architectural resources and sites in the Corridor;

(5) assisting the State and local governmental or regional planning organizations and nonprofit organizations in the restoration of historic building within the Corridor identified pursuant to the inventory required in section 5(a)(1);

(6) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the plan;

(7) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the plan; and

(8) assisting the State and local governmental entities or regional planning organizations to ensure that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 106. DUTIES OF THE SECRETARY.

(a) ASSITANCE.—The Secretary and the heads of other Federal Agencies shall, upon request of the Governor assist the Governor in the preparation and implementation of the plan.

(b) COMPLETION.—Upon completion of the plan the Governor shall submit such plan to the Secretary for review and comment. The Secretary shall complete such review and comment within 60 days. The Governor shall make such changes in the plan as he deems appropriate based on the Secretary's review and comment.

SEC. 107. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall consult with the Secretary and the Governor with respect to such activities to minimize any adverse effect on the Corridor.

SEC. 108. DEFINITIONS.

For the purposes of this title.

(1) The term ''State'' means the State of Connecticut.

(2) The term ''Corridor'' means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor under section 3.

(3) The term ''Governor'' means the Governor of the State of Connecticut.

(4) The term ''Secretary'' means the Secretary of the Interior.

(5) The term ''regional planning organization'' means each of the three regional planning organizations established by Connecticut State statute chapter 127 and chapter 50 (the Northeastern Connecticut Council of Governments, the Windham Regional Planning Agency or its successor, and the Southeastern Connecticut Regional Planning Agency or its successor).

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title: Provided, That not more than $200,000 shall be appropriated for fiscal year 1995, and not more Secretary to carry out this duties under this title for a period not to exceed seven years; *Provided further,* That the Federal funding for the Corridor shall not exceed 50 percent of the total annual costs for the Corridor.

SEC. 110. NATIONAL PARK SERVICE.

The Corridor shall not be deemed to be a unit of the National Park System.

TITLE II—WEIR FARM NATIONAL HISTORIC SITE ADDITIONS

SEC. 201. SHORT TITLE.

This title may be cited as the 'Weir Farm National Historic Site Expansion Act of 1994'.

SEC. 202. PURPOSE.

The purpose of this title is to preserve the last remaining undeveloped parcels of the historic Weir Farm that remain in private ownership by including the parcels within the boundary of the Weir Farm National Historic Site.

SEC. 203. BOUNDARY ADJUSTMENT.

(a) ADJUSTMENT.—Section 4(b) of the Weir Farm National Historic Site Establishment Act of 1990 (Public Law 101–485; 104 Stat. 1171) is amended—

(1) by striking out 'and' at the end of paragraph (1);

(2) by striking out the flush material below paragraph (2); and

(3) by adding at the end the following:

'(3) the approximately 2-acre parcel of land situated in the town of Wilton, Connecticut, designated as lot 18 on a map entitled 'Revised Map of Section I, Thunder Lake at Wilton, Connecticut, Scale 1″=100′, October 27, 1978, Ryan and Faulds Land Surveyors, Wilton, Connecticut', that is on file in the office of the town clerk of the town of Wilton, and therein numbered 3673; and

'(4) the approximately 0.9-acre western portion of a parcel of land situated in the town of Wilton, Connecticut, designated as Tall Oaks Road on the map referred to in paragraph (3).'.

(b) GENERAL DEPICITION.—Section 4 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

'(c) GENERAL DEPICTION.—The parcels referred to in paragraphs (1) through (4) of subsection (b) are all as generally depicted on a map entitled 'Boundary Map, Weir Farm National Historic Site, Fairfield County Connecticut', dated June, 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.'.

TITLE III—CANE RIVER CREOLE NATIONAL HISTORICAL PARK

SECTION 301. SHORT TITLE.

Titles III and IV of this Act may be cited as the ''Cane River Creole National Historical Park and National Heritage Area Act''.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefited from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSES.—The purposes of titles III and IV of this Act are to—

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

SEC. 303. ESTABLISHMENT OF CANE RIVER CREOLE NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park in the State of Louisiana (hereinafter in titles III and IV of this Act referred to as the ''historical park'').

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994.

(2) Lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, 80,001A, dated May 1994.

(3) Sites that may be the subject of cooperative agreements with the National Park Service for the purposes of historic preservation and interpretation including, but not limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: *Provided*, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the ''Secretary'') determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the House of Representatives.

(4) Not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title IV of this Act.

SEC. 304. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4); and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461–467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of titles III and IV of this Act. Any funds donated to the Secretary pursuant to this subsection may be expended without further appropriation.

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 303(b)(4). Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 402 of this Act in the planning and development of the interpretive center.

(d) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 402 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) RESEARCH.—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

SEC. 305. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—Except as otherwise provided in this section, the Secretary is authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) MUSEUM CONTENTS, INC.—Lands and structures identified in section 303(b)(2) may be acquired only by donation.

(d) COOPERATIVE AGREEMENT SITES.—Lands and interests therein that are the subject of cooperative agreements pursuant to section 303(b)(3) shall not be acquired except with the consent of the owner thereof.

SEC. 306. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be coordinated with the Commission pursuant to section 403 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

TITLE IV—CANE RIVER NATIONAL HERITAGE AREA.

SEC. 401. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Cane River National Heritage Area (hereinafter in this title referred to as the ''heritage area'').

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 302(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) AREA INCLUDED.—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, 80,000A, dated May 1994;

(2) those properties within the Natchitoches National Historic Landmark District which are the subject of cooperative agreements pursuant to section 304(d) of this Act;

(3) the Los Adaes State Commemorative Area;

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 403.

SEC. 402. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of titles II and III of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Area Commission (hereinafter in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—The Commission shall consist of 19 members to be appointed no later than 6 months after the date of enactment of this title. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the Mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

(4) two members with experience in and knowledge of tourism in the heritage area from recommendations submitted by local business and tourism organizations;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Adaes/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

(13) two members who are landowners in the residents of the heritage area;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Contents, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana;

(16) one member with experience in and knowledge of environmental, recreational and conservation matters affecting the heritage area from recommendations submitted by the Natchitoches Sportsmans Association and other local recreational and environmental organizations; and

(17) the director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop cooperative agreements with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to further the purposes of titles III and IV of this Act; and

(4) identify appropriate entities, such as a non-profit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) POWERS OF THE COMMISSION.—In furtherance of the purposes of titles III and IV of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive services, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of titles III and IV of this Act;

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government services are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(g) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(h) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

SEC. 403. PREPARATION OF THE PLAN.

(a) IN GENERAL.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concert with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the historical park;

(4) recommendations for coordinating actions by local, State, and Federal governments within the heritage area, to further the purposes of titles III and IV of this Act; and

(5) an implementation program for the plan including desired actions by State and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor or Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local governments that the plan is supported and that the implementation program is feasible.

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plan to the Governor of Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

SEC. 404. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of titles III and IV of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a nonprofit corporation, to assume the responsibilities of the Commission.

SEC. 405. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out titles III and IV of this Act.

On motion of Mr. VENTO, 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.

¶122.18 OVERSEAS PRIVATE INVESTMENT CORPORATION

Mr. GEJDENSON called up the following conference report (Rept. No. 103–834):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4950) to extend the authorities of the Overseas Private Investment Corporation, 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 to the text of the bill 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.

This Act may be cited as the ''Jobs Through Trade Expansion Act of 1994''.

TITLE I—OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 101. RAISING CEILING ON INSURANCE.

Section 235(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(1)) is amended by striking ''$9,000,000,000'' and inserting ''$13,500,000,000''.

SEC. 102. RAISING CEILING ON FINANCING.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended to read as follows:

''(2) FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to financing issued under subsections (b) and (c) of section 234 shall not exceed in the aggregate $9,500,000,000.

''(B) Subject to spending authority provided in appropriations Acts pursuant to section 504(b) of the Federal Credit Reform Act of 1990, the Corporation is authorized to transfer such sums as are necessary from its noncredit activities to pay for the subsidy cost of the investment guaranties and direct loan programs under subsections (b) and (c) of section 234.''.

SEC. 103. EXTENDING ISSUING AUTHORITY.

Section 235(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)) is amended by striking ''1994'' and inserting ''1996''.

SEC. 104. ADMINISTRATIVE EXPENSES.

Section 235 of the Foreign Assistance Act of 1961 (22 U.S.C. 2195) is amended by striking subsection (g).

SEC. 105. EXEMPTIONS FOR CERTAIN COUNTRIES.

Paragraph (2) of the second undesignated paragraph of section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended by inserting after ''Recovery Act (19 U.S.C. 2702)'' the following: '', Ireland, and Northern Ireland''.

TITLE II—TRADE AND DEVELOPMENT AGENCY

SEC. 201. TRADE AND DEVELOPMENT AGENCY.

Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended—

(1) by striking ''There are authorized'' and inserting ''(A) There are authorized'';

(2) by striking ''$55,000,000'' and all that follows and inserting ''$77,000,000 for fiscal year 1995 and such sums as are necessary for fiscal year 1996.''; and

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

''(B) Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.''.

TITLE III—EXPORT PROMOTION PROGRAMS WITHIN THE INTERNATIONAL TRADE ADMINISTRATION

SEC. 301. EXPORT PROMOTION AUTHORIZATION.

Section 202 of the Export Administration Amendments Act of 1985 (15 U.S.C. 4052) is amended to read as follows:

''SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Commerce to carry out export promotion programs such sums as are necessary for fiscal years 1995 and 1996.''

TITLE IV—PROMOTION OF UNITED STATES ENVIRONMENTAL EXPORTS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Environmental Export Promotion Act of 1994''.

SEC. 402. PROMOTION OF ENVIRONMENTAL EXPORTS.

(a) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT AND PURPOSE.—The Secretary, in carrying out the duties of the chairperson of the TPCC, shall establish the Environmental Technologies Trade Advisory Committee (hereafter in this section referred to as the 'Committee'). The purpose of the Committee shall be to provide advice and guidance to the Working Group in the development and administration of programs to expand United States exports of environmental technologies, goods, and services and products that comply with United States environmental, safety, and related requirements.

''(2) MEMBERSHIP.—The members of the Committee shall be drawn from representatives of—

''(A) environmental businesses, including small businesses;

''(B) trade associations in the environmental sector;

''(C) private sector organizations involved in the promotion of environmental exports, including products that comply with United States environmental, safety, and related requirements;

''(D) States (as defined in section 2301(i)(5)) and associations representing the States; and

''(E) other appropriate interested members of the public, including labor representatives.

The Secretary shall appoint as members of the Committee at least 1 individual under each of subparagraphs (A) through (E).

''(d) EXPORT PLANS FOR PRIORITY COUNTRIES.—

''(1) PRIORITY COUNTRY IDENTIFICATION.—The Working Group, in consultation with the Committee, shall annually assess which foreign countries have markets with the greatest potential for the export of United States environmental technologies, goods, and services. Of these countries the Working Group shall select as priority countries 5 with the greatest potential for the application of United States Government export promotion resources related to environmental exports.

''(2) EXPORT PLANS.—The Working Group, in consultation with the Committee, shall annually create a plan for each priority country selected under paragraph (1), setting forth in detail ways to increase United States environmental exports to such country. Each such plan shall—

''(A) identify the primary public and private sector opportunities for United States exporters of environmental technologies, goods, and services in the priority country;

''(B) analyze the financing and other requirements for major projects in the priority country which will use environmental technologies, goods, and services, and analyze whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions; and

''(C) list specific actions to be taken by the member agencies of the Working Group to increase United States exports to the priority country.''.

(b) ADDITIONAL MECHANISMS TO PROMOTE ENVIRONMENTAL EXPORTS.—Section 2313 of the Export Enhancement Act of 1988 is further amended by adding at the end the following:

''(f) ENVIRONMENTAL TECHNOLOGIES SPECIALISTS IN THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

''(1) ASSIGNMENT OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—The Secretary shall assign a specialist in environmental technologies to the office of the United States and Foreign Commercial Service in each of the 5 priority countries selected under subsection (d)(1), and the Secretary is authorized to assign such a specialist to the office of the United States and Foreign Commercial Service in any country that is a promising market for United States exports of environmental technologies, goods, and services. Such specialist may be an employee of the Department, an employee of any relevant United States Government department or agency assigned on a temporary or limited term basis to the Commerce Department, or a representative of the private sector assigned to the Department of Commerce.

''(2) DUTIES OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—Each specialist assigned under paragraph (1) shall provide export promotion assistance to United States environmental businesses, including, but not limited to—

''(A) identifying factors in the country to which the specialist is assigned that affect the United States share of the domestic market for environmental technologies, goods, and services, including market barriers, standards-setting activities, and financing issues;

''(B) providing assessments of assistance by foreign governments that is provided to producers of environmental technologies, goods, and services in such countries in order to enhance exports to the country to which the specialist is assigned, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

''(C) training Foreign Commercial Service Officers in the country to which the specialist is assigned, other countries in the region, and United States and Foreign Commercial Service offices in the United States, in environmental technologies and the international environmental market;

''(D) providing assistance in identifying potential customers and market opportunities

in the country to which the specialist is assigned;

''(E) providing assistance in obtaining necessary business services in the country to which the specialist is assigned;

''(F) providing information on environmental standards and regulations in the country to which the specialist is assigned;

''(G) providing information on all United States Government programs that could assist the promotion, financing, and sale of United States environmental technologies, goods, and services in the country to which the specialist is assigned; and

''(H) promoting the equal treatment of United States environmental, safety, and related requirements, with those of other exporting countries, in order to promote exports of United States-made products.

''(g) ENVIRONMENTAL TRAINING IN ONE-STOP SHOPS.—In addition to the training provided under subsection (f)(2)(C), the Secretary shall establish a mechanism to train—

''(1) Commercial Service Officers assigned to the one-stop shops provided for in section 2301(b)(8), and

''(2) Commercial Service Officers assigned to district offices in districts having large numbers of environmental businesses,

in environmental technologies and in the international environmental marketplace, and ensure that such officers receive appropriate training under such mechanism. Such training may be provided by officers or employees of the Department of Commerce, and other United States Government departments and agencies, with appropriate expertise in environmental technologies and the international environmental workplace, and by appropriate representatives of the private sector.

''(h) INTERNATIONAL REGIONAL ENVIRONMENTAL INITIATIVES.—

''(1) ESTABLISHMENT OF INITIATIVES.—The TPCC may establish one or more international regional environmental initiatives the purpose of which shall be to coordinate the activities of Federal departments and agencies in order to build environmental partnerships between the United States and the geographic region outside the United States for which such initiative is established. Such partnerships shall enhance environmental protection and promote sustainable development by using in the region technical expertise and financial resources of United States departments and agencies that provide foreign assistance and by expanding United States exports of environmental technologies, goods, and services to that region.

''(2) ACTIVITIES.—In carrying out each international regional environmental initiative, the TPCC shall—

''(A) support, through the provision of foreign assistance, the development of sound environmental policies and practices in countries in the geographic region for which the initiative is established, including the development of environmentally sound regulatory regimes and enforcement mechanisms;

''(B) identify and disseminate to United States environmental businesses information regarding specific environmental business opportunities in that geographic region;

''(C) coordinate existing Federal efforts to promote environmental exports to that geographic region, and ensure that such efforts are fully coordinated with environmental export promotion efforts undertaken by the States and the private sector;

''(D) increase assistance provided by the Federal Government to promote exports from the United States of environmental technologies, goods, and services to that geographic region, such as trade missions, reverse trade missions, trade fairs, and programs in the United States to train foreign nationals in United States environmental technologies; and

''(E) increase high-level advocacy by United States Government officials (including the United States ambassadors to the countries in that geographic region) for United States environmental businesses seeking market opportunities in that geographic region.

''(i) ENVIRONMENTAL TECHNOLOGIES PROJECT ADVOCACY CALENDAR AND INFORMATION DISSEMINATION PROGRAM.—The Working Group shall—

''(1) maintain a calendar, updated at the end of each calendar quarter, of significant opportunities for United States environmental businesses in foreign markets and trade promotion events, which shall—

''(A) be made available to the public;

''(B) identify the 50 to 100 environmental infrastructure and procurement projects in foreign markets that have the greatest potential in the calendar quarter for United States exports of environmental technologies, goods, and services; and

''(C) include trade promotion events, such as trade missions and trade fairs, in the environmental sector; and

''(2) provide, through the National Trade Data Bank and other information dissemination channels, information on opportunities for environmental businesses in foreign markets and information on Federal export promotion programs.

''(j) ENVIRONMENTAL TECHNOLOGY EXPORT ALLIANCES.—Subject to the availability of appropriations for such purpose, the Secretary is authorized to use the Market Development Cooperator Program to support the creation on a regional basis of alliances of private sector entities, nonprofit organizations, and universities, that support the export of environmental technologies, goods, and services and promote the export of products complying with United States environmental, safety, and related requirements.

''(k) DEFINITION.—For purposes of this section, the term 'environmental business' means a business that produces environmental technologies, goods, or services.''.

TITLE V—INTERNATIONAL PROTECTION OF INTELLECTUAL PROPERTY

SEC. 501. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—In carrying out part I of the Foreign Assistance Act of 1961 and other relevant foreign assistance laws, the President, acting through the Administrator of the United States Agency for International Development, shall establish a program of training and other technical assistance to assist foreign countries in—

(1) developing and strengthening laws and regulations to protect intellectual property; and

(2) developing the infrastructure necessary to implement and enforce such laws and regulations.

(b) PARTICIPATION OF OTHER AGENCIES.—The Administrator of the United States Agency for International Development—

(1) shall utilize the expertise of the Patent and Trademark Office and other agencies of the United States Government in designing and implementing the program of assistance provided for in this section;

(2) shall coordinate assistance under this section with efforts of other agencies of the United States Government to increase international protection of intellectual property, including implementation of international agreements containing high levels of protection of intellectual property; and

(3) shall consult with the heads of such other agencies in determining which foreign countries will receive assistance under this section.

And the Senate agree to the same.

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference.

LEE H. HAMILTON,
SAM GEJDENSON,
JAMES L. OBERSTAR,
BENJAMIN A.GILMAN,
TOBY ROTH,

As additional conferees from the Committee on Energy and Commerce, for consideration of title IV of the House bill, and modifications committed to conference:

JOHN D. DINGELL,
CARDISS COLLINS,
CARLOS J. MOORHEAD,
Managers on the Part of the House.

CLAIBORNE PELL,
PAUL SARBANES,

From the Committee on Banking, Housing, and Urban Affairs for consideration of titles III and IV of the House bill, and modifications committed to conference:

DON RIEGLE,
PAUL SARBANES,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. GEJDENSON, 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.

¶122.19 PROVIDING FOR THE CONSIDERATION OF H.R. 5231

Mr. BEILENSON, by direction of the Committee on Rules, called up the following resolution (H. Res. 576):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5231) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior. All points of order against the bill and against its consideration are waived. Debate on the bill shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. 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 Mr. BEILENSON, 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.

¶122.20 PRESIDIO MANAGEMENT

Mr. VENTO, pursuant to House Resolution 576, called up the bill (H.R. 5231) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 576, the previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

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

So the bill was passed.

A motion to reconsider the vote whereby 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.

¶122.21 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 1569

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 574):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, 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. MOAKLEY, 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.

¶122.22 RECESS—4:53 P.M.

The SPEAKER pro tempore, Mr. SHARP, pursuant to clause 12 of rule I, declared the House in recess at 4 o'clock and 53 minutes p.m., subject to the call of the Chair.

¶122.23 AFTER RECESS—5:00 P.M.

The SPEAKER pro tempore, Mr. GONZALEZ, called the House to order.

¶122.24 MINORITY HEALTH IMPROVEMENTS

Mr. WAXMAN, pursuant to House Resolution 574, called up the following conference report (Rept. No. 103–843):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1569), to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, 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 disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Minority Health Improvement Act of 1994''.

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

Sec. 1. Short title; table of contents.

TITLE I—OFFICES OF MINORITY HEALTH; ASSISTANT SECRETARY FOR CIVIL RIGHTS

Sec. 101. Revision and extension of programs of Office of Minority Health.
Sec. 102. Establishment of individual offices of minority health within agencies of Public Health Service.
Sec. 103. Assistant Secretary of Health and Human Services for Civil Rights.

TITLE II—PRIMARY HEALTH SERVICES

Sec. 201. Migrant health centers; community health centers.
Sec. 202. Health services for the homeless.
Sec. 203. Health services for residents of public housing.
Sec. 204. Grants to States for loan repayment programs regarding obligated service of health professionals.
Sec. 205. Grants to States for operation of State offices of rural health.
Sec. 206. Demonstration grants to States for community scholarship programs regarding obligated service of health professionals.
Sec. 207. Programs regarding birth defects.
Sec. 208. Healthy start for infants.
Sec. 209. Demonstration projects regarding diabetic-retinopathy.
Sec. 210. Issuance of regulations regarding language as impediment to receipt of services.

TITLE III—HEALTH PROFESSIONS PROGRAMS

Sec. 301. Primary care scholarships for students from disadvantaged backgrounds.
Sec. 302. Scholarships generally; certain other purposes.
Sec. 303. Loan repayments and fellowships regarding faculty positions.
Sec. 304. Centers of Excellence.
Sec. 305. Educational assistance regarding undergraduates.
Sec. 306. Student loans regarding schools of nursing.
Sec. 307. Federally-supported student loans funds.
Sec. 308. Area health education centers.

TITLE IV—RESEARCH

Sec. 401. Office of Research on Minority Health.
Sec. 402. Activities of Agency for Health Care Policy and Research.
Sec. 403. Data collection by National Center for Health Statistics.

TITLE V—NATIVE HAWAIIAN HEALTH CARE

Sec. 501. Clarification of 1992 amendments.
Sec. 502. Amendment of Native Hawaiian Health Care Improvement Act to reflect 1992 agreement.
Sec. 503. Repeal of Public Health Service Act provision.

TITLE VI—WOMEN'S HEALTH

Sec. 601. Establishment of Office of Women's Health.
Sec. 602. Women's scientific employment regarding National Institutes of Health.
Sec. 603. Information and education regarding female genital mutilation.
Sec. 604. Study regarding curricula of medical schools and women's health conditions.

TITLE VII—TRAUMATIC BRAIN INJURY

Sec. 701. Programs of Centers for Disease Control and Prevention.
Sec. 702. Programs of National Institutes of Health.
Sec. 703. Programs of Health Resources and Services Administration.
Sec. 704. Study; consensus conference.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Technical amendment to Indian Health Care Improvement Act.
Sec. 802. Health services for Pacific Islanders.
Sec. 803. Technical corrections regarding Public Law 103–183.
Sec. 804. Certain authorities of Centers for Disease Control and Prevention.
Sec. 805. Establishment of public health analytical laboratory.
Sec. 806. Administration of certain requirements.
Sec. 807. Revisions to eligibility requirements for entities subject to drug pricing limitations.
Sec. 808. Demonstration projects regarding Alzheimer's disease.
Sec. 809. Technical corrections relating to health professions programs.
Sec. 810. Clinical traineeships.
Sec. 811. Construction of regional centers for research on primates.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Effective date.

TITLE I—OFFICE OF MINORITY HEALTH; ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEC. 101. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

''(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

''(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

''(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

''(A) Support research, demonstrations and evaluations to test new and innovative models.

''(B) Increase knowledge and understanding of health risk factors.

''(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individiuals who are members of racial or ethnic minority groups.

''(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

''(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

''(3) Support a national minority health resource center to carry out the following:

''(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive

health services, and education in the appropriate use of health care.

''(B) Facilitate access to such information.

''(C) Assist in the analysis of issues and problems relating to such matters.

''(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

''(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

''(5) Not later than June 8 of each year, the Deputy Assistant Secretary shall submit to the Secretary a report summarizing the activities of each of the minority health offices under section 1707A.

''(c) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

''(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

''(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

''(4) COMPOSITION.—

''(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

''(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

''(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices established under section 1707A, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

''(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

''(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

''(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

''(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

''(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations to the Deputy Assistant Secretary regarding activities under subsection (b)(4).

''(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

''(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 340A, 404, 724, 736, 737, 738, or 740, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

''(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

''(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

''(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

''(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

''(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

''(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that an award is made for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

''(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

''(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 1707A(e) for such years by the heads of the minority health offices.

''(g) DEFINITION.—For purposes of this section:

''(1) The term 'racial and ethnic minority group' means American Indians (including Alaskan Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

''(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and $28,000,000 for fiscal year 1997.

''(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for carrying out subsection (b)(2)(E).''.

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking ''ESTABLISHMENT OF''.

SEC. 102. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF PUBLIC HEALTH SERVICE.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

''INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN PUBLIC HEALTH SERVICE

''SEC. 1707A. (a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. Each such Office shall be headed by a director, who shall be appointed by the head of the agency within which the Office is established, and who shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

''(b) SPECIFIED AGENCIES.—

''(1) IN GENERAL.—The agencies referred to in subsection (a) are the following:

''(A) The Centers for Disease Control and Prevention.

''(B) The Agency for Health Care Policy and Research.

''(C) The Health Resources and Services Administration.

''(D) The Substance Abuse and Mental Health Services Administration.

''(2) NATIONAL INSTITUTES OF HEALTH.—For purposes of subsection (c) and the subsequent provisions of this section, the term 'minority health office' includes the Office of Research on Minority Health established within the National Institutes of Health. The Director of the National Institutes of Health shall carry out this section (as this section relates to the agency) acting through the Director of such Office.

''(c) COMPOSITION.—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various racial and ethnic minority groups that are present in significant numbers in the United States. The head of such agency shall ensure that, of such officers and employees who are members of racial and ethnic minority groups, no such group is disproportionately represented.

''(d) DUTIES.—Each Director of a minority health office shall monitor the programs of the specified agency of such office in order to carry out the following:

''(1) Determine the extent to which the purposes of the programs are being carried out with respect to racial and ethnic minority groups;

''(2) Determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

''(3) Make recommendations to the head of such agency on carrying out the programs with respect to such groups. In the case of programs that provide services, such recommendations shall include recommendations toward ensuring that—

''(A) the services are equitably delivered with respect to racial and ethnic minority groups;

''(B) the programs provide the services in the language and cultural context that is most appropriate for the individuals for whom the services are intended; and

''(C) the programs utilize racial and ethnic minority community-based organizations to deliver the services.

''(e) BIENNIAL REPORTS TO SECRETARY.—The head of each specified agency shall submit to the Secretary for inclusion in each biennial report under section 1707(g) (without change) a biennial report describing—

''(1) the extent to which the minority health office of the agency employs individuals who are members of racial and ethnic minority groups, including a specification by minority group of the number of such individuals employed by such office; and

''(2) the manner in which the agency is complying with Public Law 94–311 (relating to data on Americans of Spanish origin or descent).

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'minority health office' means an office established under subsection (a), subject to subsection (b)(2).

''(2) The term 'racial and ethnic minority group' has the meaning given such term in section 1707(g).

''(3) The term 'specified agency' means—

''(A) an agency specified in subsection (b)(1); and

''(B) the National Institutes of Health.

''(g) FUNDING.—

''(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary may reserve not more than 0.5 percent for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

''(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph (1) may be expended by a minority health office include the costs of employing staff for such office.''.

SEC. 103. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.

(a) IN GENERAL.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following new section:

''ASSISTANT SECRETARY FOR CIVIL RIGHTS

''SEC. 229. (a) ESTABLISHMENT OF POSITION.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) RESPONSIBILITIES.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended, in the item relating to Assistant Secretaries of Health and Human Services, by striking ''(5)'' and inserting ''(6)''.

TITLE II—PRIMARY HEALTH SERVICES

SEC. 201. MIGRANT HEALTH CENTERS; COMMUNITY HEALTH CENTERS.

(a) MIGRANT HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting ''(i)'' after ''(C)'';

(ii) in clause (i) (as so designated), by adding ''and'' after the comma at the end; and

(iii) by adding at the end the following clause:

''(ii) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,''; and

(B) in paragraph (7)—

(i) in subparagraph (L), by striking ''and'' at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

''(M) treatment of pregnant women for substance abuse; and''.

(2) OVERLAP IN CATCHMENT AREAS.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended by adding at the end the following paragraph:

''(8) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one migrant health center in a catchment area in any case in which the Secretary determines that in such area there are workers or other individuals described in subsection (a)(1) (in the matter after and below subparagraph (H)) who otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.''.

(3) OFFSITE ACTIVITIES.—Section 329(a) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

''(9) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize migrant health centers to provide services at locations other than the center.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 329(h) of the Public Health Service Act (42 U.S.C. 254b(h)) is amended—

(A) in paragraph (1)(A), by striking ''1994'' and inserting ''1996''; and

(B) in paragraph (2)(A), by striking ''1994'' and inserting ''1996''.

(b) COMMUNITY HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 330 of the Public Health Service Act (42 U.S.C. 254c) is amended—

(A) in subsection (a)(3)—

(i) by inserting ''(A)'' after ''(3)'';

(ii) in subparagraph (A) (as so designated), by adding ''and'' after the comma at the end; and

(iii) by adding at the end the following subparagraph:

''(B) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,''; and

(B) in subsection (b)(2)—

(i) in subparagraph (L), by striking ''and'' at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

''(M) treatment of pregnant women for substance abuse; and''.

(2) CRITERIA REGARDING SPECIFIC SHORTAGES.—Section 330(b)(4)(B) of the Public Health Service Act (42 U.S.C. 254c(b)(4)(B)) is amended by striking ''include'' and all that follows through ''the ability of the residents'' and inserting the following: ''include factors indicative of the health status of the residents of an area or the health status of a population group, such as infant mortality in an area or population group, the ability of the residents''.

(3) OVERLAP IN CATCHMENT AREAS.—Section 330(b) of the Public Health Service Act (42 U.S.C. 254c(b)) is amended by adding at the end the following paragraph:

''(7) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one community health center in a catchment area in any case in which the Secretary determines that there is a population group in such area that otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.''.

(4) OFFSITE ACTIVITIES.—Section 330(b) of the Public Health Service Act, as amended by paragraph (3) of this subsection, is amended by adding at the end the following paragraph:

''(8) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize community health centers to provide services at locations other than the center.''.

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 330(g) of the Public Health Service Act (42 U.S.C. 254c(g)) is amended—

(A) in paragraph (1)(A), by striking ''1994'' and inserting ''1996''; and

(B) in paragraph (2)(A), by striking ''1994'' and inserting ''1996''.

SEC. 202. HEALTH SERVICES FOR THE HOMELESS.

Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking ''and 1994'' and inserting ''through 1998''.

SEC. 203. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) of the Public Health Service Act (42 U.S.C. 256a(p)(1)) is amended by striking ''and 1993'' and inserting ''through 1998''.

SEC. 204. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338I(c) of the Public Health Service Act (42 U.S.C. 254q–1(c)) is amended by adding at the end the following paragraph:

''(4) PRIVATE PRACTICE.—

''(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

''(B) The Secretary may not make a grant under subsection (a) unless the State in-

volved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice.''.

SEC. 205. GRANTS TO STATES FOR OPERATION OF STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''in cash''; and

(2) in subsection (j)(1)—

(A) by striking ''and'' after ''1992,''; and

(B) by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 1995 through 1997''; and

(3) in subsection (k), by striking ''$10,000,000'' and inserting ''$20,000,000''.

SEC. 206. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) by striking ''health manpower shortage'' each place such term appears and inserting ''health professional shortage'';

(2) in subsection (e)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(C) in paragraph (1) (as so redesignated), by inserting after ''the individual'' the following: ''who is to receive the scholarship under the contract'';

(3) in subsection (k)(2), by striking ''internal medicine, pediatrics,'' and inserting ''general internal medicine, general pediatrics,''; and

(4) in subsection (l)(1)—

(A) by striking ''and'' after ''1992,''; and

(B) by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 1995 through 1997''.

SEC. 207. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

''PROGRAMS REGARDING BIRTH DEFECTS

''SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

''(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

''(2) to support primary birth-defect prevention, including information and education to the public on the prevention of such defects;

''(3) to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects;

''(4) to carry out demonstration projects for the prevention of such defects; and

''(5) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

''(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

''(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

''(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

''(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

''(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

''(c) GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

''(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

''(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

''(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

''(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

''(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

''(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

''(4) describes the activities carried out under this section; and

''(5) contains any recommendations of the Secretary regarding this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.''.

SEC. 208. HEALTHY START FOR INFANTS.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Part D of title III of the Public Health Service Act (42 U.S.C 254b et seq.), as amended by section 104 of Public Law 103–183 (107 Stat. 2230), is amended in the heading for subpart VIII by striking ''Bulk'' and all that follows and inserting the following: ''Miscellaneous Provisions Regarding Primary Health Care''. The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103–183.

(b) HEALTHY START FOR INFANTS.—Part D of title III of the Public Health Service Act, as amended by subsection (a) of this section, is amended by adding at the end of subpart VIII the following section:

''HEALTHY START FOR INFANTS

''SEC. 340E. (a) GRANTS FOR COMPREHENSIVE SERVICES.—

''(1) IN GENERAL.—The Secretary may make grants for the operation of not more than 22 demonstration projects to provide the services described in subsection (b)(1)(A) for the purpose of reducing, in the geographic areas in which the projects are carried out—

''(A) the incidence of infant mortality;

''(B) the incidence of low-birthweight births; and

''(C) the incidence of maternal mortality.

''(2) ACHIEVEMENT OF YEAR 2000 HEALTH STATUS OBJECTIVES.—With respect to the objectives established by the Secretary for the health status of the population of the United States for the year 2000, the Secretary shall, in providing for a demonstration project under paragraph (1) in a geographic area, seek to meet the objectives that are applicable to the purpose described in such paragraph and the populations served by the project.

''(b) ELIGIBLE USES OF GRANT.—

''(1) AUTHORIZED SERVICES.—

''(A) IN GENERAL.—Subject to subsection (h), the services referred to in this subsection are comprehensive services (including preventive and primary health services for pregnant and postpartum women and infants and infant immunizations in accordance with the schedule recommended by the Secretary) for carrying out the purpose described in subsection (a), including services other than health services.

''(B) USE OF CERTAIN PROVIDERS.—

''(i) The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in making any arrangements under which other entities provide authorized services in the demonstration project involved, the applicant will include among the entities with which the arrangements are made the entities described in clause (ii) if such entities are providing services in the service area of such project and the entities are willing to make such arrangements with the applicant.

''(ii) For purposes of clause (i), the entities described in this clause are the following: Grantees under any of sections 329, 330, 340, and 340A; the public health agencies of the States and localities involved; and social service agencies, local hospitals, and community-based organizations that are public or nonprofit private entities and have a history of serving the populations served by the demonstration project involved.

''(C) CONFIDENTIALITY.—The Secretary may make a grant under subsection (a) only if the applicant for the grant, and each provider of services in the demonstration project involved, agree to ensure the confidentiality of records that the project maintains on individuals who receive the services of the project.

''(2) OTHER USES.—The Secretary shall authorize grantees under subsection (a) to expend the grant for following:

''(A) The development of community-based partnerships for the organization and delivery of services to pregnant women and to infants.

''(B) The development and operation of data systems necessary for monitoring the provision of services to the individuals served by the demonstration project involved and determining the outcomes of such services.

''(C) Carrying out infant mortality reviews.

''(c) ELIGIBLE GEOGRAPHIC AREAS.—The Secretary may make a grant under subsection (a) only if—

''(1) the applicant for the grant specifies the geographic area in which the demonstration project under such subsection is to be carried out and agrees that the project will not be carried out in other areas; and

''(2) during a period designated by the Secretary, the rate of infant mortality in the geographic area equals or exceeds 150 percent of the national average in the United States of such rates.

''(d) MINIMUM QUALIFICATIONS OF GRANTEES.—

''(1) PUBLIC OR NONPROFIT PRIVATE ENTITIES.—The Secretary may make a grant under subsection (a) only if the applicant for the grant is a State or local department of health, or other public or nonprofit private entity, or a consortium of public or nonprofit private entities.

''(2) APPROVAL OF APPLICANT BY POLITICAL SUBDIVISIONS.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection only if—

''(A) the chief executive officer of each political subdivision in the service area of such project approves the applicant for the grant as being qualified to carry out the project; and

''(B) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of such area so approves the applicant.

''(3) STATUS AS MEDICAID PROVIDER.—

''(A) In the case of any service described in subsection (b)(1)(A) that is available pursuant to the State plan approved under title XIX of the Social Security Act for a State in which a demonstration project under subsection (a) is carried out, the Secretary may make a grant under such subsection for the project only if, subject to subparagraph (B)—

''(i) the applicant for the grant will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

''(ii) the applicant will enter into an agreement with a public or private entity under which the entity will provide the service, and the entity has entered into such a participation agreement under the State plan and is qualified to receive such payments.

''(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

''(ii) A determination by the Secretary of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

''(e) STATE APPROVAL OF PROPOSAL FOR PROJECT.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection to the applicant involved only if—

''(1) the chief executive officer of the State in which the project is to be carried out approves the proposal of the applicant for carrying out the project; and

''(2) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of the service area of the project so approves the proposal.

''(f) ELIGIBILITY FOR SERVICES PROVIDED WITH GRANT FUNDS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

''(1) under a health insurance policy or plan (including a group health plan or a prepaid health plan);

''(2) under any Federal or State health benefits program, including any program under title V, XVIII, or XIX of the Social Security Act; or

''(3) under subpart II of part B of title XIX of this Act.

''(g) MAINTENANCE OF EFFORT.—With respect to expenditures for authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if the following agreements are made:

''(1) The applicant involved agrees that, in the case of non-Federal amounts the expenditure of which is within the discretion of the applicant, the applicant will maintain expenditures of such amounts for authorized services at a level that is not less than the level of such expenditures maintained by the applicant for fiscal year 1993.

''(2) The State in which the demonstration project will be carried out (or the appropriate agencies of the State) agrees to maintain expenditures of non-Federal amounts for authorized services at a level that is not less than the level of such expenditures maintained by the political subdivision for fiscal year 1993.

''(3) Each political subdivision in the service area of the demonstration project agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the political subdivision for fiscal year 1993.

''(h) RESTRICTIONS ON EXPENDITURE OF GRANT.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

''(A) to provide inpatient services, except with respect to residential treatment for substance abuse provided in settings other than hospitals;

''(B) to make cash payments to intended recipients of health services or mental health services; or

''(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment (other than mobile medical units for providing ambulatory prenatal services).

''(2) ACTIVITIES OTHER THAN PROVISION OF SERVICES.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that not more than 15 percent of the grant will be expended for administering the grant, collecting and analyzing data, and carrying out the activities described in subsection (b)(2).

''(3) WAIVER.—If the Secretary finds that the purpose described in subsection (a) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified applicant, waive the restriction established in paragraph (1)(C).

''(i) DETERMINATION OF CAUSE OF INFANT DEATHS.—The Secretary may make a grant under subsection (a) only if the applicant involved—

''(1) agrees to provide for a determination of the cause of each infant death in the service area of the demonstration project involved; and

''(2) the applicant has made such arrangements with public entities as may be necessary to carry out paragraph (1).

''(j) ANNUAL REPORTS TO SECRETARY.—

''(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, for each fiscal year for which the applicant operates a demonstration project under such subsection the applicant will, not later than April 1 of the subsequent fiscal year, submit to the Secretary a report providing the following information with respect to the project:

''(A) The number of individuals that received authorized services, and the demographic characteristics of the population of such individuals.

''(B) The types of authorized services provided, including the types of ambulatory prenatal services provided and the trimester of the pregnancy in which the services were provided.

''(C) The sources of payment for the authorized services provided.

''(D) An analysis of the causes of death determined under subsection (i).

''(E) The extent of progress being made toward meeting the health status objectives specified in subsection (a)(2) for the populations served.

''(F) The extent to which children under age 1 served by the project have received the appropriate number and variety of immunizations against vaccine-preventable diseases.

''(G) With respect to the populations served by the project, the extent to which progress is being made toward meeting the participation goals established for the State by the Secretary under section 1905(r) of the Social Security Act (relating to early periodic screening, diagnostic, and treatment services for children under the age of 21).

''(2) COOPERATION OF STATE REGARDING MEDICAID GOALS FOR PARTICIPATION.—With respect to the State in which a proposed demonstration project under subsection (a) is to be carried out, the Secretary may make a grant under such subsection for the project only if the State (or the appropriate agency of the State) agrees to provide to the applicant involved, in a timely manner, the information needed by the applicant for purposes of paragraph (1)(G).

''(k) COMMUNITY PARTICIPATION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in preparing the proposal of the applicant for the demonstration project involved, and in the operation of the project, the applicant will include, as participants, residents of the service area of the project and public and nonprofit private entities that provide authorized services to such residents.

''(l) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(m) EVALUATION.—The Secretary shall provide for an evaluation of demonstration projects carried out under subsection (a), other than any such project for which a grant under such subsection was first provided during fiscal year 1994.

''(n) REPORTS TO CONGRESS.—

''(1) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, two reports regarding this section. The first such report shall be submitted not later than February 1, 1997, and shall be an interim report providing such components of the information described in paragraph (2) as may be available during the period involved. The second such report shall be submitted not later than February 1, 1998, and shall be a final report providing the information so described.

''(2) CONTENTS.—For purposes of paragraph (1), the information described in this paragraph is—

''(A) a summary of the reports received by the Secretary under subsection (j);

''(B) a summary of the evaluation conducted by the Secretary under subsection (m);

''(C) a description of the extent to which the Secretary has, in the service areas of demonstration projects under subsection (a), been successful in meeting the health status objectives specified in subsection (a)(2); and

''(D) a description of the extent to which such projects have been cost effective.

''(o) DEFINITIONS.—For purposes of this section:

''(1) The term 'authorized services' means the services specified in subsection (b)(1)(A).

''(2) The terms 'Indian tribe' and 'tribal organization' have the meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

''(3) The term 'service area', with respect to a demonstration project under subsection (a), means the geographic area specified in subsection (c).

''(p) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

''(2) LIMITATIONS.—

''(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than 2 percent for the administrative costs of the Secretary in carrying out this section, for the provision of technical assistance regarding demonstration projects under subsection (a), and for activities to provide information and education to the public.

''(B) Of the amounts appropriated under paragraph (1) through fiscal year 1997, the Secretary may not expend more than an aggregate $6,000,000 for evaluations under subsection (m).

''(q) SUNSET.—Effective October 1, 1997, this section is repealed.''.

(c) CERTAIN PROVISIONS REGARDING REPORTS.—

(1) FISCAL YEAR 1995.—With respect to grants under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the Secretary of Health and Human Services may make a grant under such section for fiscal year 1995 only if the applicant for the grant agrees to submit to the Secretary, not later than April 1 of such year, a report on any federally-supported project of the applicant that is substantially similar to the demonstration projects authorized in such section 340E, which report provides, to the extent practicable, the information described in subsection (j) of such section.

(2) FISCAL YEAR 1997.—With respect to grants for fiscal year 1997 under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the requirement under subsection (j) of such section that a report be submitted not later than April 1, 1998, remains in effect notwithstanding the repeal of such section pursuant to subsection (q) of such section.

(d) LAPSE OF FUNDS.—Effective October 1, 1997, all unexpended portions of amounts appropriated for grants under 340E of the Public Health Service Act (as added by subsection (b) of this section) are unavailable for obligation or expenditure, without regard to whether the amounts have been received by the grantees involved.

(e) USE OF GENERAL AUTHORITY UNDER PUBLIC HEALTH SERVICE ACT.—With respect to the program established in section 340E of the Public Health Service Act (as added by subsection (b) of this section), section 301 of such Act may not be construed as providing to the Secretary of Health and Human Services any authority to carry out any program providing for the development or operation of demonstration projects substantially similar to the demonstration projects carried out under such section 340E.

SEC. 209. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Section 301(a) of Public Law 103–183 (107 Stat. 2233) is amended by striking ''(42 U.S.C. 242 et seq.)'' and inserting ''(42 U.S.C. 243 et seq.)''. The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103–183.

(b) ESTABLISHMENT OF PROGRAM.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended pursuant to subsection (a) and as amended by section 703 of Public Law 103–183 (107 Stat. 2240), is amended by inserting after section 317F the following section:

''DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY

''SEC. 317G. (a) IN GENERAL.—The Secretary, acting through the Director of the Center for Chronic Disease Prevention and Health Promotion (of the Centers for Disease Control and Prevention) and in consultation with the Director of the National Eye Institute, shall make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to the eye disorder known as diabetic-retinopathy, activities regarding information, identification, dissemination, education, and prevention.

''(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that have diabetes mellitus.''.

SEC. 210. ISSUANCE OF REGULATIONS REGARDING LANGUAGE AS IMPEDIMENT TO RECEIPT OF SERVICES.

(a) PROPOSED RULE.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall issue a proposed rule to establish regulations for policies to reduce the extent to which having limited proficiency in speaking the English language constitutes a significant impediment to individuals in participating in, or receiving the benefits of, any program or activity—

(1) under the Public Health Service Act;

(2) under titles XVIII or XIX of the Social Security Act; or

(3) for which the Secretary otherwise provides financial assistance.

(b) FINAL RULE.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a final rule to establish the regulations described in subsection (a).

(2) FAILURE TO ISSUE BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) before the expiration of the period specified in such paragraph, the proposed rule issued under subsection (a) is upon such expiration deemed to be the final rule under paragraph (1) (and shall remain in effect until the Secretary issues a final rule under such paragraph).

TITLE III—HEALTH PROFESSIONS PROGRAMS

SEC. 301. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

(a) IN GENERAL.—Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended to read as follows:

''SEC. 736. CESAR CHAVEZ PROGRAM FOR PRIMARY CARE SCHOLARSHIPS.

''(a) IN GENERAL.—The Secretary may in accordance with this section award scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending schools of medicine or osteopathic medicine, schools of dentistry, schools of nursing (as defined in section 853), and graduate programs in mental health practice.

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

''(1) The individual is from a disadvantaged background.

''(2) The individual has a financial need for a scholarship under such subsection.

''(3) The individual is enrolled (or accepted for enrollment) at an eligible school as a full-time student in a program leading to a degree in a health profession.

''(4) The individual enters into the contract required pursuant to subsection (d) as a condition of receiving the scholarship (relating to an agreement to provide primary health services in a health professional shortage area designated under section 332).

''(c) PREFERENCES REGARDING AWARDS.—

''(1) IN GENERAL.—In awarding scholarships under subsection (a), the Secretary shall give preference to eligible individuals for whom the costs of attending the school involved would constitute a severe financial hardship.

''(2) ADDITIONAL PREFERENCES.—Of the eligible individuals receiving preference for purposes of paragraph (1), the Secretary shall give additional preference to individuals meeting any of the following conditions:

''(A) The individuals received scholarships pursuant to this section, section 737, or section 740(d)(2) for fiscal year 1994.

''(B) The individuals are seeking scholarships for attendance at eligible schools that received a grant under any of such sections for such fiscal year.

''(C) The individuals are bilingual.

''(D) The individuals participate in a program or activity carried out under section 739 by a grantee under such section.

''(d) APPLICABILITY OF CERTAIN PROVISIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), and except as otherwise inconsistent with this section, the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

''(2) OPTION REGARDING CERTAIN MEDICAL FIELDS.—

''(A) With respect to amounts that the Secretary reserves for scholarships under subsection (a) for attendance at schools of medicine or osteopathic medicine, the Secretary shall obligate 30 percent for such scholarships for individuals whose contracts made pursuant to paragraph (1) provide to the individuals, subject to subparagraph (B), the option of performing obligated service under the contract in a medical field not providing primary health services.

''(B) In the case of an individual whose contract made pursuant to paragraph (1) provides the option described in subparagraph (A), the contract shall provide that, in the event that the individual exercises the option, the period of obligated service applicable under the contract is 2 years for each school year for which the scholarship involved is provided.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'eligible individual' means an individual described in subsection (b).

''(2) The term 'eligible school' means a school or program specified in subsection (a).

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 1995, $38,000,000 for fiscal year 1996, and $48,000,000 for fiscal year 1997. Such authorization is in addition to the authorization of appropriations established in section 740(f)(2)(B).

''(2) ALLOCATIONS BY SECRETARY.—

''(A) Of the amounts appropriated under paragraph (1) for a fiscal year and of the amounts available under section 740(f)(2)(B) for the year, the Secretary shall obligate amounts in accordance with the following:

''(i) 19 percent shall be obligated for scholarships under subsection (a) for attendance at schools of dentistry.

''(ii) 16 percent shall be obligated for scholarships under such subsection for attendance at schools of nursing.

''(iii) 10 percent shall be obligated for scholarships under such subsection for attendance at graduate programs in mental health practice.

''(B) The requirements of subparagraph (A) apply only to the extent that a sufficient number of eligible individuals seeks the scholarships involved.''.

(b) CERTAIN PROGRAMS OF OBLIGATED SERVICE.—

(1) REPEAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not terminate agreements that, on the day before the effective date under section 901, are in effect pursuant to section 795 of the Public Health Service Act. Such agreements continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services (whether provided pursuant to other agreements with the Federal Government or whether provided otherwise) counts toward satisfaction of the requirement of practice pursuant to such section 795.

SEC. 302. SCHOLARSHIPS GENERALLY; CERTAIN OTHER PURPOSES.

Section 737 of the Public Health Service Act (42 U.S.C. 293a) is amended to read as follows:

''SEC. 737. THURGOOD MARSHALL PROGRAM FOR HEALTH SERVICES SCHOLARSHIPS.

''(a) IN GENERAL.—The Secretary may in accordance with this section award scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending the health professions schools described in subsection (c).

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

''(1) The individual is from a disadvantaged background.

''(2) The individual has a financial need for a scholarship under such subsection.

''(3) The individual is enrolled (or accepted for enrollment) at an eligible school as a full-time student in a program leading to a degree in a health profession.

''(4) The individual enters into the contract required pursuant to subsection (e) as a condition of receiving the scholarship (relating to an agreement to provide primary health services in a health professional shortage area designated under section 332).

''(c) ELIGIBLE SCHOOLS.—A health professions school referred to in subsection (a) is a health professions school meeting the following conditions:

''(1) The school is a school of veterinary medicine, optometry, pharmacy, podiatric medicine, or public health, or a designated school of allied health (as defined in subsection (f)).

''(2) The school is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

''(d) PREFERENCES REGARDING AWARDS.—

''(1) IN GENERAL.—In awarding scholarships under subsection (a), the Secretary shall give preference to eligible individuals for whom the costs of attending the school involved would constitute a severe financial hardship.

''(2) ADDITIONAL PREFERENCES.—Of the eligible individuals receiving preference for purposes of paragraph (1), the Secretary shall give additional preference to individuals meeting any of the following conditions:

''(A) The individuals received scholarships pursuant to this section for fiscal year 1994.

''(B) The individuals are seeking scholarships for attendance at eligible schools that received a grant under this section for such fiscal year.

''(C) The individuals are bilingual.

''(D) The individuals participate in a program or activity carried out under section 739 by a grantee under such section.

''(e) APPLICABILITY OF CERTAIN PROVISIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), and except as otherwise inconsistent with this section, the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A.

''(2) CERTAIN INDIVIDUALS.—

''(A) In the case of an individual who receives a scholarship under subsection (a) for attendance at a school of veterinary medicine, the contract made pursuant to paragraph (1) shall provide that the individual agrees that, after completing training in such medicine, the individual will, in accordance with requirements established under subparagraph (B)—

''(i) serve in a position in which the individual conducts or assists in the conduct of research regarding human health or safety; or

''(ii) serve in a position with a public health agency of a State or a political subdivision of a State.

''(B) The Secretary shall establish requirements regarding contracts under subparagraph (A).

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'designated school of allied health' means a school of allied health providing training in occupational therapy, physical therapy, dental hygiene, medical technology, or radiologic technology.

''(2) The term 'eligible individual' means an individual described in subsection (b).

''(3) The term 'eligible school' means a school described in subsection (c).

''(g) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995, $8,000,000 for fiscal year 1996, and $10,000,000 for fiscal year 1997.

''(2) ALLOCATIONS BY SECRETARY.—With respect to scholarships under subsection (a) for attendance at designated schools of allied health, the Secretary shall obligate for such scholarships 25 percent of the amounts appropriated under paragraph (1) for each of the fiscal years 1995 through 1997. The requirement of the preceding sentence applies only to the extent that a sufficient number of eligible individuals seeks such scholarships.''.

SEC. 303. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

(a) LOAN REPAYMENTS.—Section 738(a) of the Public Health Service Act (42 U.S.C. 293b(a)) is amended—

(1) by striking paragraphs (4) and (6);

(2) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(3) in paragraph (4) (as so redesignated), by amending subparagraph (B) to read as follows:

''(B) the contract referred to in subparagraph (A) provides that the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).''.

(b) FELLOWSHIPS.—

(1) IN GENERAL.—Section 738(b) of the Public Health Service Act (42 U.S.C. 293b(b)) is amended—

(A) in paragraph (2)(B), by striking ''$30,000'' and inserting ''$50,000''; and

(B) in paragraph (3)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon at the end;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D).

(2) DEFINITION.—Section 738(b) of the Public Health Service Act (42 U.S.C. 293b(b)) is amended—

(A) in paragraph (1), by striking ''the number'' and all that follows and inserting the following: ''the number of underrepresented minority individuals who are members of the faculty of the schools.'';

(B) in paragraph (3)(A), by striking ''individuals from underrepresented minorities in the health professions'' and inserting ''underrepresented minority individuals''; and

(C) in paragraph (5), by striking ''the term'' and all that follows and inserting the following: ''the term 'underrepresented minority individuals' means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 738(c) of the Public Health Service Act (42 U.S.C. 293b(c)) is amended by striking ''there is'' and all that follows and inserting the following: ''there is authorized to be appropriated $1,100,000 for each of the fiscal years 1995 through 1997.''.

SEC. 304. CENTERS OF EXCELLENCE.

(a) REFERENCES TO SCHOOLS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c) is amended—

(1) by striking ''health professions schools'' each place such term appears and inserting ''designated health professions schools''; and

(2) by striking ''health professions school'' each place such term appears and inserting ''designated health professions school''.

(b) REQUIRED USES OF FUNDS.—Section 739(b) of the Public Health Service Act (42 U.S.C. 293c(b)), as amended by subsection (a), is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2);

(3) by inserting before paragraph (2) (as so redesignated) the following paragraph:

''(1) to collaborate with public and nonprofit private entities to carry out community-based programs to interest students of secondary schools and institutions of higher education in pursuing careers in the health professions, and to prepare interested students academically for such careers;'';

(4) in paragraph (5)—

(A) by striking ''faculty and student research'' and inserting ''student research''; and

(B) by inserting before the period the following: '', including research on issues relating to the delivery of health care''; and

(5)(A) in paragraph (4), by striking ''and'' after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following paragraph:

''(6) to carry out a program to train students of the school in providing health services through training provided at community-based health facilities that provide such services to a significant number of disadvantaged individuals and that are located at a site remote from the main site of the teaching facilities of the school.''.

(c) REQUIREMENTS REGARDING CONSORTIA.—

(1) IN GENERAL.—Section 739(c)(1) of the Public Health Service Act (42 U.S.C. 293c(c)(1)), as amended by subsection (a), is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''specified in subparagraph (B)'' and inserting ''specified in subparagraphs (B) and (C)'';

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following subparagraph:

''(C) The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health professions school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium. The grant involved may be expended with respect to the other schools without regard to whether such schools meet the conditions specified in subparagraph (B).''.

(2) CERTAIN REQUIREMENTS.—Section 739(e) of the Public Health Service Act (42 U.S.C. 293c(e)), as amended by subsection (a), is amended to read as follows:

''(e) PROVISIONS REGARDING CONSORTIA.—

''(1) REQUIREMENTS.—For purposes of subsection (c)(1)(C), a consortium of schools has been formed in accordance with this subsection if—

''(A) the consortium consists of—

''(i) the designated health professions school seeking the grant under subsection (a); and

''(ii) 1 or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

''(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

''(C) each of the schools agrees to expend the grant in accordance with this section.

''(2) AUTHORITY REGARDING NATIVE AMERICANS CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

''(A) the school has formed a consortium in accordance with paragraph (1); and

''(B) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.''.

(3) CONFORMING AMENDMENTS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c), as amended by subsection (a), is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by inserting '', subject to subsection (c)(1)(C),'' after ''agrees''; and

(B) in subsection (d)—

(i) in paragraph (3), by striking ''(e)'' and inserting ''(e)(2)''; and

(ii) by adding at the end the following paragraph:

''(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3) regarding a consortium under subsection (e)(2), a health professions school that does not meet the conditions specified in subsection (c)(1)(B) may not be designated as a center of excellence for purposes of this section. The preceding sentence applies without regard to whether a grant under subsection (a) is, pursuant to subsection (c)(1)(C), being expended with respect to the school.''.

(d) DEFINITION OF HEALTH PROFESSIONS SCHOOL.—

(1) GRADUATE PROGRAMS IN MENTAL HEALTH PRACTICE.—Section 739(h)(1)(A) of the Public Health Service Act (42 U.S.C. 293c(h)(1)(A)), as amended by subsection (a), is amended by—

(A) by striking ''or'' after ''dentistry''; and

(B) by inserting before the period the following: '', or a graduate program in mental health practice''.

(2) LIMITATION.—During the fiscal years 1995 through 1997, the Secretary of Health and Human Services may not make more than one grant under section 739 of the Public Health Service Act directly to a graduate program in mental health practice (as defined in section 799 of such Act).

(e) FUNDING.—Section 739(i) of the Public Health Service Act (42 U.S.C. 293c(i)), as amended by subsection (a), is amended to read as follows:

''(i) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $24,000,000 for fiscal year 1995, $28,000,000 for fiscal year 1996, and $33,000,000 for fiscal year 1997.

''(2) ALLOCATIONS BY SECRETARY.—

''(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (2)(A) of subsection (c).

''(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 65 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)(2)).

''(C)(i) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 35 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (5) of subsection (c).

''(ii) With respect to a fiscal year, a grant under subsection (a) that includes amounts available under subparagraph (A) may not include amounts available under clause (i) unless each of the following conditions is met:

''(I) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(3), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

''(II) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(4), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

''(III) In the case of amounts available under clause (i) and included in grants made pursuant to subsection (c)(5) (exclusive of grants that include amounts available under subparagraph (A) or (B)), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

''(IV) The aggregate amount of grants under subsection (a) made from amounts available under subparagraph (B) and clause (i) (other than grants that include amounts available under subparagraph (A)) is, in the case of fiscal year 1996, not less than the sum of such aggregate amount for fiscal year 1995 and the total amount by which grants are required under subclauses (I) through (III) to be increased; and is, in the case of fiscal year 1997 and each subsequent fiscal year, not less than such aggregate amount for the preceding fiscal year.''.

(f) CONFORMING AMENDMENTS.—Section 739(c) of the Public Health Service Act (42 U.S.C. 293c(c)), as amended by subsection (a), is amended—

(1) in paragraph (3)(B), by striking ''the designated health professions school'' and inserting ''the school''; and

(2) in paragraph (4), in each of subparagraphs (B) and (C), by striking ''the designated health professions school'' and inserting ''the school''.

(g) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period specified in paragraph (2)—

(A) the amendments made by subsections (a) through (f) do not apply to any entity that received a grant for fiscal year 1994 under section 739 of the Public Health Service Act; and

(B) such a grant to the entity for fiscal year 1995 or subsequent fiscal years shall be made and expended in accordance with the provisions of such section as in effect on the day before the date of the enactment of this Act.

(2) RELEVANT PERIOD.—In the case of an entity that received a grant for fiscal year 1994 under section 739 of the Public Health Service Act, the period referred to in paragraph (1) is the period that, in first approving the grant, the Secretary specified as the duration of the grant.

SEC. 305. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

(a) IN GENERAL.—Section 740 of the Public Health Service Act (42 U.S.C. 293d) is amended to read as follows:

''SEC. 740. HEALTH CAREERS OPPORTUNITY PROGRAM.

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary may make grants and enter into cooperative agreements and contracts for any of the following purposes:

''(1) Identifying and recruiting individuals who—

''(A) are students of elementary schools, or students or graduates of secondary schools or of institutions of higher education;

''(B) are from disadvantaged backgrounds; and

''(C) are interested in a career in the health professions.

''(2) Facilitating the entry of such individuals into a health professions school.

''(3) Providing counseling or other services designed to assist such individuals in successfully completing their education at such a school.

''(4) Providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education designed to assist the individuals in successfully completing such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education,

''(5) Paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses) at a health professions schools, except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend may not exceed $25 per day (notwithstanding any other provision of law regarding the amount of stipends).

''(6) Carrying out programs under which such individuals both—

''(A) gain experience regarding a career in a field of primary health care through working at facilities of nonprofit private community-based providers of primary health services; and

''(B) receive academic instruction to assist in preparing the individuals to enter health professions schools in such fields.

''(b) RECEIPT OF AWARD.—

''(1) ELIGIBLE ENTITIES; REQUIREMENT OF CONSORTIUM.—The Secretary may make an award under subsection (a) only if the following conditions are met:

''(A) The applicant for the award is a public or nonprofit private entity, and the applicant has established a consortium consisting of nonprofit private community-based organizations and health professions schools.

''(B) The health professions schools of the consortium are schools of medicine or osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, or podiatric medicine, or graduate programs in mental health practice (including such programs in clinical psychology).

''(C) Except as provided in subparagraph (D), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than three health professions schools.

''(D) In the case of an applicant whose exclusive activity under the award will be carrying out one or more programs described in subsection (a)(6), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than one health professions schools.

''(E) The members of the consortium have entered into an agreement specifying—

''(i) that each of the members will comply with the conditions upon which the award is made; and

''(ii) whether and to what extent the award will be allocated among the members.

''(2) REQUIREMENT OF COMPETITIVE AWARDS.—Awards under subsection (a) shall be made only on a competitive basis.

''(c) FINANCIAL REQUIREMENTS.—

''(1) ASSURANCES REGARDING CAPACITY.—The Secretary may make an award under subsection (a) only if the Secretary determines that, in the case of activities carried out under the award that prove to be effective toward achieving the purposes of the activities—

''(A) the members of the consortium involved have or will have the financial capacity to continue the activities, regardless of whether financial assistance under subsection (a) continues to be available; and

''(B) the members of the consortium demonstrate to the satisfaction of the Secretary a commitment to continue such activities, regardless of whether such assistance continues to be available.

''(2) MATCHING FUNDS.—

''(A) With respect to the costs of the activities to be carried out under subsection (a) by an applicant, the Secretary may make an award under such subsection only if the applicant agrees to make available in cash (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that, for any fourth or subsequent fiscal year for which the applicant receives such an award, is not less than 50 percent of such costs.

''(B) Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions required in subparagraph (A).

''(C) The Secretary may not require non-Federal contributions for the first three fiscal years for which an applicant receives a grant under subsection (a).

''(d) PREFERENCE IN MAKING AWARDS.—

''(1) IN GENERAL.—

''(A) In making awards under subsection (a), the Secretary shall, subject to paragraph (3), give preference to any applicant that, for the purpose described in subparagraph (B), has made an arrangement with not less than one entity from each of the following categories of entities: Community-based organizations, elementary schools, secondary schools, institutions of higher education, and health professions schools.

''(B) The purpose of arrangements under subparagraph (A) is to establish a program for individuals identified under subsection (a) under which—

''(i) the activities described in such subsection are carried out on behalf of the individuals; and

''(ii) health professions schools make a commitment to admit as students of the schools such individuals who participate in the program, subject to the individuals meeting reasonable academic standards for admission to the schools.

''(2) ADDITIONAL PREFERENCES.—Of the applicants under subsection (a) that are receiving preference for purposes of paragraph (1), the Secretary shall, subject to paragraph (3), give additional preference to applicants whose consortium under subsection (b) includes as members one or more health professions schools that have not previously received any award under this section (including this section as in effect prior to fiscal year 1995).

''(3) LIMITATION.—An applicant may not receive preference for purposes of paragraph (1) or (2) unless the consortium under subsection (b) includes not less than one health professions school that has demonstrated success in enrolling students from disadvantaged backgrounds.

''(e) OBJECTIVES UNDER AWARDS.—

''(1) ESTABLISHMENT OF OBJECTIVES.—Before making a first award to an applicant under subsection (a), the Secretary shall establish objectives regarding the activities to be carried out under the award, which objectives are applicable until the next fiscal year for which such award is made after a competitive process of review. In making an award after such a review, the Secretary shall establish additional objectives for the applicant.

''(2) PRECONDITION FOR SUBSEQUENT AWARDS.—In the case of an applicant seeking an award under subsection (a) pursuant to a competitive process of review, the Secretary may make the award only if the applicant demonstrates to the satisfaction of the Secretary that the applicant has met the objectives that were applicable under paragraph (1) to the preceding awards under such subsection.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 736, there are authorized to be appropriated $33,000,000 for fiscal year 1995, $37,000,000 for fiscal year 1996, and $40,000,000 for fiscal year 1997.

''(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate amounts as follows:

''(A) For carrying out subsection (a)(6), not less than 20 percent.

''(B) For providing scholarships under section 736, an amount equal to the amount provided for such purpose under this section for fiscal year 1994, plus an amount for offsetting the effects of inflation occurring after October 1, 1994.''.

(b) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period specified in paragraph (2)—

(A) the amendment made by subsection (a) does not apply to any entity that received a grant for fiscal year 1994 under section 740 of the Public Health Service Act; and

(B) such a grant to the entity for fiscal year 1995 or subsequent fiscal years shall be made and expended in accordance with the provisions of such section as in effect on the day before the date of the enactment of this Act.

(2) RELEVANT PERIOD.—In the case of an entity that received a grant for fiscal year 1994 under section 740 of the Public Health Service Act, the period referred to in paragraph (1) is the period that, in first approving the grant, the Secretary specified as the duration of the grant.

SEC. 306. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by inserting before the semicolon at the end the following: '', and (C) such additional periods under the terms of paragraph (8) of this subsection'';

(3) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following paragraph:

''(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.''.

SEC. 307. FEDERALLY-SUPPORTED STUDENT LOAN FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN MEDICAL SCHOOLS.—

(1) IN GENERAL.—Subpart II of part A of title VII of the Public Health Service Act (42 U.S.C. 292q et seq.) is amended—

(A) by transferring subsection (f) of section 735 from the current placement of the subsection;

(B) by adding the subsection at the end of section 723;

(C) by redesignating the subsection as subsection (e); and

(D) in subsection (e)(1) of section 723 (as so redesignated), by striking ''1996'' and inserting ''1997''.

(2) CONFORMING AMENDMENTS.—Section 723 of the Public Health Service Act (42 U.S.C.

292s), as amended by paragraph (1) of this subsection, is amended in subsection (e)(2)(A)—

(A) by striking ''section 723(b)(2)'' and inserting ''subsection (b)(2)''; and

(B) by striking ''such section'' and inserting ''such subsection''.

(b) AUTHORIZATION OF APPROPRIATIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended to read as follows:

''(1) IN GENERAL.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), other than the student loan fund of any school of medicine or osteopathic medicine, there is authorized to be appropriated $8,000,000 for each of the fiscal years 1995 through 1997.''.

SEC. 308. AREA HEALTH EDUCATION CENTERS.

(a) REQUIREMENTS FOR CENTERS.—Section 746(d)(2)(D) of the Public Health Service Act (42 U.S.C. 293j(d)(2)(D)) is amended by inserting ''and minority health'' after ''disease prevention''.

(b) FUNDING.—Section 746(i)(2)(C) of the Public Health Service Act (42 U.S.C. 293j(i)(2)(C)) is amended in the second sentence by inserting before the period the following: ''(except that in the case of fiscal year 1995, amounts appropriated in excess of the amount appropriated for fiscal year 1994 shall be obligated for carrying out subsection (a)(1) in rural States without an area health education center program)''.

TITLE IV—RESEARCH

SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 of the Public Health Service Act (42 U.S.C. 283(b)) is amended by adding at the end the following subsections:

''(c) PLAN.—The Director of the Office, in consultation with the advisory committee established under subsection (d), shall develop and implement a plan for carrying out the duties established in subsection (b). The Director shall review the plan not less than annually, and revise the plan as appropriate.

''(d) EQUITY REGARDING VARIOUS GROUPS.—The Director of the Office shall ensure that activities under subsection (b) equitably address all racial and ethnic minority groups.

''(e) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—In carrying out subsection (b), the Secretary shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Advisory Committee').

''(2) COMPOSITION.—

''(A) VOTING AND NONVOTING MEMBERS.—The Advisory Committee shall be composed of voting members appointed in accordance with subparagraph (B) and the ex officio nonvoting members described in subparagraph (C).

''(B) VOTING MEMBERS.—The Advisory Committee shall include 12 voting members who are not officers or employees of the Federal Government. The Director of the Office shall appoint such members to the Advisory Committee from among physicians, practitioners, scientists, consumers and other health professionals, whose clinical practices, research specialization, or professional expertise includes a significant focus on research on minority health or on the barriers that minorities must overcome to participate in clinical trials. The racial and ethnic minority groups shall be equally represented among such members.

''(C) EX OFFICIO NONVOTING MEMBERS.—The Deputy Assistant Secretary for Minority Health and the Directors of each of the national research entities shall serve as ex officio nonvoting members of the Advisory Committee (except that any of such Directors may designate an official of the institute involved to serve as such member of the Committee in lieu of the Director).

''(3) CHAIR.—The Director of the Office shall serve as the chair of the Advisory Committee.

''(4) DUTIES.—The Advisory Committee shall—

''(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

''(i) research on minority health;

''(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

''(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

''(iv) research on minority health conditions which require a multidisciplinary approach;

''(B) report to the Director of the Office on such research;

''(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

''(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

''(5) BIENNIAL REPORT.—

''(A) PREPARATION.—The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

''(i) compliance with section 492B;

''(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

''(iii) the level of funding needed for such research.

''(B) SUBMISSION.—The report required in subparagraph (A) shall be submitted to the Director of the National Institutes of Health for inclusion in the report required in section 403.

''(f) REPRESENTATIVES OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel Administration and in collaboration with the Director of the Office, shall determine the extent to which minorities are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

''(g) REQUIREMENT REGARDING GRANTS AND CONTRACTS.—Any award of a grant, cooperative agreement, or contract that the Director of the Office is authorized to make shall be made only on a competitive basis.

''(h) DEFINITIONS.—For purposes of this part:

''(1) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

''(A) unique to, more serious, or more prevalent in such individuals;

''(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

''(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

''(2) The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

''(3) The term 'racial and ethnic minority group' has the meaning given such term in section 1707(g).''.

SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by amending subsection (b) to read as follows:

''(b) REQUIREMENTS WITH RESPECT TO CERTAIN POPULATIONS.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

''(1) the populations of medically underserved urban or rural areas (including frontier areas); and

''(2) low-income groups, racial and ethnic minority groups, and the elderly.''; and

(2) in section 926(a), by adding at the end the following sentence: ''Of the amounts appropriated under the preceding sentence for a fiscal year, the Administrator shall reserve not less than 8 percent for carrying out section 902(b)(2).''.

SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103–183 (107 Stat. 2237), is amended to read as follows:

''(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

''(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups.''.

TITLE V—NATIVE HAWAIIAN HEALTH CARE

SEC. 501. CLARIFICATION OF 1992 AMENDMENTS.

(a) CLARIFICATION OF DATE OF PASSAGE.—Section 9168 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1948) is amended by striking ''September 12, 1992,'' and inserting ''August 7, 1992,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 6, 1992.

SEC. 502. AMENDMENT OF NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT TO REFLECT 1992 AGREEMENT.

Effective on the date of enactment of this Act, the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

''SEC. 2. FINDINGS; DECLARATION OF POLICY; INTENT OF CONGRESS.

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

''(1) the United States retains the legal responsibility to enforce the administration of the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians under section 5(f) of Public Law 86–3 (73 Stat. 6; commonly referred to as the 'Hawaii Statehood Admissions Act');

''(2) in furtherance of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians, contributions by the United States to the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of Native Hawaiians are consistent with the historical and unique legal relationship of the United States with the government that represented the indigenous native people of Hawaii; and

''(3) it is the policy of the United States to raise the health status of Native Hawaiians to the highest possible level and to encourage the maximum participation of Native Hawaiians in order to achieve this objective.

''(b) DECLARATION OF POLICY.—The Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the Government of the indigenous people of Hawaii—

''(1) to raise the health status of Native Hawaiians to the highest possible health level; and

''(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

''(c) INTENT OF CONGRESS.—It is the intent of the Congress that the Nation meet the following health objectives with respect to Native Hawaiians by the year 2000:

''(1) Reduce coronary heart disease deaths to no more than 100 per 100,000.

''(2) Reduce stroke deaths to no more than 20 per 100,000.

''(3) Increase control of high blood pressure to at least 50 percent of people with high blood pressure.

''(4) Reduce blood cholesterol to an average of no more than 200 mg/dl.

''(5) Slow the rise in lung cancer deaths to achieve a rate of no more than 42 per 100,000.

''(6) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

''(7) Increase Pap tests every 1 to 3 years to at least 85 percent of women age 18 and older.

''(8) Increase fecal occult blood testing every 1 to 2 years to at least 50 percent of people age 50 and older.

''(9) Reduce diabetes-related deaths to no more than 34 per 100,000.

''(10) Reduce the most severe complications of diabetes as follows:

''(A) End-stage renal disease to no more than 1.4 in 1,000.

''(B) Blindness to no more than 1.4 in 1,000.

''(C) Lower extremity amputation to no more than 4.9 in 1,000.

''(D) Perinatal mortality to no more than 2 percent.

''(E) Major congenital malformations to no more than 4 percent.

''(11) Reduce infant mortality to no more than 7 deaths per 1,000 live births.

''(12) Reduce low birth weight to no more than 5 percent of live births.

''(13) Increase first trimester prenatal care to at least 90 percent of live births.

''(14) Reduce teenage pregnancies to no more than 50 per 1,000 girls age 17 and younger.

''(15) Reduce unintended pregnancies to no more than 30 percent of pregnancies.

''(16) Increase to at least 60 percent the proportion of primary care providers who provide age-appropriate preconception care and counseling.

''(17) Increase years of healthy life to at least 65 years.

''(18) Eliminate financial barriers to clinical preventive services.

''(19) Increase childhood immunization levels to at least 90 percent of 2-year-olds.

''(20) Reduce the prevalence of dental caries to no more than 35 percent of children by age 8.

''(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 20 percent among children age 6 through 8 and no more than 15 percent among adolescents age 15.

''(22) Reduce edentulism to no more than 20 percent in people age 65 and older.

''(23) Increase moderate daily physical activity to at least 30 percent of the population.

''(24) Reduce sedentary lifestyles to no more than 15 percent of the population.

''(25) Reduce overweight to a prevalence of no more than 20 percent of the population.

''(26) Reduce dietary fat intake to an average of 30 percent of calories or less.

''(27) Increase to at least 75 percent the proportion of primary care providers who provide nutrition assessment and counseling or referral to qualified nutritionists or dieticians.

''(28) Reduce cigarette smoking prevalence to no more than 15 percent of adults.

''(29) Reduce initiation of smoking to no more than 15 percent by age 20.

''(30) Reduce alcohol-related motor vehicle crash deaths to no more than 8.5 per 100,000 adjusted for age.

''(31) Reduce alcohol use by school children age 12 to 17 to less than 13 percent.

''(32) Reduce marijuana use by youth age 18 to 25 to less than 8 percent.

''(33) Reduce cocaine use by youth age 18 to 25 to less than 3 percent.

''(34) Confine HIV infection to no more than 800 per 100,000.

''(35) Reduce gonorrhea infections to no more than 225 per 100,000.

''(36) Reduce syphilis infections to no more that 10 per 100,000.

''(37) Reduce significant hearing impairment to a prevalance of no more than 82 per 1,000.

''(38) Reduce acute middle ear infections among children age 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

''(39) Reduce indigenous cases of vaccine-preventable diseases as follows:

''(A) Diphtheria among individuals age 25 and younger to 0.

''(B) Tetanus among individuals age 25 and younger to 0.

''(C) Polio (wild-type virus) to 0.

''(D) Measles to 0.

''(E) Rubella to 0.

''(F) Congenital Rubella Syndrome to 0.

''(G) Mumps to 500.

''(H) Pertussis to 1,000.

''(40) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

''(d) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 9, a report on the progress made toward meeting each of the objectives described in subsection (c).

''SEC. 3. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

''The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians. The master plan shall be based upon an assessment of the health care status and health care needs of Native Hawaiians. To the extent practicable, assessments made as of the date of such grant or contract shall be used by Papa Ola Lokahi, except that any such assessment shall be updated as appropriate.

''SEC. 4. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

''(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—(1)(A) The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians.

''(B) In making grants and entering into contracts under this paragraph, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations, and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health care systems.

''(2) In addition to paragraph (1), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

''(b) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of subsection (a)(1) if the entity is a Native Hawaiian health care system.

''(c) SERVICES TO BE PROVIDED.—(1) Each recipient of funds under subsection (a)(1) shall provide the following services:

''(A) Outreach services to inform Native Hawaiians of the availability of health services.

''(B) Education in health promotion and disease prevention of the Native Hawaiian population by (wherever possible) Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

''(C) Services of physicians, physicians' assistants, or nurse practitioners.

''(D) Immunizations.

''(E) Prevention and control of diabetes, high blood pressure, and otitis media.

''(F) Pregnancy and infant care.

''(G) Improvement of nutrition.

''(2) In addition to the mandatory services under paragraph (1), the following services may be provided pursuant to subsection (a)(1):

''(A) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

''(B) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

''(C) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 10, which are not specifically referred to in paragraph (1) of this subsection.

''(3) The health care services referred to in paragraphs (1) and (2) which are provided under grants or contracts under subsection (a)(1) may be provided by traditional Native Hawaiian healers.

''(d) LIMITATION ON NUMBER OF ENTITIES.—During a fiscal year, the Secretary under this Act may make a grant to, or hold a contract with, not more than 5 Native Hawaiian health care systems.

''(e) MATCHING FUNDS.—(1) The Secretary may not make a grant or provide funds pursuant to a contract under subsection (a)(1) to an entity—

''(A) in an amount exceeding 75 percent of the costs of providing health services under the grant or contract; and

''(B) unless the entity agrees that the entity will make available, directly or through donations to the entity, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under paragraph (2)) for each $3 of Federal funds provided in such grant or contract.

''(2) 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 de-

termining the amount of such non-Federal contributions.

''(3) The Secretary may waive the requirement established in paragraph (1) if—

''(A) the entity involved is a nonprofit private entity described in subsection (b); and

''(B) the Secretary, in consultation with Papa Ola Lokahi, determines that it is not feasible for the entity to comply with such requirement.

''(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

''(1) for any purpose other than the purposes described in subsection (c);

''(2) to provide inpatient services;

''(3) to make cash payments to intended recipients of health services; or

''(4) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

''(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that, whether health services are provided directly or through contract—

''(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

''(2) the entity will impose a charge for the delivery of health services, and such charge—

''(A) will be made according to a schedule of charges that is made available to the public, and

''(B) will be adjusted to reflect the income of the individual involved.

''SEC. 5. FUNCTIONS OF, AND GRANTS TO, PAPA OLA LOKAHI.

''(a) FUNCTIONS.—Papa Ola Lokahi shall—

''(1) coordinate, implement, and update, as appropriate, the comprehensive health care master plan developed pursuant to section 3;

''(2) to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians;

''(3) provide for the training of the persons described in section 4(c)(1)(B);

''(4) develop an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out this Act;

''(5) serve as a clearinghouse for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification of and research into diseases affecting Native Hawaiians;

''(C) the availability of Native Hawaiian project funds, research projects, and publications; and

''(D) the timely dissemination of information relating to Native Hawaiian health care systems;

''(6) perform the recognition and certification functions specified in sections 10(6)(F) and 10(6)(G); and

''(7) provide technical support and coordination of training and technical assistance to Native Hawaiian health care systems.

''(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

''(c) GRANTS.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

''(1) carrying out the functions described in subsection (a); and

''(2) administering any special project funds received under the authority of subsection (b).

''(d) RELATIONSHIPS WITH OTHER AGENCIES.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant agencies or organizations that are capable of providing resources or services to Native Hawaiian health care systems.

''SEC. 6. ADMINISTRATION OF GRANTS AND CONTRACTS.

''(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

''(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

''(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

''(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

''(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

''(3) with respect to providing health services to any population of Native Hawaiians a substantial portion of which has a limited ability to speak the English language—

''(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

''(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

''(4) with respect to health services that are covered in the plan of the State of Hawaii approved under title XIX of the Social Security Act—

''(A) if the entity will provide under the grant or contract any such health services directly—

''(i) the entity has entered into a participation agreement under such plan; and

''(ii) the entity is qualified to receive payments under such plan; and

''(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

''(i) the organization has entered into a participation agreement under such plan; and

''(ii) the organization is qualified to receive payments under such plan; and

''(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the utilization and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

''(d) CONTRACT EVALUATION.—(1) If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 4, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such entity and is authorized to enter into a contract under section 4 with another entity referred to in section 4(b) that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this subsection.

''(2) In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of evaluation under this section.

''(3) All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

''(4) Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

''(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Except for grants and contracts under section 5(c), the Secretary may not make a grant to, or enter into a contract with, an entity under this Act unless the entity agrees that the entity will not expend more than 10 percent of amounts received pursuant to this Act for the purpose of administering the grant or contract.

''(f) REPORT.—(1) For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi a quarterly report on—

''(A) activities conducted by the entity under the grant or contract;

''(B) the amounts and purposes for which Federal funds were expended; and

''(C) such other information as the Secretary may request.

''(2) The reports and records of any entity which concern any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of Health and Human Services, and the Comptroller General of the United States.

''(g) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

''SEC. 7. ASSIGNMENT OF PERSONNEL.

''(a) IN GENERAL.—The Secretary is authorized to enter into an agreement with any entity under which the Secretary is authorized to assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

''(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under the authority of subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

''SEC. 8. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

''(a) ELIGIBILITY.—The Secretary is authorized to make scholarship grants to students who—

''(1) meet the requirements of section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b)); and

''(2) are Native Hawaiians.

''(b) TERMS AND CONDITIONS.—(1) Scholarship grants provided under subsection (a)

shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship grants provided under section 338A of the Public Health Service Act (42 U.S.C. 254l), except that—

''(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

''(B) in selecting scholarship recipients, the Secretary shall give priority to individuals included on a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate; and

''(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in—

''(i) any one of the five Native Hawaiian health care systems which, during the fiscal year in which the obligated service requirement is assigned, has received a grant or entered into a contract pursuant to section 4; or

''(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii.

''(2) The Secretary shall enter into a cooperative agreement with the Kamehameha Schools/Bishop Estate under which such organization shall provide recruitment, retention, counseling, and other support services intended to improve the operation of the scholarship program established under this section.

''(3) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

''SEC. 9. REPORT.

''The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress the report required pursuant to section 2(d).

''SEC. 10. DEFINITIONS.

''For purposes of this Act:

''(1) DISEASE PREVENTION.—The term 'disease prevention' includes—

''(A) immunizations,

''(B) control of high blood pressure,

''(C) control of sexually transmittable diseases,

''(D) prevention and control of diabetes,

''(E) control of toxic agents,

''(F) occupational safety and health,

''(G) accident prevention,

''(H) fluoridation of water,

''(I) control of infectious agents, and

''(J) provision of mental health care.

''(2) HEALTH PROMOTION.—The term 'health promotion' includes—

''(A) pregnancy and infant care, including prevention of fetal alcohol syndrome,

''(B) cessation of tobacco smoking,

''(C) reduction in the misuse of alcohol and drugs,

''(D) improvement of nutrition,

''(E) improvement in physical fitness,

''(F) family planning, and

''(G) control of stress.

''(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

''(iii) birth records of the State of Hawaii.

''(4) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian health center' means an entity—

''(A) which is organized under the laws of the State of Hawaii,

''(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable,

''(C) which is a public or nonprofit private entity, and

''(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services.

''(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

''(A) which serves the interests of Native Hawaiians,

''(B) which is—

''(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians, and

''(ii) certified by Papa Ola Lokahi as having the qualifications and capacity to provide the services, and meet the requirements, under the contract the organization enters into with, or grant the organization receives from, the Secretary under this Act,

''(C) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services, and

''(D) which is a public or nonprofit private entity.

''(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

''(A) which is organized under the laws of the State of Hawaii;

''(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

''(C) which is a public or nonprofit private entity;

''(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

''(E) which may be composed of as many Native Hawaiian health centers as necessary to meet the health care needs of Native Hawaiians residing on the island or islands served by such entity;

''(F) which is recognized by Papa Ola Lokahi for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians under this Act; and

''(G) which is certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements of a contract entered into, or a grant received, under section 4.

''(7) PAPA OLA LOKAHI.—(A) Subject to subparagraph (B), the term 'Papa Ola Lokahi' means an organization composed of—

''(i) E Ola Mau;

''(ii) the Office of Hawaiian Affairs of the State of Hawaii;

''(iii) Alu Like Inc.;

''(iv) the University of Hawaii;

''(v) the Office of Hawaiian Health of the Hawaii State Department of Health;

''(vi) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i and Ni'ihau;

''(vii) Ke Ola Mamo, or a health care system serving the island of O'ahu;

''(viii) Na Pu'uwai or a health care system serving the islands of Moloka'i and Lana'i;

''(ix) Hui No Ke Ola Pono, or a health care system serving the island of Maui;

''(x) Hui Malama Ola Ha'Oiwi or a health care system serving the island of Hawaii; and

''(xi) such other member organizations as the Board of Papa Ola Lokahi may admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians, and upon satisfactory development of a mission statement in relation to this Act, including clearly defined goals and objectives, a 5-year action plan outlining the contributions that each organization will make in carrying out the policy of this Act, and an estimated budget.

''(B) Such term does not include any organization identified in subparagraph (A) if the Secretary determines that such organization does not have a mission statement with clearly defined goals and objectives for the contributions the organization will make to Native Hawaiian health care systems and an action plan for carrying out such goals and objectives.

''(8) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

''(A) services of physicians, physicians' assistants and nurse practitioners;

''(B) diagnostic laboratory and radiologic services;

''(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

''(D) emergency medical services;

''(E) transportation services as required for adequate patient care;

''(F) preventive dental services; and

''(G) pharmaceutical services, as may be appropriate for particular health centers.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(10) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

''(A) who—

''(i) is of Hawaiian ancestry, and

''(ii) has the knowledge, skills, and experience in direct personal health care of individuals, and

''(B) whose knowledge, skills, and experience are based on a demonstrated learning of Native Hawaiian healing practices acquired by—

''(i) direct practical association with Native Hawaiian elders, and

''(ii) oral traditions transmitted from generation to generation.

''SEC. 11. RULE OF CONSTRUCTION.

''Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

''SEC. 12. COMPLIANCE WITH BUDGET ACT.

''Any new spending authority (described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

''SEC. 13. SEVERABILITY.

''If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

''SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 such sums as may be necessary to carry out the purposes of this Act.

''SEC. 15. PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION.

''Notwithstanding any other provision of this Act, no person shall, on the basis of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination

under, any program or activity receiving Federal financial assistance under this Act.''.

SEC. 503. REPEAL OF PUBLIC HEALTH SERVICE ACT PROVISION.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 206 of this Act, is amended by repealing section 338K and redesignating section 338L as section 338K. Such repeal shall not be construed to terminate contracts in effect under such section on the date of the enactment of this Act. Any such contracts shall continue according to the terms and conditions of such contracts.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the enactment of this Act.

TITLE VI—WOMEN'S HEALTH

SEC. 601. ESTABLISHMENT OF OFFICE OF WOMEN'S HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 704 of Public Law 103–183 (107 Stat. 2240), is amended by adding at the end the following section:

''OFFICE OF WOMEN'S HEALTH

''SEC. 1710. (a) IN GENERAL.—There is established an Office of Women's Health within the Office of the Assistant Secretary for Health. There shall be in the Department of Health and Human Services a Deputy Assistant Secretary for Women's Health, who shall be the head of the Office of Women's Health. The Secretary, acting through such Deputy Assistant Secretary, shall carry out this section.

''(b) DUTIES.—

''(1) IN GENERAL.—The Secretary may conduct or support programs and activities regarding women's health conditions. In carrying out the preceding sentence, the Secretary shall—

''(A) monitor the programs and activities of the agencies specified in paragraph (2) in order to determine the extent to which the purposes of the programs and activities are being carried out with respect to women's health conditions (as defined in section 486);

''(B) provide advice to the heads of such agencies on improving programs and activities that relate to such conditions; and

''(C) coordinate such programs and activities of the agencies.

''(2) SPECIFIED AGENCIES.—For purposes of paragraph (1), the agencies referred to in this paragraph are the following:

''(A) The Centers for Disease Control and Prevention.

''(B) The National Institutes of Health.

''(C) The Agency for Health Care Policy and Research.

''(D) The Health Resources and Services Administration.

''(E) The Substance Abuse and Mental Health Services Administration.

''(F) The Food and Drug Administration.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.''.

SEC. 602. WOMEN'S SCIENTIFIC EMPLOYMENT REGARDING NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

''WOMEN'S SCIENTIFIC EMPLOYMENT

''SEC. 404F. (a) IN GENERAL.—The Director of NIH shall—

''(1) establish policies for the National Institutes of Health on matters relating to the employment by such Institutes of women as scientists;

''(2) monitor the extent of compliance with such policies, including through the implementation of an accountability system under the Federal Equal Opportunity Recruitment Program; and

''(3) establish and maintain a process for responding to incidents of noncompliance with such policies.

''(b) CERTAIN POLICIES.—In establishing policies under subsection (a)(1), the Director of NIH shall provide for the following policies regarding the employment of women as scientists at the National Institutes of Health:

''(1) A policy on the granting of tenured status.

''(2) A policy on family leave.

''(3) A policy on the recruitment of minority women.

''(4) A policy on the inclusion of women scientists in intramural and extramural conferences, workshops, international congresses, and similar events funded or sponsored by such Institutes.

''(c) AVAILABILITY OF POLICIES.—The Director of NIH shall ensure that copies of policies established under subsection (a) are available to scientists of the National Institutes of Health.

''(d) DEFINITION.—For purposes of this section, the term 'Federal Equal Opportunity Recruitment Program' means the program carried out under part 720 of title 5, Code of Federal Regulations (5 CFR 720).''.

(b) STUDIES.—

(1) PAY EQUITY.—The Director of the National Institutes of Health shall provide for a study to identify any pay differences among men and women scientists employed (both tenured and untenured) by the National Institutes of Health. The study shall include recommendations on measures to adjust any inequities, and on making available information on salary ranges to all scientists of such Institutes.

(2) STUDY ON TERMINATION OF EMPLOYMENT.—The Comptroller General of the United States shall conduct a study for the purpose of determining the reasons underlying the employment termination of scientists of the National Institutes of Health. The study shall be carried out with respect to male and female scientists, and with respect to voluntary and involuntary terminations.

(3) REPORTS.—Not later than 240 days after the date of the enactment of this Act, the studies required in this subsection shall be completed, and reports describing the findings and recommendations of the studies shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

SEC. 603. INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the Deputy Assistant Secretary for Women's Health and the Deputy Assistant Secretary for Minority Health collaborate for the purpose of carrying out the following activities:

(1) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(b) DEFINITION.—For purposes of this section, the term ''female genital mutilation'' means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

SEC. 604. STUDY REGARDING CURRICULA OF MEDICAL SCHOOLS AND WOMEN'S HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall conduct a study for the purpose of determining the contents of the curriculum of schools of medicine and osteopathic medicine and whether such curriculum provides adequate education to students on women's health conditions.

(b) CONSULTATIONS.—The Secretary shall carry out subsection (a) in consultation with the Deputy Assistant Secretary for Women's Health and the Director of the Office of Research on Women's Health (of the National Institutes of Health).

(c) REPORT.—Not later than April 1, 1995, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study and containing any recommendations of the Secretary regarding such findings.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Secretary'' means the Secretary of Health and Human Services.

(2) The term ''women's health conditions'' has the meaning given such term in section 486 of the Public Health Service Act.

TITLE VII—TRAUMATIC BRAIN INJURY

SEC. 701. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of Title III of the Public Health Service Act (42 U.S.C. 243 ET SEQ.), AS AMENDED BY SECTION 209 OF THIS ACT, IS AMENDED BY INSERTING AFTER SECTION 317G THE FOLLOWING SECTION:

''PREVENTION OF TRAUMATIC BRAIN INJURY

''SEC. 317H. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

''(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

''(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

''(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

''(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

''(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury'

means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.''.

SEC. 702. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking ''and'' after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following paragraph:

''(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

''(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

''(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

''(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

''(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training.''; and

(2) in subsection (h), by adding at the end the following paragraph:

''(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.''.

SEC. 703. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d–51 et seq.) is amended by adding at the end the following section:

''SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

''(b) STATE ADVISORY BOARD.—

''(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

''(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

''(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

''(A) representatives of—

''(i) the corresponding State agencies involved;

''(ii) public and nonprofit private health related organizations;

''(iii) other disability advisory or planning groups within the State;

''(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

''(v) injury control programs at the State or local level if such programs exist; and

''(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

''(c) MATCHING FUNDS.—

''(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

''(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

''(f) REPORT.—Not later than 2 years after the effective date under section 901 of the Minority Health Improvement Act of 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

''(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.''.

SEC. 704. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidence of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the effective date under section 901, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the effective date under section 901, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term ''traumatic brain injury'' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. TECHNICAL AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.

The last sentence of section 818(e)(3) of the Indian Health Care Improvement Act (25 U.S.C. 1680h(e)(3)) is amended—

(1) by striking ''services,'' and inserting ''services''; and

(2) by striking '', shall be recoverable.'' and inserting a period.

SEC. 802. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting '', substance abuse'' after ''availability of health''; and

(ii) by striking '', including improved health data systems'';

(B) in paragraph (3)—

(i) by striking ''manpower'' and inserting ''care providers''; and

(ii) by striking ''by—'' and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking ''and'' at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

''(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

''(8) to improve access to health promotion and disease prevention services for rural American Samoa.'';

(2) in subsection (f)—

(A) by striking ''there is'' and inserting ''there are''; and

(B) by striking ''$10,000,000'' and all that follows through ''1993'' and inserting ''$3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $5,000,000 for fiscal year 1997''; and

(3) by adding at the end thereof the following new subsection:

''(g) STUDY AND REPORT.—

''(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

''(2) REPORT.—Not later than July 1, 1995, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).''.

SEC. 803. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''Section 1201 of the Public Health Service Act (42 U.S.C. 300d)'' and inserting ''Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)''; and

(B) in subsection (f)(1), by striking ''in section 1204(c)'' and inserting ''in section 1203(c) (as redesignated by subsection (b)(2) of this section)'';

(2) in section 602, by striking ''for the purpose'' and inserting ''For the purpose''; and

(3) in section 705(b), by striking ''317D((l)(1)'' and inserting ''317D(l)(1)''.

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking ''making grants under subsection (b)'' and inserting ''carrying out subsection (b)'';

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking ''provides for for'' and inserting ''provides for'';

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking ''nonprofit''.

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking ''(d)(5)'' and inserting ''(e)(5)''.

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 804. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act, as amended by section 701 of this Act, is amended by inserting after section 317H the following section:

''MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

''SEC. 317I. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

''(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.''.

(b) EFFECTIVE DATE.—This section is deemed to have taken effect July 1, 1994.

SEC. 805. ESTABLISHMENT OF PUBLIC HEALTH ANALYTICAL LABORATORY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting as appropriate through the Director of the Centers for Disease Control and Prevention or through other agencies, may make a grant for the establishment and operation of a laboratory to protect the public health through analyzing human, wildlife, air, water, and soil samples. The laboratory shall serve the region in the United States along the international border between the United States and Mexico, and shall be established in the United States in close proximity to such border.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

SEC. 806. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking ''(b) SENSE'' and all that follows through ''In the case'' and inserting the following:

''(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case'';

(2) by striking ''(2) NOTICE TO RECIPIENTS OF ASSISTANCE'' and inserting the following:

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE''; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 807. REVISIONS TO ELIGIBILITY REQUIREMENTS FOR ENTITIES SUBJECT TO DRUG PRICING LIMITATIONS.

(a) TREATMENT OF CERTAIN OUTPATIENT CLINICS AS COVERED ENTITIES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following subparagraph:

''(M) A diagnostic and treatment center owned and operated by the New York City Health and Hospitals Corporation.''.

(b) LIMITATION ON EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—Section 340B(a)(4)(L) of the Public Health Service Act (42 U.S.C. 256b(a)(4)(L)) is amended—

(1) in clause (i), by striking ''under this title'' and inserting ''under title XIX of such Act''; and

(2) in clause (iii), by inserting before the period at the end the following: '', other than the Health Services Purchasing Group under the control of Los Angeles County''.

(c) CLARIFICATION OF EFFECTIVE DATE OF EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—The Secretary of Health and Human Services may not find that the hospital system for the Dallas County Hospital District of Texas (commonly known as Parkland Memorial Hospital) fails to meet the requirements for a covered entity under paragraph (4)(L) of section 340B(a) of the Public Health Service Act solely because the hospital used a group purchasing organization or other group purchasing arrangement to obtain a covered outpatient drug before the effective date of the entity guidelines published by the Secretary pursuant to section 602 of the Veterans Health Care Act of 1992 if, at the time the hospital purchased the drug, the manufacturer of the drug did not offer to furnish the drug to the hospital at the price required to be paid for the drug under paragraph (1) of such section.

(d) EFFECTIVE DATES.—Subsections (a) and (b) take effect as if included in the enactment of the Veterans Health Care Act of 1992. Subsection (c) takes effect on the date of the enactment of this Act.

SEC. 808. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''not less than 5, and not more than 15,'';

(2) in paragraph (2)—

(A) by inserting after ''disorders'' the following: ''who are living in single family homes or in congregate settings''; and

(B) by striking ''and'' at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and''.

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the heading for the section, by striking ''**limitation**'' and all that follows and inserting ''**requirement of matching funds**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking ''third year'' and inserting ''third or subsequent year''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended by striking ''and 1993'' and inserting ''through 1998''.

SEC. 809. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS PROGRAMS.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act is amended by striking ''and (x)'' and inserting ''(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)''.

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act is further amended—

(A) in clause (xi) (as so redesignated) by striking ''(ix)'' and inserting ''(x)''; and

(B) in the matter following such clause (xi), by striking ''(x)'' and inserting ''(xi)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) MAXIMUM STUDENT LOAN PROVISION.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the sum of'' and all that follows through the end thereof and inserting ''the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).''.

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the amount $2,500'' and all that follows through ''including such $2,500'' and inserting ''the amount of the loan may, in the case of the third or fourth year of a student at school of medicine or osteopathic medicine, be increased to the extent necessary''.

(c) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking ''3 years before'' and inserting ''4 years before''.

(d) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking ''through the date on which the loan is repaid in full'' and inserting ''for 5 years after completing the residency program''.

(e) PREFERENCE AND REQUIRED INFORMATION IN CERTAIN PROGRAMS.—

(1) TITLE VII.—Section 791 of the Public Health Service Act (42 U.S.C. 295j) is amended by adding at the end thereof the following subsection:

''(d) EXCEPTIONS.—

''(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

''(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

''(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

''(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

''(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

''(C) Substantial clinical training experience is required under the program in medically underserved communities.

''(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

''(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

''(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

''(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.''.

(2) TITLE VIII.—Section 860 of the Public Health Service Act (42 U.S.C. 298b–7) is amended by adding at the end thereof the following subsection:

''(f) EXCEPTIONS.—

''(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

''(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

''(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

''(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

''(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

''(C) Substantial clinical training experience is required under the program in medically underserved communities.

''(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

''(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

''(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

''(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.''.

(f) DEFINITIONS.—Section 799(6) of the Public Health Service Act (42 U.S.C. 295p(6)) is amended—

(1) in subparagraph (B) by striking ''; or'' at the end thereof;

(2) in subparagraph (C) by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following:

''(D) ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

''(E) practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.''.

(g) RECOVERY.—Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.), as amended by section 301(b)(1) of this Act, is amended by inserting after section 794 the following section:

''SEC. 795. RECOVERY.

''(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)—

''(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

''(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

''(C) in case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

''(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)) for which it was constructed, or

''(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

''(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

''(c) AMOUNT.—

''(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

''(2) INTEREST.—

''(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

''(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

''(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

''(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

''(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

''(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.''.

SEC. 810. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting ''counseling'' after ''family therapy,''.

SEC. 811. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking ''$5,000,000'' and inserting ''$2,500,000''.

TITLE IX—GENERAL PROVISIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act takes effect upon the date of the enactment of this Act.

And the House agree to the same.

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

In lieu of the matter proposed to be inserted by the House amendment, insert the following: ''An Act to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of racial and ethnic minority groups, and for other purposes.''.

And the House agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
BILL RICHARDSON,
EDOLPHUS TOWNS,
CRAIG A. WASHINGTON,
CARLOS J. MOORHEAD,
TOM BLILEY,
MIKE BILIRAKIS,
SAM GIBBONS,
HAROLD FORD,
Managers on the Part of the House.

From the Committee on Ways and Means, for consideration of titles VI and VII of the Senate bill, and modifications committed to conference:

EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
PAUL SIMON,
NANCY LANDON KASSEBAUM,
ORRIN G. HATCH,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

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

Mr. WAXMAN 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 ..... 394 / Nays 5

¶122.25 [Roll No. 504]

YEAS—394

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—5

Burton
Duncan
Hancock
Johnson, Sam
Stump

NOT VOTING—35

Applegate
Barton
Bateman
Bentley
Bilirakis
Brewster
DeLay
Foglietta
Ford (TN)
Gallo
Grandy
Houghton
Inhofe
Istook
Laughlin
Lehman
Levy
Lewis (FL)
McCurdy
McMillan
Payne (VA)
Pickle
Porter
Ravenel
Roukema
Slattery
Slaughter
Spratt
Stenholm
Studds
Sundquist
Torricelli
Tucker
Washington
Whitten

So 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.

¶122.26 NATIONALITY AND NATURALIZATION AMENDMENTS

On motion of Mr. BROOKS, by unanimous consent, the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in

the laws relating to nationality and naturalization; together with the following amendments of the Senate to the amendment of the House to the amendment of the Senate thereto, was taken from the Speaker's table:

Page 36, after line 19 of the House engrossed amendment, insert:

SEC. 220. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) WAIVER.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended—

(1) in the first proviso by inserting ''(or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent after ''interested United States Government agency''; and

(2) by inserting after ''public interest'' the following: ''except that in the case of a waiver requested by a State Department of Public Health, or its equivalent the waiver shall be subject to the requirements of section 214(k)''.

(b) RESTRICTIONS ON WAIVER.—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(k)(1) In the case of a request by an interested State agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

''(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver;

''(B) the alien demonstrates a bona fide offer of full-time employment at a health facility and agrees to begin employment at such facility within 90 days of receiving such waiver and agrees to continue to work in accordance with paragraph (2) at the health care facility in which the alien is employed for a total of not less than 3 years (unless the Attorney General determines that extenuating circumstances such as the closure of the facility or hardship to the alien would justify a lesser period of time);

''(C) the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than 3 years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

''(D) the grant of such waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed twenty.

''(2) (1) Not withstanding section 248(2), the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

''(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of a contract with a health facility shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has reside and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

''(3) Notwithstanding any other provision of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien described in clause (iii) of that section, who has not otherwise been accorded status under section 101(a)(27)(H), if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to aliens admitted to the United States under section 101(a)(15)(J) of the Immigration and Nationality Act, or acquiring such status after admission to the United States before, on, or after the date of enactment of this Act and before June 1, 1996.

Page 36, after line 19 of the House engrossed amendment, insert:

SEC. 221. VISAS FOR OFFICIALS OF TAIWAN.

Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state government officials concerning:

(i) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(ii) Prevention of nuclear proliferation;

(iii) Threats to the national security of the United States;

(iv) The protection of the global environment;

(v) The protection of endangered species; or

(iv) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.

Page 36, after line 19 of the House engrossed amendment, insert;

SEC. 222. EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

''(43) The term 'aggravated felony' means—

''(A) murder;

''(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

''(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive material (as defined in section 841(c) of that title);

''(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceed $100,000;

''(E) an offense described in—

''(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

''(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) of (h) of title 18, United States Code (relating to firearms offenses); or

''(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

''(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

''(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

''(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

''(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

''(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influence corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

''(K) an offense that—

''(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

''(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

''(L) an offense described in—

''(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

''(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

''(M) an offense that—

''(i) involves fraud or deceit in which the loss to the victim or victims exceeds $200,000; or

''(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $200,000;

''(N) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

''(O) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

''(P) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

''(Q) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions entered on or after the date of enactment of this Act.

SEC. —. SUMMARY DEPORTATION.

(a) EXPEDITED PROCEDURES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (b)(4)(D), by striking ''the determination of deportability is supported by clear, convincing, and unequivocal evidence and''; and

(2) in subsection (b)(4)(E), by striking ''entered'' and inserting ''adjudicated''.

(b) TECHNICAL CORRECTION.—Section 106(d)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended by striking ''242A(b)(5)'' and inserting ''242A(b)(4)''.

SEC. —. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

''(d) JUDICIAL DEPORTATION.—

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of

sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A), if such an order has been requested by the United States Attorney with the concurrence of the Commissioner and if the court chooses to exercise such jurisdiction.

''(2) PROCEDURE.—

''(A) The United States Attorney shall file with the United States District court, and serve upon the defendant and the Service, prior to commencement of the trial or entry of a guilty plea a notice of intent to request judicial deportation.

''(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 30 days prior to the date set for sentencing a charge containing factual allegations regarding the alienate of the defendant and identifying the crime or crimes which make the defendant deportable under section 241(a)(2)(A).

''(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under this Act, the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief. The court shall either grant or deny the relief sought.

''(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

''(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

''(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

''(iv) The court may order the alien deported if the Attorney General demonstrates that the alien is deportable under this Act.

''(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

''(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

''(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

''(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

''(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order of deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

''(4) DENIAL OF JUDICIAL ORDER.—Denial without a decision on the merits of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).''.

(b) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking ''The'' and inserting ''Except as provided in section 242Aj(d), the''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. —. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

On motion of Mr. BROOKS, said Senate amendments to the House amendment to the Senate amendment were agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶122.27 CIVIL RIGHTS COMMISSION REAUTHORIZATION

On motion of Mr. BROOKS, by unanimous consent, the bill (S. 2372) to reauthorize for three years the Commission on Civil Rights, and for other purposes; together with the following amendment of the Senate to the amendments of the House thereto, was taken from the Speaker's table:

Page 10, line 12, strike out ''September 30, 1995'' and insert ''September 30, 1996''.

On motion of Mr. BROOKS, said Senate amendment to the House amendments was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶122.28 JUDICIAL AMENDMENTS

On motion of Mr. BROOKS, by unanimous consent, the Committee on Judiciary was discharged from further consideration of the bill of the Senate (S. 2407) to make improvements in the operation and administration of the Federal courts, 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 said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.29 U.S. ARMED FORCES IN HAITI

On motion of Mr. HAMILTON, by unanimous consent, the joint resolution of the Senate (S.J. Res. 229) regarding United States policy toward Haiti; was taken from the Speaker's table.

When said joint resolution was considered and 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 said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, a similiar joint resolution, H.J. Res. 416, was laid on the table.

¶122.30 CHILD SUPPORT ENFORCEMENT

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service, the Committee on Government Operations, and the Committee on Foreign Affairs were discharged from further consideration of the bill (H.R. 5179) to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.31 TORTURE OR EXTRAJUDICIAL KILLING

On motion of Mr. BROOKS, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 934) to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture or extrajudicial killing occurring in that state.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Judiciary, was then agreed to:

Strike all after the enacting clause, and insert the following:

SECTION 1. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES INVOLVING ACTS OF GENOCIDE IN A FOREIGN STATE.

Section 1605(a) of title 28, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting in lieu thereof ''; or''; and

(3) by adding at the end thereof the following:

''(7) not otherwise encompassed in paragraph (2), in which money damages are sought against the Federal Republic of Germany for the personal injury or death of a United States citizen occurring in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed or otherwise controlled by those states and caused by an act of genocide committed against that citizen, by such predecessor state or by any official or employee of such predecessor state while acting within the scope of his or her office or employment during World War Two except that—

''(A) an action under this paragraph shall not be maintained unless the individual

whose injury or death gave rise to the action was a United States citizen at the time the conduct causing such injury or death occurred;

''(B) the court shall decline to hear a claim under this paragraph if the claimant has not exhausted adequate and available remedies in the places in which the conduct giving rise to the claim occurred; and

''(C) STATUTE OF LIMITATIONS.—An action under this paragraph shall not be maintained unless the cause of action is brought within 18 months after the date of enactment of this paragraph.

For purposes of paragraph (7), the term 'act of genocide' means conduct that would be a violation of section 1091 of title 18 if committed in the United States.''.

SEC. 2. EXCEPTION TO IMMUNITY FROM ATTACHMENT.

(a) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(1) by striking the period at the end of paragraph (6) and inserting in lieu thereof '', or''; and

(2) by adding at the end thereof the following new paragraph:

''(7) the judgment relates to a claim for which the foreign state is not immune by virtue of section 1605(a)(7) of this chapter, regardless of whether the property is or was involved in the act upon which the claim is based.''.

(b) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(1) by striking ''or (5)'' and inserting in lieu thereof ''(5), or (7)''; and

(2) by striking ''used for the activity'' and inserting in lieu thereof ''involved in the act''.

SEC. 3. APPLICABILITY.

The amendments made by this Act shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''A bill to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture, extrajudicial killing, or genocide occurring in that state.''.

A motion to reconsider the votes whereby the bill 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.

¶122.32 FCC AUTHORIZATION

On motion of Mr. MARKEY, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 4522) to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

When said bill was considered and read twice.

Mr. MARKEY submitted the following amendment in the nature of a substitute which was then agreed to:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Communications Commission Authorization Act of 1994''.

SEC. 2. EXTENSION OF AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for the administration of this Act by the Commission $186,000,000 for fiscal year 1995, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1995. Of the sum appropriated in each fiscal year under this section, a portion, in an amount determined under section 9(b), shall be derived from fees authorized by section 9.''.

(b) TRAVEL AND REIMBURSEMENT PROGRAM.—Subsection (g) of section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(1) by striking paragraph (2), and

(2) by redesignating paragraph (3) as (2).

(c) COMMUNICATIONS SUPPORT FROM OLDER AMERICANS.—Section 6(a) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) as amended by striking ''fiscal years 1992 and 1993'' and inserting ''fiscal year 1995''.

(d) HAWAII MONITORING STATION.—Section 9(a) of the Federal Communications Commission Authorization Act of 1988 (Public Law 100–594; 102 Stat. 3024) is amended by striking ''1991, 1992, 1993, and 1994'' and inserting ''1995,''.

SEC. 3. APPLICATION FEES.

(a) SCHEDULE OF APPLICATION FEES FOR PCS.—The schedule of application fees in section 8(g) of such Act is amended by adding, at the end of the portion under the heading ''COMMON CARRIER SERVICES'', the following new item:

''23. Personal communications services

''a. Initial or new application	230
''b. Amendment to pending application.	35
''c. Application for assignment or transfer of control.	230
''d. Application for renewal of license.	35
''e. request for special temporary authority.	200
''f. Notification of completion of construction.	35
''g. Request to combine service areas.	50''.

(b) VANITY CALL SIGNS.—

(1) LIFETIME LICENSE FEES.—

(A) AMENDMENT.—The schedule of application fees in section 8(g) of such Act is further amended by adding, at the end of the portion under the heading ''PRIVATE RADIO SERVICES'', the following new item:

''11. Amateur vanity call signs .... 150.00''.

(B) TREATMENT OF RECEIPTS.—Moneys received from fees established under the amendment made by this subsection shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Commission.

(2) TERMINATION OF ANNUAL REGULATORY FEES.—The schedule of regulatory fees in section 9(g) of such Act (47 U.S.C. 159(g)) is amended by striking the following item from the fees applicable to the Private Radio Bureau:

''Amateur vanity call-signs ..... 7''.

(c) DESCRIPTION OF APPLICATIONS FUNCTIONS.—Section 8(b) of such Act is amended by adding at the end the following new paragraph:

1''(3) Any fees established under this section shall be assessed and collected to recover the costs of performing application activities, including all executive and legal costs incurred by the Commission in the discharge of these activities.''.

SEC. 4. REGULATORY FEES.

(a) EXECUTIVE AND LEGAL COSTS.—Section 9(a)(1) of the Communications Act of 1934 (47 U.S.C. 159(a)(1)) is amended by inserting before the period at the end the following: '', and all executive and legal costs incurred by the Commission in the discharge of these functions''.

(b) ESTABLISHMENT AND ADJUSTMENT.—Section 9(b) of such Act is amended—

(1) in paragraph (4)(B), by striking ''90 days'' and inserting ''45 days''; and

(2) by adding at the end the following new paragraph:

''(5) EFFECTIVE DATE OF ADJUSTMENTS.—The Commission may continue to collect fees at the prior year's rate until the effective date of any fee adjustment or amendment of that fee under this section.''

(c) REGULATORY FEES FOR SATELLITE TV OPERATIONS.—The schedule of regulatory fees in section 9(g) of such Act is amended, in the fees applicable to the mass media bureau, by inserting after each of the items pertaining to construction permits in the fees applicable to VHF commercial TV the following new item:

''Terrestrial television satellite operations ..... 500''.

(d) GOVERNMENTAL ENTITIES USE FOR COMMON CARRIER PURPOSES.—Section 9(h) of such Act is amended by adding at the end the following new sentence: ''The exceptions provided by this subsection for governmental entities shall not be applicable to any services that are provided on a commercial basis in competition with another carrier.''.

(e) INFORMATION REQUIRED IN CONNECTION WITH ADJUSTMENT OF REGULATORY FEES.—Title I of such Act is amended—

(1) in section 9, by striking subsection (i); and

(2) by inserting after section 9 the following new section:

''SEC. 10. ACCOUNTING SYSTEM AND ADJUSTMENT INFORMATION.

''(a) ACCOUNTING SYSTEM REQUIRED.—The Commission shall develop accounting systems of the purposes of making any adjustments authorized by sections 8 and 9. The Commission shall annually prepare and submit to the Congress an analysis of such systems and shall annually afford interested persons the opportunity to submit comments concerning the allocation of the costs of performing the functions described in section 8(b)(3) and 9(a)(1).

''(b) INFORMATION REQUIRED IN CONNECTION WITH ADJUSTMENT OF APPLICATION AND REGULATORY FEES.—

''(1) SCHEDULE OF REQUESTED AMOUNTS.—No later than May 1 of each calendar year, the Commission shall prepare and transmit to the Committees of Congress responsible for the Commission's authorization and appropriations a detailed schedule of the amounts requested by the President's budget to be appropriated for the ensuing fiscal year for the activities described in sections 8(b)(3) and 9(a)(1), allocated by bureaus, divisions, and offices of the Commission.

''(2) EXPLANATORY STATEMENT.—If the Commission anticipates increases in the application fees or regulatory fees applicable to any applicant, licensee, or unit subject to payment of fees, the Commission shall submit to the Congress by May 1 of such calendar year a statement explaining the relationship between any such increases and either (A) increases in the amounts requested to be appropriated for Commission activities in connection with such applicants, licensees, or units subject to payment of fees, or (B) additional activities to be performed with respect to such applicants, licensees, or units.

''(3) DEFINITION.—For purposes of this subsection, the term 'amount requested by the

President's budget' shall include any adjustments to such requests that are made by May 1 of such calendar year. If any such adjustment is made after May 1, the Commission shall provide such Committees with updated schedules and statements containing the information required by this subsection within 10 days after the date of any such adjustment.''.

SEC. 5. INSPECTION OF SHIP RADIO STATIONS.

(a) CONTRACTING OUT INSPECTIONS.—Section 4(f)(3) of the Communications Act of 1934 (47 U.S.C. 154(f)(3)) is amended by adding at the end the following: ''Notwithstanding the preceding provisions of this paragraph, the Commission may designate an entity to make the inspections referred to in this paragraph instead of using engineers in charge, radio engineers, or other field employees.''.

(b) ANNUAL INSPECTION REQUIRED.—Section 362(b) of the Communications Act of 1934 (47 U.S.C. 360(b)) is amended—

(1) by striking ''as may'' in the third sentence and inserting ''as the Commission determines to'', and

(2) by striking ''thereby'' in the fourth sentence and all that follows and inserting the following: ''thereby—

''(1) waive the annual inspection required under this section for a period of up to 90 days for the sole purpose of enabling a vessel to complete its voyage and proceed to a port in the United States where an inspection can be held, or

''(2) waive the annual inspection required under this section for a vessel that is in compliance with the radio provisions of the Safety Convention and that is operating solely in waters beyond the jurisdiction of the United States, but the inspection shall be performed within 30 days after the vessel's return to the United States.''.

(c) CONFORMING AMENDMENT.—Section 385 of the Communications Act of 1934 (47 U.S.C. 385) is amended—

(1) by inserting ''or an entity designated by the Commission'' after ''Commission'', and

(2) by striking out ''as may'' and inserting ''as the Commission determines to''.

SEC. 6. EXPEDITED ITFS PROCESSING.

Section 5(c)(1) of the Communications Act of 1934 (47 U.S.C. 155(c)(1)) is amended by striking the last sentence and inserting the following: ''Except for cases involving the authorization of service in the Instructional Television Fixed Service, or as otherwise provided in this Act, nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in paragraph (2) or (3) of section 556(b) of title 5, United States Code, of any hearing to which such section applies.''.

SEC. 7. TARIFF REJECTION AUTHORITY.

sECTION 203(d) of the Communications Act of 1934 (47 U.S.C. 203(d)) is amended by inserting after the first sentence the following new sentences: ''The Commission may, after affording interested parties an opportunity to comment, reject a proposed tariff filing in whole or in part, if the filing or any part thereof is patently unlawful. In evaluating whether a proposed tariff filing is patently unlawful, the Commission may consider additional information filed by the carrier or any interested party and shall presume the facts alleged by the carrier to be true.''.

SEC. 8. REFUND AUTHORITY.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 230. REFUND AUTHORITY.

''In addition to any other provision of this Act under which the Commission may order refunds, the Commission may require by order the refund of such portion of any charge by any carrier or carriers as results from a violation of sections 220 (a), (b), or (d) or 221 (c) or (d) or of any of the rules promulgated pursuant to such sections or pursuant to sections 215, 218, or 219. Such refunds shall be ordered only to the extent that the Commission or a court finds that such violation resulted in unlawful charges and shall be made to such persons or classes of persons as the Commission determines reasonably represent the persons from whom amounts were improperly received by reason of such violation. No refunds shall be required under this section unless—

''(1) the Commission issues an order advising the carrier of its potential refund liability and provides the carrier with an opportunity to file written comments as to why refunds should not be required; and

''(2) such order is issued not later than 5 years after the date the charge was paid.

In the case of a continuing violation, a violation shall be considered to occur on each date that the violation is repeated.''.

SEC. 9. LICENSING OF AVIATION, MARITIME, AND PERSONAL RADIO SERVICES BY RULE.

Section 307(e) of the Communications Act of 1934 (47 U.S.C. 307(e)) is amended to read as follows:

''(e)(1) Notwithstanding any license requirement established in this Act, if the Commission determines that such authorization serves the public interest, convenience, and necessity, the Commission may by rule authorize the operation of radio stations without individual licenses in the following radio services: (A) the personal radio services; (B) the aviation radio service for aircraft stations operated on domestic flights when such aircraft are not otherwise required to carry a radio station; and (C) the maritime radio service for ship stations navigated on domestic voyages when such ships are not otherwise required to carry a radio station.

''(2) Any radio station operator who is authorized by the Commission to operate without an individual license shall comply with all other provisions of this Act and with rules prescribed by the commission under this Act.

''(3) For purposes of this subsection, the terms 'personal radio services', 'aircraft station', and 'ship station' shall have the meanings given them by the Commission by rule, except that the term 'personal radio services' shall not include the amateur service.''.

SEC. 10. AUCTION TECHNICAL AMENDMENTS.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

''(1) by inserting ''are authorized to remain available until expended and'' after ''Such offsetting collections'' in the second sentence of subparagraph (B), and

''(2) by adding at the end thereof the following:

''(C) REVENUES ON DEPOSIT.—The Commission is authorized, based on the competitive bidding methodology selected, to provide for the deposit of monies for bids in an interest-bearing account until such time as the Commission accepts a deposit from the high bidder. All interest earned on bid monies received from the winning bidder shall be deposited into the general fund of the Treasury. All interest earned on bid monies deposited from unsuccessful bidders shall be paid to those bidders, less any applicable fees and penalties.''.

SEC. 11. FORFEITURES FOR VIOLATIONS IMPERILING SAFETY OF LIFE.

(a) ADMINISTRATIVE SANCTIONS.—Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended—

(1) by striking ''or'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; or''; and

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

''(8) failure to comply with any requirement of this Act or the Commission's rule that imperils the safety of life.''.

(b) FORFEITURES.—Section 503(b)(1) of such Act (47 U.S.C. 503(b)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting ''; or''; and

(3) by adding after subparagraph (D) the following new subparagraph:

''(E) failed to comply with any requirement of this Act or the Commission's rules that imperils the safety of life;''.

SEC. 12. USE OF EXPERTS AND CONSULTANTS.

Section 4(f)(1) of the Communications Act of 1934 (47 U.S.C. 154) is amended by adding at the end thereof the following: ''The Commission may also procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily rate equivalent to the maximum rate payable for senior-level positions under section 5276 of title 5, United States Code.''.

SEC. 13. STATUTE OF LIMITATIONS FOR FORFEITURE PROCEEDINGS AGAINST COMMON CARRIERS.

Section 503(b)(6) of the Communications Act of 1934 (47 U.S.C. 503(b)(6) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by inserting ''and is not a common carrier'' after ''title III of this Act'' in subparagraph (B);

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following new subparagraph:

''(B) such person is a common carrier and the required notice of apparent liability is issued more than 5 years after the date the violation charged occurred; or''.

SEC. 14. UTILIZATION OF FM BAND FOR ASSISTIVE DEVICES FOR HEARING IMPAIRED INDIVIDUALS.

Within 6 months after the date of enactment of this Act, the Federal Communications Commission shall report to the Congress on the existing and future use of the FM band to facilitate the use of auditory assistive devices for individuals with hearing impairments. In preparing such report, the Commission shall consider—

(1) the potential for utilizing FM band auditory assistive devices to comply with the Americans with Disabilities Act;

(2) the impact on such compliance of the vulnerability of such devices to harmful interference from radio licensees; and

(3) alternative frequency allocations that could facilitate such compliance.

SEC. 15. TECHNICAL AMENDMENT.

Section 302(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) is amended—

(1) in subparagraph (A), by striking ''allocated to the domestic cellular radio telecommunications service'' and inserting ''utilized to provide commercial mobile service (as defined in section 332(d))''; and

(2) in subparagraph (C), by striking ''cellular'' and inserting ''commercial mobile service''.

The bill, as amended, was ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.33 STRATEGIC PETROLEUM RESERVE MANAGEMENT

On motion of Mr. SHARP, by unanimous consent, the bill of the Senate (S. 2466) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; was taken from the Speaker's table.

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 said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.34 MIDEWIN NATIONAL TALL GRASS PRAIRIE

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture, the Committee on Armed Services, and the Committee on Energy and Commerce were discharged from further consideration of the bill (H.R. 4946) to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

When said bill was considered and read twice.

Mr. DE LA GARZA submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Illinois Land Conservation Act of 1994''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Transfer of management responsibilities and jurisdiction over the Arsenal.
Sec. 4. Continuation of responsibility and liability of the Secretary of the Army for environmental cleanup.
Sec. 5. Establishment of the Midewin National Tallgrass Prairie.
Sec. 6. Disposal of certain real property at the Arsenal for a national veterans cemetery and a county landfill and to the Administrator of General Services.
Sec. 7. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term ''Administrator'' means the Administrator of the United States Environmental Protection Agency.

(2) The term ''agricultural purposes'' means the use of land for row crops, pasture, hay, and grazing.

(3) The term ''Arsenal'' means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term ''environmental law'' means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(6) The term ''hazardous substance'' has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(7) The abbreviation ''MNP'' means the Midewin National Tallgrass Prairie established pursuant to section 5 and managed as a part of the National Forest System.

(8) The term ''national cemetery'' means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(9) The term ''person'' has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) The term ''pollutant or contaminant'' has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) The term ''release'' has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22))

(12) The term ''response action'' has the meaning given such term by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

SEC. 3. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER THE ARSENAL.

(a) PRINCIPLES OF TRANSFER.—

(1) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on April 8, 1994.

(2) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the MNP shall be transferred, without reimbursement, to the Secretary of Agriculture.

(3) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with section 5 establishing the MNP.

(4) SECURITY MEASURES.—The Secretary of the Army, the Secretary of Agriculture, and the Secretary of Veterans Affairs, shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(5) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the MNP is established.

(b) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the MNP is established.

(c) PHASED TRANSFER OF JURISDICTION.—Jurisdiction over lands comprising the Arsenal shall be transferred as follows:

(1) INITIAL TRANSFER.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d) and to the Secretary of Veterans Affairs pursuant to section 6(a)(2). In the case of the Arsenal property to be transferred to the Secretary of Agriculture, the Secretary of the Army shall transfer to the Secretary of Agriculture only those portions for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this paragraph.

(2) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer in accordance with section 6(b) to the Secretary of Agriculture any portion of the property generally identified in subsection (d) and not transferred pursuant to paragraph (1) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this paragraph, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this paragraph may be accomplished on a parcel-by-parcel basis. This paragraph, paragraph (1), and their requirements shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 4.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred under subsection (c) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 6.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consist-

ent, to the extent practicable, with the purposes for which the MNP is established, as specified in subsection (c) of section 5, and with the other provisions of such section.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of properties among Federal agencies shall be shared equally by the Secretary of the Army and the Secretary of the Department receiving the property. For lands transferred to a non-Federal agency pursuant to section 6, the Secretary of the Army shall pay the survey costs.

SEC. 4. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF THE SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) RESPONSIBILITY.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 3 or section 6(b), or as a result of implementation of section 3(b). With respect to the real property at the Arsenal, the Secretary of the Army shall remain liable for and continue to carry out—

(1) all response actions required under CERCLA and other environmental law at or related to the property; and

(2) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel).

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in paragraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the MNP subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the MNP that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the MNP is established, as specified in subsection (c) of section 5, and the other provisions of such section.

SEC. 5. ESTABLISHMENT OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 3(c)(1), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie, which shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 3(c)(2).

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the MNP as a part of the National Forest System in accordance with this Act and the laws, rules and regulations pertaining to the National Forests, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460*l*–5) shall be available for acquisition of lands and interests in land for inclusion in the MNP.

(3) ACQUISITION OF PRIVATE LANDS.—Acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(4) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the MNP, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(5) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the MNP, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The MNP is established to be managed for National Forest purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the MNP. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(e) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the MNP, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 3 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the MNP for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary from issuing agricultural special use authorizations or grazing permits which are effective after twenty

years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the MNP.

(f) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (e) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All monies not so distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such prairie-improvement work as the Secretary of Agriculture may direct. Any portion of any deposit made to the fund which the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(g) USER FEES.—The Secretary is authorized to charge reasonable fees for the admission, occupancy, and use of the MNP and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(h) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary of Agriculture pursuant to this Act.

(i) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (g) and (h) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund (''Fund''). Deposits in this fund shall be available, subject to appropriation, until expended for use for restoration and administration of the MNP, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

(j) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the MNP, the Secretary is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes of this Act.

SEC. 6. DISPOSAL OF CERTAIN REAL PROPERTY AT THE ARSENAL FOR A NATIONAL VETERANS CEMETERY AND A COUNTY LANDFILL AND TO THE ADMINISTRATOR OF GENERAL SERVICES.

(a) PROPERTY DESIGNATED FOR DISPOSAL UNDER THIS SECTION.—The following areas of real property at the Arsenal are designated for disposal under this section:

(1) An area of real property consisting of approximately 425 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept to be conveyed to the County of Will, without compensation, to be operated as a landfill by the County: *Provided*, That such additional acreage shall be added to the landfill as is necessary to reasonably accommodate needs for the disposal of refuse and other materials from the restoration and cleanup of only the Arsenal property as provided for in this Act: *Provided further*, That the use of this additional acreage by any agency of the Federal Government or its agents or assigns shall be at no cost to the Federal Government. The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(2) An area of real property consisting of approximately 910 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and including part of sections 25 an 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept to be transferred without reimbursement to the Department of Veterans.

(3) The following areas are designated for disposal pursuant to subsection (b): Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant. Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Doyle Lake: Study Area L12, Group 68: Study Area L13, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 20, Study Area L20, Group 25: Study Area L22, Group 27: Study Area L23, Group 62: Study Area L25, Group 64: Study Area L27, Group 65: Study Area L28, Extraction Pits: Study Area L31, PVC Area: Study Area L33, Former Burning Area: Study Area L34, Fill Area: Study Area L35, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant Joliet, Illinois (May 30, 1993. Contract No. DAAA15–90–D–0015 task order No. 6 prepared for: United States Army Environmental Center); and excepting the national cemetery and landfill described in paragraphs (1) and (2).

(b) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a)(3), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a)(3), without reimbursement, to be added to the MNP and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

SEC. 7. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the MNP shall not restrict or lessen in any way response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under section 6 shall be carried out in compliance with all applicable provisions of section 120(h) of the CERCLA and other environmental laws.

The bill, as amended, was ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.35 ECONOMIC DEVELOPMENT REAUTHORIZATION

On motion of Mr. WISE, by unanimous consent, the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs were discharged from further consideration of the bill (H.R. 5243) to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.36 THEODORE LEVIN COURTHOUSE

On motion of Mr. TRAFICANT, by unanimous consent, the bill of the Senate (S. 2395) to designate the United States Courthouse in Detroit, Michigan, as the ''Theodore Levin Courthouse,'' and for other purposes; was taken from the Speaker's table.

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 said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.37 FISHERY AGREEMENT

On motion of Mr. HUGHES, by unanimous consent, the Committee on Mer-

chant Marine and Fisheries was discharged from further consideration of the bill (H.R. 4852) to provide Congressional approval of a Governing International Fishery Agreement.

When said bill was considered and read twice.

Mr. HUGHES submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oceans Act of 1994''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—HIGH SEAS FISHERIES LICENSING

SEC. 101. SHORT TITLE.

This title may be cited as the ''High Seas Fisheries Licensing Act of 1994''.

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term ''Agreement'' means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term ''FAO'' means the Food and Agriculture Organization of the United Nations.

(3) The term ''high seas'' means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term ''high seas fishing vessel'' means any vessel of the United States used or intended for use —

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term ''international conservation and management measures'' means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term ''length'' means —

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term ''person'' means any individual (whether or not a citizen of or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term ''Secretary'' means the Secretary of Commerce.

(9) The term ''vessel of the United States'' means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States;

unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms ''vessel subject to the jurisdiction of the United States'' and ''vessel without nationality'' have the same meaning as in section 1903(c) of title 46 United States Code Appendix.

SEC. 104. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless the Secretary is satisfied that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) FEES.—

(1) The Secretary may by regulation establish the level of fees to be charged for licenses issued under this section. The amount of any fee charged for a license issued under this section may not exceed the administrative costs incurred in issuing such licenses. The licensing fee shall be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) DURATION.—A license issued under this section is valid for the period specified in regulations issued under section 105(d). A license issued under this section is void in the event the vessel is no longer eligible for U.S. documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 104, including all information submitted under section 104(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any license granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or license issued under this title; or

(10) to violate any provision of this title or any regulation or license issued under this title.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or license issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this title or any regulation or license issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or license issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) LICENSE SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on such license.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses,

and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to —

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 111. EFFECTIVE DATE.

This title shall take effect 120 days after the date of enactment of this Act.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Northwest Atlantic Fisheries Convention Act of 1994''.

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a ''United States Commissioner to the Northwest Atlantic Fisheries Organization''; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a ''United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council''.

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the indi-

vidual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 208.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b)(1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

SEC. 209. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 208.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term ''authorized enforcement officer'' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term ''Commissioner'' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) CONVENTION.—The term ''Convention'' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) FISHERIES COMMISSION.—The term ''Fisheries Commission'' means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) GENERAL COUNCIL.—The term ''General Council'' means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) MAGNUSON ACT.—The term ''Magnuson Act'' means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) ORGANIZATION.—The term ''Organization'' means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term ''Representative'' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) SCIENTIFIC COUNCIL.—The term ''Scientific Council'' means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, and 1998.

TITLE III—GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 301. AGREEMENT WITH LITHUANIA.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the government of the Republic of Lithuania, as contained in the message to Congress from the President of the United States dated July 18, 1994, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

TITLE IV—ATLANTIC TUNAS CONVENTION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Atlantic Tunas Convention Authorization Act of 1994''.

SEC. 402. RESEARCH AND MONITORING ACTIVITIES.

(a) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) RESEARCH AND MONITORING PROGRAM.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

''SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.'';

(2) by inserting ''(a) BIENNIAL REPORT ON BLUEFIN TUNA.—'' before ''The Secretary of Commerce shall''; and

(3) by adding at the end the following:

''(b) HIGHLY MIGRATORY SPECIES RESEARCH AND MONITORING.—

''(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1994, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

''(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

''(B) provide for appropriate participation by nations which are members of the Commission.

''(2) The program shall provide for, but not be limited to—

''(A) statistically designed cooperative tagging studies;

''(B) genetic and biochemical stock analyses;

''(C) population censuses carried out through aerial surveys of fishing grounds;

''(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

''(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

''(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

''(G) integration of data from all sources and the preparation of data bases to support management decisions; and

''(H) other research as necessary.

''(3) In developing a program under this section, the Secretary shall provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards. The Secretary through the Secretary of State shall encourage other member nations to adopt a similar program.''.

SEC. 403. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting ''(a)'' before ''There''; and

(2) by adding at the end the following:

''(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

''(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

''(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State.

''(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

''(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

''(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

''(6) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.''.

SEC. 404. REGULATIONS.

Section 6(c)(3) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding ''or fishery mortality level'' after ''quota of fish'' in the last sentence.

SEC. 405. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

''(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.''.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS.

''Sec. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

''(1) For fiscal year 1994, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

''(2) For fiscal year 1995, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

''(3) For fiscal year 1996, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.''.

SEC. 407. REPORT AND CERTIFICATION.

The Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended by adding at the end thereof the following:

''ANNUAL REPORT.

''Sec. 11. Not later than April 1, 1995, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Merchant Marine and Fisheries of the House of

Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

''(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

''(2) identifies those fishing nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

''(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

''(4) describes actions taken by the Secretary under section 12.

''CERTIFICATION

''Sec. 12. (a) If the Secretary determines that vessels of any nation are harvesting fish which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the convention area in a manner or under circumstances which would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Secretary shall certify such fact to the President.

''(b) Such certification shall be deemed to be a certification for the purposes of section 8 of the Fishermen's Protective Act (22 U.S.C. 1978).

''(c) Upon certification under subsection (a), the Secretary shall promulgate regulations under section 6(c)(4) with respect to a nation so certified.''.

SEC. 408. SENSE OF THE CONGRESS REGARDING CONSERVATION AND MANAGEMENT OF ATLANTIC BLUEFIN TUNA.

(a) Finding.—The Congress finds the following:

(1) Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States.

(2) Many other countries also harvest Atlantic bluefin tuna in the Atlantic Ocean and the Mediterranean Sea.

(3) The International Commission for the Conservation of Atlantic Tunas (hereinafter in this section referred to as the ''Commission''), was established in 1969 to develop conservation and management recommendations for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea.

(4) The Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea.

(5) In 1981, the Commission adopted a management strategy for Atlantic bluefin tuna predicated on a hypothesis that 2 stocks of the fish existed: a western stock found in the Atlantic west of 45 degrees west longitude (hereinafter in this section referred to as the ''45 degree line''), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea.

(6) Since 1981, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna for countries that harvest bluefin tuna west of the 45 degree line, including a 25 percent quota reduction since 1991 with an additional 40 percent quota reduction scheduled for 1995.

(7) The United States and other Commission members that harvest bluefin tuna west of the 45 degree line have implemented all conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna west of the 45 degree line.

(8) Many other Commission members do not comply with the conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna east of the 45 degree line.

(9) A recent National Academy of Sciences review of the scientific data used by the Commission concluded that the available data is consistent with a 1-stock management strategy for bluefin tuna in the North Atlantic.

(10) The National Academy of Sciences review also found that abundance of Atlantic bluefin tuna in the western Atlantic has remained stable since 1988, in contrast to the roughly 50 percent decline in abundance reported by the Commission.

(11) The continued unrestricted harvesting of Atlantic bluefin tuna east of the 45 degree line and in the Mediterranean Sea will undermine the conservation recommendations being implemented west of the line to rebuild Atlantic bluefin tuna.

(12) In order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented throughout the Atlantic Ocean and the Mediterranean Sea.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the United States and the Commission should continue to promote the conservation and management of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea and develop a program to rebuild Atlantic bluefin tuna that requires the participation of all nations that harvest this species;

(2) the United States should ensure that the scientific findings and recommendations of the National Academy of Sciences Atlantic bluefin tuna review panel are made available to and included in the considerations of the Commission's scientific advisory panel;

(3) the United States should oppose any further quota reductions for nations harvesting Atlantic bluefin tuna west of the 45 degree line and insist that all nations harvesting Atlantic bluefin tuna west and east of the 45 degree line implement comparable conservation and rebuilding programs for the Atlantic bluefin tuna resource;

(4) the continued harvesting by fishermen from any country which is a member of the Commission and which does not comply with the conservation and management recommendations of the Commission will be considered by the Congress to diminish the effectiveness of an international fishery conservation program and, as such, will be considered by the Congress to be subject to the embargo provision in section 6 of the Atlantic Tunas Convention Act;

(5) the United States should encourage other nations with significant markets for Atlantic bluefin tuna to prohibit the importation of that species from harvesting nations which do not comply with the conservation and management recommendations adopted by the Commission; and

(6) the United States should encourage the Commission to adopt recommendations encouraging the use of trade actions by member nations as enforcement measures when the actions of a nation are undermining the effectiveness of conservation and management recommendations of the Commission.

TITLE V—FISHERMEN'S PROTECTIVE ACT

SEC. 501. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the ''Inside Passage'' off the Pacific Coast of Canada;

(2) Canada recently required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a ''license which authorizes transit'' through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen's Protective Act of 1967 provides for the reimbursement of vessel owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay can not be reimbursed under the Fishermen's Protective Act;

(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

(12) the President should continue to convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

(13) the United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

SEC. 502. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

''Sec. 11. (a) In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall reimburse the vessel owner for the amount of any such fee paid under protest.

''(b) In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

''(1) a copy of the receipt for payment;

''(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

''(3) a copy of the vessel's certificate of documentation.

''(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

''(d) Such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Guaranty Fund established under section 7 and the Fishermen's Protective Fund established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a).

''(e) The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

''(f) For purposes of this section, the term 'owner' includes any charterer of a vessel of the United States.

''(g) This section shall remain in effect until October 1, 1995.''.

(b) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is further amended by adding at the end the following:

''Sec. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

''(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

''(c) For the purposes of this section, the term 'fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

''(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a).''.

SEC. 503. REAUTHORIZATION.

(a) Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by striking the third sentence.

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''October 1, 1993'' and inserting ''October 1, 2000''.

SEC. 504. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103-238 is amended by striking ''April 1, 1994,'' and inserting ''May 1, 1994.''.

(2) The amendment made by paragraph (1) shall be effective on and after April 30, 1994.

(b) Section 803(13)(C) of Public Law 102–567 (16 U.S.C. 5002(13)(C)) is amended to read as follows:

''(C) any vessel supporting a vessel described in subparagraph (A) or (B).''.

TITLE VI—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 601. SHORT TITLE.

This title may be cited as the ''Sea of Okhotsk Fisheries Enforcement Act of 1994''.

SEC. 602. FISHING PROHIBITION.

The Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended—

(1) in section 302, by inserting ''and the Central Sea of Okhotsk'' after ''Central Bering Sea''; and

(2) in section 306—

(A) by redesignating paragraphs (2), (3), (4), (5), and (6) in order as paragraphs (3), (4), (5), (6), and (7); and

(B) by inserting after paragraph (1) the following:

''(2) Central Sea of Okhotsk.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.''.

TITLE VII—COAST GUARD AUTHORIZATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1995, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,630,505,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $439,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $20,310,000, to remain available until expended, of which—

(A) $3,150,000 shall be derived from the Oil Spill Liability Trust Fund; and

(B) $1,500,000 is authorized to conduct, in cooperation with appropriate Federal and State agencies, local maritime education organizations, and local marine industry representatives, a demonstration project on the lower Mississippi River and in the Houston Ship Channel to study the effectiveness of currently available Electronic Chart Display and Information Systems (ECDIS) and Electronic Chart Systems (ECS) for use on commercial vessels.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $562,585,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $13,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 702. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,000 as of September 30, 1995. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1995, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,000 student years.

(2) For flight training, 133 student years.

(3) For professional training in military and civilian institutions, 344 student years.

(4) For officer acquisition, 955 student years.

SEC. 703. DRUG INTERDICTION ACTIVITIES.

In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance expenses of Coast Guard drug interdiction activities $21,000,000 for fiscal year 1995.

TITLE VIII—COAST GUARD PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 801. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to such personnel.

SEC. 802. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking ''Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.''.

SEC. 803. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

''(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.''.

SEC. 804. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

''§ 515. Child development services

''(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development services benefits provided under this section shall be

in addition to benefits provided under other laws.

''(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of child development services under this section at Coast Guard child development centers be used only for compensation of Coast Guard child development center employees who are directly involved in providing child care.

''(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of amounts received as such fees, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such amounts—

''(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

''(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

''(c) The Commandant may use Department of Defense or other training programs to insure that all child development services providers under this section meet minimum standards.

''(d) The Commandant may provide assistance to members and civilian employees of the Coast Guard for obtaining services of qualified family home child development services providers. The cost per child to the Coast Guard of obtaining those services may not exceed the average of the cost per child incurred by the Coast Guard for child development services provided at all Coast Guard child development centers.

''(e)(1) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary shall use for child development services under this section an amount equal to the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

''(2) The amount of funds used under paragraph (1) each fiscal year shall not exceed $1,000,000.

''(f) For purposes of this section, the term 'Coast Guard child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

''(g) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which are based on total family income.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

''515. Child development services.''.

TITLE IX—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 901. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''(a) Except as'' and inserting ''Except as''; and

(2) by striking subsection (b).

SEC. 902. DOCUMENTATION VIOLATIONS.

(a) CIVIL PENALTIES.—Section 12122(a) of title 46, United States Code, is amended by striking ''$500'' and inserting ''$25,000''.

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.—Section 12122(b) of title 46, United States Code, is amended to read as follows:

''(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government, if—

''(1) the owner of the vessel or a representative or agent of the owner knowingly falsifies or conceals a material fact, or makes a false statement or representation about the documentation or in applying for documentation of the vessel;

''(2) a certificate of documentation is knowingly and fraudulently used for the vessel;

''(3) the vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

''(4) the vessel is employed in a trade without an appropriate trade endorsement; or

''(5) in the case of a documented vessel with only a recreational endorsement, the vessel is operated other than for pleasure.''.

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c) of title 46, United States Code, is repealed.

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended—

(A) by inserting '', other than a vessel with only a recreational endorsement operating within the territorial waters of the United States,'' after ''A documented vessel''; and

(B) by redesignating that subsection as subsection (c).

(2) CONFORMING AMENDMENT.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: ''in violation of section 12110(c) of this title''.

SEC. 903. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 904. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

''(h) The Committee shall terminate on October 1, 1999.''; and

(2) in section 19 by adding at the end the following:

''(g) The Committee shall terminate on October 1, 1999.''.

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

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

(2) by striking the last sentence; and

(3) by adding at the end the following:

''(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

''(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

''(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

''(C) if eligible for retirement under any law, be retired.''.

SEC. 1002. CONTINUING OBLIGATION TO PROVIDE DOCUMENTATION INFORMATION AT EXISTING LOCATIONS.

The Secretary of Transportation shall, until October 1, 1999, maintain an ability, at Coast Guard offices that are located in the immediate vicinity of former regional vessel documentation offices, to assist the public with information on obtaining, altering, and renewing the documentation of a vessel and on vessel documentation laws and regulations generally.

SEC. 1003. CONTINUATION OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking ''September 30, 1994'' and inserting ''October 1, 1999''.

SEC. 1004. PROHIBITION ON STATION CLOSURES.

(a) PROHIBITION.—The Secretary of Transportation may not close or consolidate any multimission small boat station in fiscal year 1995 until the Secretary has submitted a list of proposed station closures to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(b) DEADLINE FOR SUBMISSION.—The Secretary shall submit such list at least 60 days prior to any such closure or consolidation.

SEC. 1005. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended in subsection (d) by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

SEC. 1006. COAST GUARD RESERVE PEACETIME REQUIREMENTS PLAN.

No later than February 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to more fully utilize the Coast Guard Selected Reserve to augment peacetime operations. As part of the plan, the Secretary shall include—

(1) methods to deliver more cost-effective Coast Guard services by supplementing active duty personnel with Coast Guard reservists while preserving the current level of service to the public;

(2) methods to more fully integrate the Coast Guard Reserve in peacetime Coast Guard programs, including, but not limited to, search and rescue, marine safety, and marine environmental protection;

(3) the most effective command structure for the Coast Guard Reserve; and

(4) a specific estimate of the number of reservists needed to augment peacetime Coast Guard missions under the plan.

SEC. 1007. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

''A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.''.

(b) CLERICAL AMENDMENT.—Title 14, United States Code, is amended in the analysis at the beginning of chapter 5 by adding at the end the following:

''96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.''.

SEC. 1008. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

''(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.''.

SEC. 1009. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 1010. CONTRACTS FOR HEALTH CARE SERVICES.

(a) Chapter 17 of title 14, United States Code, is amended by inserting after section 644 the following new section:

''§ 644a. Contracts for health care services

''(a) Subject to the availability of appropriations for this purpose, the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

''(b) The total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) shall not exceed the amount of annual compensation (excluding allowances for expenses) allowable for such contracts entered into by the Secretary of Defense pursuant to section 1091 of title 10.

''(c)(1) The Secretary shall promulgate regulations to assure—

''(A) the provision of adequate notice of contract opportunities to individuals residing in the area of a medical treatment facility involved; and

''(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

''(2) Upon establishment of the procedures under paragraph (1), the Secretary may exempt personal services contracts covered by this section from the competitive contracting requirements specified in section 2304 of title 10, or any other similar requirements of law.

''(d) The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).''.

(b) The table of sections for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 644 the following:

''644a. Contracts for health care services.''.

(c) The amendments made by this section shall take effect on October 1, 1994. Any personal services contract entered into on behalf of the Coast Guard in reliance upon the authority of section 1091 of title 10, United States Code, before that date is confirmed and ratified and shall remain in effect in accordance with the terms of the contract.

SEC. 1011. VESSEL FINANCING.

(a) ELIMINATION OF MORTGAGEE RESTRICTIONS.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

''(a) A preferred mortgage is a mortgage, whenever made, that—

''(1) includes the whole of the vessel;

''(2) is filed in substantial compliance with section 31321 of this title; and

''(3)(A) covers a documented vessel; or

''(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.''.

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

(1) REPEAL.—Section 31328 of title 46, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking ''31328 or'' each place it appears.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended—

(1) in subsection (c)—

(A) by striking ''31328'' and inserting ''12106(e)''; and

(B) in paragraph (1) by striking ''mortgage,'' each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking ''transfer, or mortgage'' and inserting ''or transfer'';

(B) in paragraph (2) by striking ''transfers, or mortgages'' and inserting ''or transfers'';

(C) in paragraph (3)(B) by striking ''transfers, or mortgages'' and inserting ''or transfers''; and

(D) in paragraph (4) by striking ''transfers, or mortgages'' and inserting ''or transfers''.

(d) Public Law 74–835 (49 Stat. 1985 et seq.) is amended in section 615 by striking '', until September 30, 1983,''; by inserting ''use'' after ''this title to''; by striking ''tons'' and inserting ''regulatory tons built''; and by repealing subsection (b).

(e) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

''(A) the vessel is eligible for documentation under section 12102;

''(B) the vessel is otherwise qualified under this section to be employed in the coastwise trade;

''(C) the person that owns the vessel, or any other person that owns or controls the person that owns the vessel, is primarily engaged in leasing or other financing transactions;

''(D) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916; and

''(E) the demise charter is for—

''(i) a period of at least 3 years; or

''(ii) such shorter period as may be prescribed by the Secretary.

''(2) On termination of a demise charter required under paragraph (1)(D), the coastwise endorsement may be continued for a period not to exceed 6 months on any terms and conditions that the Secretary of Transportation may prescribe.

''(f) For purposes of the first proviso of section 27 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 12102(a), a vessel meeting the criteria of subsection (d) or (e) is deemed to be owned exclusively by citizens of the United States.''.

SEC. 1012. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking ''or 12107''.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123; 19 U.S.C. 288) is amended by striking ''coastwise, Great Lakes'' and inserting ''registry''.

(5) Section 441(6) of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking ''with a Great Lakes endorsement when towing vessels'' and inserting ''when towing vessels on the Great Lakes or their tributary or connecting waters''.

(6) Public Law 74–835 (49 Stat. 1985 et seq.) is amended in section 805(a) by striking ''1935'' each place it appears and inserting ''1993''; and by repealing sections 605(c) and 610.

TITLE XI—RECREATIONAL BOATING SAFETY

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Recreational Boating Safety Improvement Act of 1994''.

SEC. 1102. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

(a) PROHIBITION.—Section 4307(a) of title 46, United States Code, is amended—

(1) in paragraph (2) by striking ''or'' after the semicolon at the end;

(2) in paragraph (3) by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(4) operate a recreational vessel under 26 feet in length unless each individual 6 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel.''.

(b) STATE AUTHORITY PRESERVED.—Section 4307 of title 46, United States Code, is further amended by adding at the end the following:

''(c) Subsection (a)(4) shall not be construed to limit the authority of a State to establish requirements relating to the wearing of personal flotation devices on recreational vessels that are more stringent than that subsection.''.

SEC. 1103. ALLOCATION OF FUNDS BASED ON STATE ADOPTION OF LAWS REGARDING BOATING WHILE INTOXICATED.

Section 13103 of title 46, United States Code, is amended—

(1) by redesignating subsections (a), (b), and (c) in order as subsections (b), (c), and (d);

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

''(a)(1) Beginning in fiscal year 1998, of the amounts transferred to the Secretary each fiscal year pursuant to section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), the Secretary shall allocate for State recreational boating safety programs $10,000,000 as follows:

''(A) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

''(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

''(ii) establish a blood alcohol concentration limit of .10 percent or less.

''(B) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

''(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

''(ii) establish an implied consent requirement that specifies that an individual is deemed to have given their consent to evidentiary testing for their blood alcohol concentration or presence of other intoxicating substances.

''(2) Of the amount allocated under subparagraph (A) or (B) of paragraph (1) each fiscal year—

''(A) one-half shall be allocated equally among all eligible States receiving an allocation under that subparagraph for the fiscal year; and

''(B) one-half shall be allocated among those eligible States so that each such State receives an amount bearing the same ratio to the total amount allocated under that subparagraph for the fiscal year as the number of vessels numbered in that State under a system approved under chapter 123 of this title bears to the total number of vessels numbered under approved systems of all States receiving an allocation under that subparagraph for the fiscal year.'';

(3) in subsection (b) (as so redesignated) in the matter preceding paragraph (1) by inserting ''the balance of remaining'' after ''allocate''; and

(4) by adding at the end the following new subsection:

''(e) A State shall not be ineligible for an allocation under subsection (a) because of the adoption by the State of any requirement relating to the operation of a recreational vessel while under the influence of alcohol or drugs that is more stringent than the requirements for receiving the allocation.''.

SEC. 1104. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting ''or 6102'' after ''6101'' the second place it appears.

SEC. 1105. REQUIRING VIOLATORS TO TAKE RECREATIONAL BOATING SAFETY COURSE.

(a) NEGLIGENT OPERATION.—Section 2302 of title 46, United States Code, is amended by adding at the end the following:

''(e) An individual operating a recreational vessel in violation of this section shall complete a boating safety course approved by the Secretary.''.

(b) OTHER VIOLATIONS.—Section 4311 of title 46, United States Code, is amended by adding at the end the following:

''(h) A person who operates a recreational vessel in violation of this chapter or a regulation prescribed under this chapter may be ordered to complete a recreational boating safety course approved by the Secretary.''.

SEC. 1106. TECHNICAL CORRECTIONS.

Section 13108(a)(1) of title 46, United States Code, is amended by—

(1) striking ''proceeding'' and inserting ''preceding''; and

(2) striking ''Secertary'' and inserting ''Secretary''.

TITLE XII—COAST GUARD REGULATORY REFORM

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Coast Guard Regulatory Reform Act of 1994''.

SEC. 1202. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

''CHAPTER 32—MANAGEMENT OF VESSELS

''Sec.
''3201. Definitions.
''3202. Application.
''3203. Safety management system.
''3204. Implementation of safety management system.
''3205. Certification.

''§ 3201. Definitions

''In this chapter—

''(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

''(2) 'responsible person' means—

''(A) the owner of a vessel to which this chapter applies; or

''(B) any other person that has—

''(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

''(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

''(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

''(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

''(B) making a voyage between places outside the United States; or

''(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

''§ 3202. Application

''(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

''(1) Beginning July 1, 1998—

''(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

''(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

''(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

''(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

''(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

''(1) a barge;

''(2) a recreational vessel not engaged in commercial service;

''(3) a fishing vessel;

''(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

''(5) a public vessel.

''§ 3203. Safety management system

''(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

''(1) a safety and environmental protection policy;

''(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

''(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

''(4) procedures for reporting accidents and nonconformities with this chapter;

''(5) procedures for preparing for and responding to emergency situations; and

''(6) procedures for internal audits and management reviews of the system.

''(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

''§ 3204. Implementation of safety management system

''(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

''(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

''(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

''§ 3205. Certification

''(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

''(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

''(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

''(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

''(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

''(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

''32. Management of vessels ..... 3201''.

(c) STUDY.—

(1) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Op-

eration of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 1203. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§ 3103. Use of reports, documents, and records

''The Secretary may rely, as evidence of compliance with this subtitle, on—

''(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

''(2) other methods the Secretary has determined to be reliable.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''3103. Use of reports, documents, and records.''.

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting ''or have examined'' after ''examine''.

SEC. 1204. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

''(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

''(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

''(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

''(C) for lifesaving equipment, the foreign government—

''(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

''(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.''.

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking ''clauses (1)–(3)'' and inserting ''paragraphs (1), (2), and (3)''.

SEC. 1205. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''nautical school vessel'' and inserting '', nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage''; and

(B) by adding ''and'' after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking ''2 years'' and inserting ''5 years''.

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking ''24 months'' and inserting ''5 years''.

SEC. 1206. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking ''(but not more than 60 days)''.

SEC. 1207. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

''(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection required by this part;

''(B) conduct inspections and examinations; and

''(C) issue a certificate of inspection required by this part and other related documents.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

''(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

''(B) if the foreign classification society has offices and maintains records in the United States.''.

(b) CONFORMING AMENDMENTS.—(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§ 3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

''3316. Classification societies.''.

SEC. 1208. STUDY OF MARINE CASUALTY REPORTING REQUIREMENTS.

The Coast Guard shall, within 9 months after the effective date of this title, conduct a study of current regulatory requirements regarding the reporting of marine casualties under section 6101 of title 46, United States Code, to determine whether—

(1) marine casualties should be classified according to the seriousness of nonfatal casualties;

(2) further regulations pertaining to the necessity for alcohol and drug testing for each classification need to be proposed;

(3) the regulations may exclude certain non-serious casualties from the requirement that drug or alcohol testing be performed; and

(4) the reporting of certain marine casualties that may be classified as minor may be done on a quarterly basis.

TITLE XIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

SEC. 1301. SHORT TITLE.

This title may be cited as the ''United States Cruise Vessel Development Act''.

SEC. 1302. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 1303. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled ''An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes'', approved June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

''(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

''(1) the vessel is owned by a person that is—

''(A) an individual who is a citizen of the United States; or

''(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

''(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

''(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

''(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

''(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

''(A) has a term of at least 18 months; and

''(B) is to a person described in subsection (a)(1).

''(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

''(A) is approved by the Secretary; and

''(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

''(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

''(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

''(A) the vessel—

''(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act; and

''(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

''(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

''(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation

with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

''(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

''(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

''(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

''(2) the islands of Hawaii.

''(e) PENALTIES.—

''(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

''(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

''(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

''(f) DEFINITIONS.—In this section—

''(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

''(2) the term 'cruise vessel' means a vessel that—

''(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

''(B) has berth or stateroom accommodations for at least 200 passengers; and

''(C) is not a ferry; and

''(3) the term 'related person' means, with respect to a person—

''(A) a holding company, subsidiary, affiliate, or association of the person; and

''(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).''.

SEC. 1304. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following:

''(d)(1) A vessel described in paragraph (3) is deemed to comply with parts B and C of this subtitle.

''(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

''(3) A vessel is described in this paragraph if—

''(A) it meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

''(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

''(C) the vessel is authorized to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved June 19, 1886.''.

SEC. 1305. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting ''other than primarily in the transport of passengers,'' after ''the coastwise trade''; and

(2) by adding at the end the following:

''(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.''.

SEC. 1306. LOAN GUARANTEES.

Title XI of the Act of June 29, 1936 (46 App. U.S.C. 1271 et seq.), is amended—

(1) in section 1101(b), by striking ''passenger cargo'' and inserting ''passenger, cargo,''; and by striking ''owned by citizens of the United States'';

(2) in section 1104B(a), in the material preceding paragraph (1), by striking ''owned by citizens of the United States'';

(3) in section 1110(a), by striking ''owned by citizens of the United States''; and

(4) in section 1103, by adding at the end the following:

''(g) Notwithstanding any other law, the cost of a loan guarantee commitment entered into under this title shall be calculated using only the projected cost of that individual guarantee.''.

SEC. 1307. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(A)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

TITLE XIV—BOATING IMPROVEMENT

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Boating Improvement Act of 1994''.

SEC. 1402. BOATING SAFETY GRANTS.

(a) TRANSFER OF AMOUNTS FOR STATE BOATING SAFETY PROGRAMS.—

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), is amended to read as follows:

''(b)(1) Of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $15,000,000 for fiscal year 1995, $40,000,000 for fiscal year 1996, $55,000,000 for fiscal year 1997, and $69,000,000 for each of fiscal years 1998 and 1999, shall, subject to paragraph (2), be used as follows:

''(A) A sum equal to $7,500,000 of the amount available for fiscal year 1995, and a sum equal to $10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(B) A sum equal to $7,500,000 of the amount available for fiscal year 1995, $30,000,000 of the amount available for fiscal year 1996, $45,000,000 of the amount available for fiscal year 1997, and $59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(C) A sum equal to $10,000,000 of the amount available for each of fiscal years 1998 and 1999 shall be available for use by the Secretary of the Interior for—

''(i) grants under section 1403(e) of the Boating Improvement Act of 1994; and

''(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(2)(A) Beginning with fiscal year 1996, the amount transferred under paragraph (1)(B) for a fiscal year shall be reduced by the lesser of—

''(i) the amount appropriated to the Secretary of Transportation for that fiscal year to carry out the purposes of section 13106 of title 46, United States Code, from the Boat Safety Account in the Aquatic Resources Trust Fund established under section 9504 of the Internal Revenue Code of 1986; or

''(ii) $35,000,000; or

''(iii) for fiscal year 1996 only, $30,000,000.

''(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) by the Secretary of the Interior.''.

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking ''section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act)'' and inserting ''section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))''.

(3) EXCESS FY 1995 BOAT SAFETY ACCOUNT FUNDS TRANSFER.—Notwithstanding any other provision of law, $20,000,000 of the annual appropriation from the Sport Fish Restoration Account in fiscal year 1996 made in accordance with the provisions of section 3 of the Act of August 9, 1950 (16 U.S.C. 777b), shall be excluded from the calculation of amounts to be distributed under section 4(a) of such Act (16 U.S.C. 777c(a)).

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)(1) by striking the first sentence and inserting the following: ''Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year.''; and

(2) by amending subsection (c) to read as follows:

''(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) not more than $35,000,000 each fiscal year.''.

SEC. 1403. BOATING ACCESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

(2) The majority of recreational vessel access facilities constructed with Aquatic Resources Trust Fund moneys benefit trailerable recreational vessels.

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access facilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

(c) SURVEY.—Within 18 months after the date of the enactment of this Act, any State may complete and submit to the Secretary of the Interior a survey which identifies—

(1) the number and location in the State of all public facilities for transient nontrailerable vessels; and

(2) the number and areas of operation in the State of all nontrailerable vessels that operate on navigable waters in the State.

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), a State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior may obligate not less than ½ of the amount made available for each of fiscal years 1998 and 1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 1402(a)(1) of this title, to make grants to any State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITIES.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

SEC. 1404. DEFINITIONS.

For the purpose of this title the term—

(1) ''Act of August 9, 1950'' means the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes'', approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) ''nontrailerable vessel'' means a recreational vessel greater than 26 feet in length;

(3) ''public facilities for transient nontrailerable vessels'' means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) ''recreational vessel'' means a vessel—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(5) ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE XV—TOWING VESSEL NAVIGATIONAL SAFETY

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Towing Vessel Navigational Safety Act of 1994''.

SEC. 1502. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT FOR TOWING VESSELS.

(a) IN GENERAL.—Section 4102 of title 46, United States Code, is amended by adding at the end the following:

''(f)(1) In prescribing regulations for towing vessels, the Secretary shall—

''(A) consider the characteristics, methods of operation, and nature of the service of towing vessels;

''(B) consult with the Towing Safety Advisory Committee; and

''(C) require, to the extent appropriate, the installation, maintenance, and use of and familiarity with the following equipment on each towing vessel, other than a towing vessel that is used only for towing disabled vessels:

''(i) A radar system.

''(ii) An electronic position-fixing device.

''(iii) A sonic depth finder.

''(iv) A compass or swing meter.

''(v) Adequate towing wire and associated equipment.

''(vi) Up-to-date navigational charts and publications for the areas normally transited by the vessel.

''(vii) Other safety equipment the Secretary determines to be necessary.

''(2) The Secretary shall establish in regulations under this chapter requirements that—

''(A) any equipment required on a towing vessel under paragraph (1) shall be maintained in effective operating condition; and

''(B) if such equipment on a vessel ceases to operate, the master of the vessel shall exercise due diligence to restore the equipment to effective operating condition, or cause it to be restored to that condition, at the earliest practicable date.''.

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations by not later than 12 months after the date of the enactment of this Act, prescribing navigational publication and equipment requirements under subsection (f) of section 4102 of title 46, United States Code, as added by subsection (a) of this section.

SEC. 1503. REPORTING MARINE CASUALTIES.

(a) EXPEDITED REPORTING REQUIRED.—Section 6101(b) of title 46, United States Code, is amended by striking ''within 5 days'' and inserting ''by as soon as practicable, but in no case later than within 5 days,''.

(b) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 1504. REPORT ON FEASIBILITY OF ESTABLISHING A DIFFERENTIAL GLOBAL POSITIONING SATELLITE NAVIGATION SYSTEM AND ELECTRONIC CHARTS FOR INLAND WATERWAYS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress on the feasibility of establishing a differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States.

SEC. 1505. PROTECTION OF SEAMEN AGAINST DISCRIMINATION.

Section 2114 of title 46, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge or in any manner discriminate against a seaman because the seaman—

''(1) in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred; or

''(2) refuses to violate this subtitle or a regulation issued under this subtitle.''; and

(2) in subsection (b)—

(A) in paragraph (1) by striking ''and'' after the semicolon;

(B) in paragraph (2) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) an award of costs and reasonable attorney's fees to the prevailing plaintiff.''.

SEC. 1506. MANNING AND LICENSING REQUIREMENTS FOR TOWING VESSELS.

(a) MANNING REQUIREMENTS.—Section 8904 of title 46, United States Code, is amended by adding at the end the following:

''(c) A towing vessel that is at least 26 feet in length, other than a vessel referred to in subsection (b), shall—

''(1) while being operated, have on board an individual licensed by the Secretary as a master of that type of towing vessel; and

''(2) be operated by an individual licensed by the Secretary to operate that type of towing vessel.''.

(b) REGULATIONS ESTABLISHING LICENSES FOR MASTERS AND OPERATORS.—Section 7101 of title 46, United States Code, is amended by adding at the end the following:

''(j)(1) The Secretary shall prescribe regulations which establish licenses for masters and mates of towing vessels.

''(2) Regulations under this subsection shall provide that an individual may be issued a license as a master or mate of a towing vessel only if the individual—

''(A) demonstrates proficiency in the use of the equipment required pursuant to section 4102(f)(1)(C) of this title; and

''(B) demonstrates proficiency in operating a towing vessel.

''(3) Regulations under this subsection may establish standards and procedures under which the Secretary may delegate, to individuals who have experience in the operation of towing vessels and to other qualified persons, the authority to conduct examinations required for the issuance of a license as a master or mate of a towing vessel.''.

(c) EXISTING UNINSPECTED TOWING VESSEL OPERATOR LICENSE HOLDERS.—An uninspected towing vessel operator license that is valid on the effective date of this section shall be valid as a master or mate license required by section 8904 of title 46, United States Code, as amended by this section, until otherwise required to be renewed. The Secretary shall require that an individual applying for a first renewal of such a license as a master or mate license under that section demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code, as added by this section.

(d) EFFECTIVE DATE.—The amendments made by this section, other than the amendments made by subsection (e), shall take effect 2 years after the date of the enactment of this Act.

(e) DEADLINE FOR REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations under the amendments made by this section by not later than 1 year after the date of the enactment of this Act.

SEC. 1507. CIVIL PENALTIES.

(a) PROHIBITED OPERATION OF UNINSPECTED TOWING VESSEL, GENERALLY.—Section 4106 of title 46, United States Code, is amended by striking ''$5,000'' and inserting ''$25,000''.

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 1508. MODEL TOWING VESSEL COMPANY INSPECTION PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Towing Safety Advisory Committee, shall—

(1) develop a model towing vessel company inspection program, including a Coast Guard boarding program to determine compliance with the model program; and

(2) submit to the Congress for its approval the model program and a description of the statutory changes necessary to implement the model program.

(b) SAVINGS.—The requirement to submit a model program under subsection (a) shall not be construed to supersede or modify the authority of the Coast Guard to inspect vessels under title 46, United States Code.

TITLE XVI—MERCHANT MARINER BENEFITS

SEC. 1601. MERCHANT MARINER BENEFITS.

(a) Part G of subtitle II, title 46, United States Code, is amended by adding the following new chapter:

''CHAPTER 112—MERCHANT MARINER BENEFITS

''Sec.
''11201. Qualified service.
''11202. Qualified service benefits.

''§ 11201. Qualified service

''An individual who was in training for, or who served as a member of, the United States merchant marine during World War II, including the Army Transport Service and the Naval Transportation Service, or who received a notice of induction, before September 2, 1945, is deemed to have been engaged in qualified service for purposes of this chapter.

''§ 11202. Qualified service benefits

''(a) An individual who believes that individual performed qualified service under section 11201 of this chapter may apply to the Secretary. Not later than 180 days after the Secretary receives an application under this section, the Secretary shall determine whether the individual performed qualified service.

''(b) The Secretary shall issue an honorable discharge to an individual who performed qualified service as determined by the Secretary under subsection (a). The Secretary shall issue the discharge subject to the standards that apply to honorable discharges issued under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

''(c) The qualified service of an individual who—

''(1) receives an honorable discharge under subsection (b); and

''(2) is not eligible for benefits under a law administered by the Secretary of Veterans Affairs—

shall be treated as active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38, United States Code.

''(d) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits provided to an individual by reason of eligibility under this chapter.

''(e) An individual is not entitled to, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.''.

(b) The analysis at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

''112. Merchant mariners benefits ..... 11201.''.

TITLE XVII—LIGHTHOUSE AND OTHER PROPERTY CONVEYANCES

SEC. 1701. CONVEYANCE OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 1702. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation, in cooperation with the Administrator of General Services, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''Former Marine Safety Detachment'' as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 1703. CONVEYANCE OF LIGHT STATION MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms

and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section—

(1) the term ''Montauk Light Station'' means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term ''Montauk Lighthouse'' means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 1704. CONVEYANCE OF CAPE ANN LIGHTHOUSE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term ''Cape Ann Lighthouse'' means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1705. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Secretary of Transportation shall transfer administrative jurisdiction over the Federal property, consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 1706. SQUIRREL POINT LIGHTHOUSE.

(a) CONVEYANCE AUTHORIZATION.—

(1) AUTHORIZATION.—The Secretary of Transportation may convey to Squirrel Point Associates, Inc., by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Squirrel Point Lighthouse, located in the town of Arrowsic, Maine.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Squirrel Point Lighthouse pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Maine;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Squirrel Point Associates, Inc., may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Squirrel Point Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) MAINTENANCE OF LIGHTHOUSE.—Any conveyance of property under this section shall be subject to the condition that the Squirrel Point Associates shall maintain the Eastern Point Lighthouse in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Squirrel Point Associates, Inc., shall not have any ob-

ligation to maintain any active aid to navigation equipment on the property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section, the term ''Squirrel Point Lighthouse'' means the Coast Guard property located in the town of Arrowsic, County of Sagadahoc, Maine, including the light tower, dwelling, boathouse, oil house, barn, any other ancillary buildings, and such land as may be necessary to enable Squirrel Point Associates, Inc., to operate a nonprofit center for public benefit, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1707. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary of Transportation may convey, without consideration, to the Island Institute, Rockland, Maine (in this section referred to as the ''Institute''), all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) COVERED FACILITIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.
(B) Deer Island Thorofare (Mark Island) Light.
(C) Burnt Island Light.
(D) Rockland Harbor Breakwater Light.
(E) Monhegan Island Light.
(F) Eagle Island Light.
(G) Curtis Island Light.
(H) Moose Peak Light.
(I) Great Duck Island Light.
(J) Goose Rocks Light.
(K) Isle au Haut Light.
(L) Goat Island Light.
(M) Wood Island Light.
(N) Doubling Point Light.
(O) Doubling Point Front Range Light.
(P) Doubling Point Rear Range Light.
(Q) Little River Light.
(R) Spring Point Ledge Light.
(S) Ram Island Light (Boothbay).
(T) Seguin Island Light.
(U) Marshall Point Light.
(V) Fort Point Light.
(W) West Quoddy Head Light.
(X) Brown's Head Light.
(Y) Cape Neddick Light.
(Z) Halfway Rock Light.
(AA) Ram Island Ledge Light.
(BB) Mount Desert Rock Light.
(CC) Whitlock's Mill Light.

(3) LIMITATION ON CONVEYANCE.—The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(4) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place, if at all, not later than 5 years after the date of the enactment of this Act.

(5) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.
(B) Egg Rock Light.
(C) Libby Island Light.
(D) Matinicus Rock Light.

(b) CONDITIONS OF CONVEYANCE.—The conveyance of a lighthouse, and any real property and improvements associated therewith, under subsection (a) shall be subject to the following conditions:

(1) That the lighthouse and any such property and improvements be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses.

(2) That the lighthouse and any such property and improvements be maintained at no cost to the United States in a manner that ensures the use of the lighthouse by the Coast Guard as an aid to navigation.

(3) That the use of the lighthouse and any such property and improvements by the Coast Guard as an aid to navigation not be interfered with, except with the written permission of the Secretary.

(4) That the lighthouse and any such property and improvements be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) That public access to the lighthouse and any such property and improvements be ensured.

(c) RESERVATIONS.—In the conveyance of a lighthouse under subsection (a), the Secretary shall reserve to the United States the following:

(1) The right to enter the lighthouse, and any real property and improvements conveyed therewith, at any time, without notice, for purposes of maintaining any aid to navigation at the lighthouse, including any light, antennae, sound signal, and associated equipment located at the lighthouse, and any electronic navigation equipment or system located at the lighthouse.

(2) The right to enter the lighthouse and any such property and improvements at any time, without notice, for purposes of relocating, replacing, or improving any such aid to navigation, or to carry out any other activity necessary in aid of navigation.

(3) An easement of ingress and egress onto the real property conveyed for the purposes referred to in paragraphs (1) and (2).

(4) An easement over such portion of such property as the Secretary considers appropriate in order to ensure the visibility of the lighthouse for navigation purposes.

(5) The right to obtain and remove any historical artifact, including any lens or lantern that the Secretary has identified pursuant to paragraph (3) of subsection (a).

(d) MAINTENANCE OF AIDS TO NAVIGATION.—The Secretary may not impose upon the Institute, or upon any entity to which the Institute conveys a lighthouse under subsection (g), an obligation to maintain any aid to navigation at a lighthouse conveyed under this section.

(e) REVERSIONARY INTEREST.—All right, title, and interest in and to a lighthouse and any real property and improvements associated therewith shall revert to the United States and the United States shall have the right of immediate entry thereon if—

(1) the Secretary determines at any time that the lighthouse, and any property and improvements associated therewith, conveyed to the Institute or to the United States Fish and Wildlife Service under subsection (a) or conveyed by the Institute under subsection (g), as the case may be, is not being utilized or maintained in accordance with subsection (b); or

(2) the Secretary determines that—

(A) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (g) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a); or

(B) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(i) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(ii) the Maine Lighthouse Selection Committee established under subsection (g)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(f) INSPECTION.—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this subsection at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsections (b)(4) and (b)(5). The Institute, and any subsequent conveyee of the Institute under subsection (g), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(g) SUBSEQUENT CONVEYANCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) EXCEPTION.—The Institute, with the concurrence of the Maine Lighthouse Selection Committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.
(ii) Deer Island Thorofare (Mark Island) Light.

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (f); and

(iii) has agreed to comply with the conditions set forth in subsection (b) and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.
(ii) Entities of the Government of the State of Maine.
(iii) Entities of local governments in the State of Maine.
(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the ''Committee'').

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 180 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (e)(2)(B), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove of entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (f).

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary.

(i) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (g).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with a conveyance under subsection (a) that the Secretary considers appropriate in order to protect the interests of the United States.

TITLE XVIII—BALLAST WATER MANAGEMENT

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Ballast Water Management Act''.

SEC. 1802. EVALUATION.

(a) Subsection 1102(a) of Public Law 101–646 (16 U.S.C. 4712(a)) is amended by adding the following new paragraph at the end:

''(4) NATIONAL BALLAST WATER MANAGEMENT EVALUATION.—

''(A) Subject to the availability of appropriations, the Task Force shall contract with the Marine Board of the National Research Council to identify and evaluate ballast water management technologies and practices that prevent the introduction and spread of nonindigenous species through ballast water discharged into United States waters.

''(B) In conducting the evaluation, the Marine Board shall consider, at a minimum, ballast water management technologies and practices identified in the study prepared under paragraph (3).

''(C) In conducting the evaluation, the Marine Board shall identify, at a minimum, ballast water management technologies and practices that—

''(i) may be retrofitted on existing vessels or incorporated in new vessel designs;

''(ii) are operationally practical;

''(iii) are safe for vessel and crew;

''(iv) are environmentally sound;

''(v) are cost effective;

''(vi) the vessel operator can monitor; and

''(vii) are effective against a broad range of nuisance organisms.''.

(b) Subsection 1102(c) of Public Law 101–646 (16 U.S.C. 4712(c)) is amended by adding the following new paragraph at the end:

''(3) NATIONAL BALLAST WATER MANAGEMENT EVALUATION REPORT.—Not later than 1 year after the date of enactment of the Ballast Water Management Act, the Task Force shall submit to the appropriate Committees a report on the results of the evaluation conducted under paragraph (4) of subsection (a).''.

SEC. 1803. NATIONAL BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

(a) Section 1202 of Public Law 101–646 (16 U.S.C. 4722) is amended by—

(1) redesignating subsection (k) as subsection (l); and

(2) inserting after subsection (j) the following:

''(k) NATIONAL BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—

''(1) AUTHORIZATION.—Following the submission of the evaluation authorized under section 1102(a)(4) and subject to the availability of appropriations under section 1301(e), the Secretary of Transportation, in consultation with the Task Force, shall conduct a national ballast water management demonstration program to test and evaluate ballast water management technologies and practices, including those identified in the evaluation authorized under paragraph 1102(a)(4), to prevent the introduction and spread of nonindigenous species through ballast water discharged into United States waters.

''(2) CRITERIA.—In carrying out the demonstration program authorized under this subsection, the Secretary of Transportation shall use vessels that are documented under chapter 121 of title 46, United States Code, including vessels operating on the Great Lakes. Any necessary ballast water management technology installation or construction on a vessel used in the demonstration program shall be performed by a United States shipyard or ship repair facility.

''(3) AUTHORITIES.—In conducting the demonstration program under this subsection, the Task Force and the Secretary of Transportation may accept donations of property and services.''.

(b) Subsection 1202(l), as redesignated by this Act, is amended by adding the following new paragraph at the end:

''(3) Not later than 1 year after the submission of the evaluation authorized under section 1102(a)(4) and periodically as necessary to report new findings, the Secretary of Transportation, in consultation with the Task Force, shall submit to the appropriate Committees a report on the results of the demonstration program conducted under subsection (k).''.

SEC. 1804. AUTHORIZATION OF APPROPRIATIONS.

Section 1301 of Public Law 101–646 (16 U.S.C. 4741) is amended by adding the following new subsection at the end:

''(e) NATIONAL BALLAST WATER MANAGEMENT EVALUATION AND DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Director and the Under Secretary $150,000 for fiscal year 1995 and to the Secretary of Transportation $1,850,000 for fiscal year 1996, to remain available until expended, to carry out the evaluation authorized under section 1102(a)(4) and the demonstration program authorized under section 1202(k).''.

TITLE XX—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. 2001. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting ''or beyond 3 nautical miles from the coastline of the Great Lakes'' after ''high seas''.

SEC. 2002. IMPLEMENTATION OF OIL POLLUTION REQUIREMENTS WITH RESPECT TO VEGETABLE OIL.

In implementing the Oil Pollution Act of 1990 (Public Law 101–380), the Coast Guard and other agencies shall differentiate between animal fats or oils of vegetable origin and other oils, including petroleum oils, on the basis of their physical, chemical, biologi-

cal, and other properties, and their environmental effects.

SEC. 2003. DUAL PURPOSE VESSEL.

Subject to the availability of appropriations, the Secretary of Transportation is authorized to expend up to $10,000,000 in fiscal year 1996 for the design and construction of a passenger ferry to be owned and operated by the State of Alaska, provided that—

(1) any amounts expended under this provision by the Secretary for such ferry are matched by an equal or greater amount from the State of Alaska or other sources;

(2) such ferry shall, when completed, be used by the State of Alaska as part of the National Contingency Plan in accordance with section 311(d)(2)(H) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)(2)(H)), in the event of a worst case discharge of crude oil off Alaska;

(3) the State of Alaska shall agree to use such ferry in cooperation with the Federal On-Scene Coordinator in the event of a worst case discharge of crude oil off Alaska; and

(4) such ferry shall be made available by the State of Alaska to be included on the list of equipment available in an Area Contingency Plan off Alaska under section 311(j)(4)(C)(iv) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(C)(iv)).

SEC. 2004. EQUITABLE TREATMENT OF UNITED STATES OCEAN FREIGHT FORWARDERS BY OCEAN CARRIER CONFERENCES.

(a) INDEPENDENT ACTION.—Section 5(b) of the Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amended by striking paragraph (8) and inserting the following:

''(8) provide that—

''(A) any member of the conference may take independent action on any rate, service item, or level of ocean freight forwarder compensation required to be filed in a tariff under section 8(a) upon not more than 10 calendar days notice to the conference; and

''(B) the conference will include the new rate, service item, or level of ocean freight forwarder compensation in its tariff for use by that member, effective no later than 10 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate, service item, or level of ocean freight forwarder compensation on or after its effective date, in lieu of the existing conference tariff provision for that rate, service item, or level of ocean freight forwarder compensation;''.

(b) PROHIBITION ON DENYING COMPENSATION.—Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)), is amended by striking paragraph (5) and inserting the following:

''(5) deny in the export foreign commerce of the United States compensation to an ocean freight forwarder, or limit that compensation to less than 1.25 percent of the aggregate of all of the rates and charges applicable under the tariff assessed against the cargo on which the forwarding services are provided; or''.

SEC. 2005. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 2006. LIMITATION ON CONSOLIDATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 2007. BUY AMERICAN REQUIREMENT FOR SURFACE SEARCH RADAR SYSTEMS AND MULTIBEAM SONAR.

Notwithstanding any other law, at least 51 percent of the components of surface search radar systems and multibeam sonar systems for Coast Guard vessels shall be manufactured in the United States, provided the United States manufacturer offers the Coast Guard a competitive price.

SEC. 2008. SPECIAL RECRUITING AUTHORITY TO ACHIEVE DIVERSITY.

(a) FINDINGS.—The Congress makes the following findings:

(1) Women and minorities have historically been underrepresented in the Coast Guard officer corps and at the United States Coast Guard Academy.

(2) Notwithstanding application of traditional recruiting programs, the Coast Guard has not been able to rectify the historic underrepresentation of women and minorities in the service and at the Academy.

(3) The education and professional training provided at the United States Coast Guard Academy will be enhanced by the benefits that flow from a diverse student body.

(b) NEW AUTHORITY.—Section 93 of title 14, United States Code, is amended—

(1) in paragraph (t)(2) by striking ''and'' after the semicolon;

(2) in paragraph (u) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(v) for the purposes of rectifying underrepresentation or underutilization of women and minorities in the Coast Guard and meeting identified personnel resource requirements and training needs—

''(1) conduct studies and analyses on Coast Guard personnel resource and training needs; and

''(2) employ special programs for recruiting women and minorities, including, subject to appropriations, provision of financial assistance by grant, cooperative agreement, contract, or otherwise, to public or private associations, organizations, or individuals to implement national or local outreach programs.''.

SEC. 2009. RECOMMENDATIONS ON ACTIONS FOR THE PROTECTION OF THE NORTH ATLANTIC RIGHT WHALE.

(a) RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall recommend to the Secretary of Commerce actions that could be undertaken by the Coast Guard and the International Maritime Organization to prevent mortalities of the northern right whale from vessel collisions in the Great South Channel off Cape Cod, Massachusetts. Such recommendations may include—

(1) the designation of 1 or more areas to be avoided;

(2) the shifting of the traffic separation scheme in the Great South Channel; or

(3) other measures the Secretary considers appropriate.

(b) INTERNATIONAL MARITIME ORGANIZATION.—The Secretary of Transportation, in consultation with the Secretary of Commerce, shall submit the appropriate recommendations under subsection (a) to the International Maritime Organization for consideration.

(c) REPORT.—The Secretary of Commerce shall report in accordance with section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1373(f)) on any actions taken by the Secretary of Commerce and the Secretary of Transportation pursuant to this section.

SEC. 2010. PROHIBITION ON DIVERSION OF DRUG INTERDICTION FUNDS.

The Secretary of Transportation may not reduce the level of Coast Guard drug interdiction activities during fiscal year 1995 below the level proposed by the President in the fiscal year 1995 budget.

SEC. 2011. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii or the State of Alaska, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

SEC. 2012. POLLUTION FROM SHIPS.

(a) PREVENTION OF POLLUTION FROM SHIPS.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) If'' and inserting the following: ''(2)(A) Subject to subparagraph (B), if''; and

(ii) by adding at the end the following new subparagraphs:

''(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

''(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Oceans Act of 1994, prescribe by regulation differing periods of validity for such certificates.''; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

''(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

''(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

''(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

''(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

''(A) is in effect; or

''(B) has been revoked or suspended.

''(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.''.

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.''.

(c) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100–220; 33 U.S.C. 1902 note) is amended—

(1) by striking ''for a period of 6 years''; and

(2) by inserting before the period at the end the following: ''and, not later than 1 year after the date of enactment of the Oceans Act of 1994, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)''.

(d) MARINE PLASTIC POLLUTION RESEARCH AND CONTROL PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100–220; 42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''for a period of at least 3 years,'';

(B) in subparagraph (C), by striking ''and'' at the end;

(C) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) AUTHORIZED ACTIVITIES.—

''(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

''(i) developing and implementing a voluntary boaters' pledge program;

''(ii) workshops with interested groups;

''(iii) public service announcements;

''(iv) distribution of leaflets and posters; and

''(v) any other means appropriate to educating the public.

''(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States, and provide other financial assistance to eligible recipients.

''(C) CONSULTATION.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, shall consult with—

''(i) the heads of State agencies responsible for implementing State boating laws; and

''(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.''.

(e) COORDINATION.—

(1) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee (referred to in this section as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall include a senior official from—

(A) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

(B) the Environmental Protection Agency;

(C) the United States Coast Guard;

(D) the United States Navy; and

(E) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(3) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(f) MONITORING.—The Secretary of Commerce, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this section.

SEC. 2013. COST ACCOUNTING FOR HAITIAN OPERATIONS.

(a) No later than 30 days after the enactment of this Act, the Secretary of Transportation shall submit a full accounting of all Coast Guard costs related to Haiti during fiscal year 1994 to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate. This accounting shall include numbers of Coast Guard personnel involved, the numbers of Coast Guard vessels involved, and the amount of funds diverted from other Coast Guard missions.

(b) Until all United States military operations in Haiti cease, the Secretary of Transportation shall submit monthly reports on all Coast Guard costs related to Haiti to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate.

SEC. 2014. PLAN FOR RESCUE OF PASSENGERS ON THE CHESAPEAKE BAY.

(a) The Secretary of the department in which the Coast Guard is operating, in consultation with officials of the States of Maryland and Virginia, and other interested persons, shall develop and submit to Congress by March 30, 1995, a plan for the rescue of persons transported on passenger vessels or small passenger vessels on the Chesapeake Bay.

(b) The plan developed in subsection (a) shall include—

(1) a protocol for command, control, and communications among Federal, State, and local authorities;

(2) a protocol for training exercises to prepare for an emergency rescue on the Chesapeake Bay;

(3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay; and

(4) an identification of procedures to be followed and equipment that would be needed in the event of weather that could result in hypothermia of the passengers.

SEC. 2015. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory, and applies to any application pending before the Board or the Secretary of Transportation on June 12, 1990.

SEC. 2016. SENSE OF THE CONGRESS REGARDING PASSENGERS ABOARD COMMERCIAL VESSELS.

It is the sense of the Congress that section 521(a)(1) of Public Law 103–182 (19 U.S.C. 58c(a)(5)) was intended to require the collection and remission of a fee from each passenger only one time in the course of a single voyage aboard a commercial vessel.

TITLE XXI—MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

SEC. 2101. SHORT TITLE.

This Title may be cited as the ''Marine Biotechnology Investment Act of 1993''.

SEC. 2102. FINDINGS.

Congress finds and declares the following:

(1) Throughout human history, the oceans and Great Lakes have been an important source of food and a wealth of other natural products.

(2) Marine biotechnology holds tremendous promise for expanding the range and increasing the utility of products from the oceans, understanding and treating human illness, and enhancing the quality and quantity of seafood.

(3) Marine biotechnology offers opportunities to improve the stewardship of marine resources through the development and application of effective methods to restore and protect marine ecosystems, to manage fisheries, to promote the economic growth of coastal economies (particularly those which rely substantially on income from traditional fisheries), and to monitor marine biological and geochemical processes.

(4) The United States currently is a world leader in marine biotechnology, a position with the potential for contributing to business and manufacturing innovations, creation of new jobs, and stimulation of private sector investment.

(5) Maintaining national leadership in the face of growing foreign competition will require federal investment in a well-defined and coordinated national program of research, development and private sector partnership, based on the existing responsibilities and expertise of the National Oceanic and Atmospheric Administration and other federal agencies.

(6) In particular, the National Sea Grant College Program should play a leading role in the development of marine biotechnology in the United States, building on proven ca-

pabilities in research, technology transfer, and education.

SEC. 2103. DEFINITIONS.

As used in this Title—

(1) The term ''Council'' means the Federal Coordinating Council on Science, Engineering, and Technology or any successor organization responsible for the coordination of scientific research among federal agencies and departments.

(2) The term ''Director'' means the Director of the Office of Science and Technology Policy.

(3) The term ''marine biotechnology'' means the application of molecular and cellular techniques to marine or other aquatic organisms for the purposes of—

(A) identifying, isolating, developing, and enhancing products that are derived from the aquatic environment;

(B) developing new techniques and processes that may be applied to marine and coastal resources; and

(C) monitoring human health and treating disease.

(4) The term ''release of organisms'' means—

(A) the intentional release; or

(B) the accidental release from a contained research facility;

into the surrounding environment, of a living marine or other aquatic organism in which the genetic material has been purposely altered at the molecular or cellular level in a way that could not result from the natural reproductive process of that species.

(5) The term ''Sea Grant director'' means director of a college, program, or regional consortium designated under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

(6) The term ''Secretary'' means the Secretary of Commerce.

(7) The term ''Strategy'' means the National Marine Biotechnology Strategy developed under section 2104, or any revision thereof.

SEC. 2104. NATIONAL MARINE BIOTECHNOLOGY STRATEGY.

(a) IN GENERAL.—The Director shall develop a National Marine Biotechnology Strategy for the establishment and implementation of a comprehensive research and development effort to assist the nation in understanding and using marine biotechnology. The Director shall submit the Strategy to the President and Congress within one year after the date of enactment of this Title and shall submit a revised Strategy at least once every three years thereafter.

(b) ELEMENTS OF THE STRATEGY.—The Strategy shall—

(1) establish, for the five-year period beginning in the year the Strategy is submitted, goals and priorities for a coordinated federal effort in marine biotechnology;

(2) describe specific activities to achieve such goals and priorities, including—

(A) basic and applied research initiatives;

(B) essential infrastructure development;

(C) education and training programs;

(D) development of partnerships among government agencies, industry, and academia to translate research findings into practical use;

(E) applications of marine biotechnology which can be used to contribute to the economic stability and vitality of economies based on traditional fisheries.

(3) set forth the role of each participation federal agency and department, identifying and addressing (consistent with the responsibilities established in this Title) relevant programs and activities of such agencies and departments that would contribute to the effort;

(4) estimate, to the extent practicable, funding requirements for the federal marine biotechnology effort described in the Strategy; and

(5) provide for, which respect to federally funded activities that may involve release of organisms, coordinated oversight by federal departments and agencies, including development of—

(A) guidelines and performance standards that are necessary for the safe conduct of such activities and for preventing significant environmental risk; and

(B) procedures to ensure compliance with such guidelines and performance standards.

(c) CONSULTATION.—In developing and revising the Strategy, the Director—

(1) shall consult with federal, State, academic, commercial, and environmental entities involved in marine biotechnology; and

(2) may convene meetings and workshops, in consultation with the National Academy of Sciences and the Sea Grant directors.

SEC. 2105. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—The Secretary, in consultation with the council, shall, within the National Oceanic and Atmospheric Administration, maintain a balanced program of marine biotechnology activities, comprised of—

(1) the program established by section 206 of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), as added by section 2106 of this Title;

(2) research conducted under agreements with academic institutions for the purposes of developing and applying marine biotechnology to the management, conservation, and use of living marine resources; and

(3) marine forensics, biotoxins, and microbiological research on new methods for ensuring the safety of seafood, implementing and enforcing marine environmental statutes, and addressing coastal pollution.

(b) RESTRICTION RELATING TO RELEASE OF ORGANISMS.—

(1) IN GENERAL.—The Secretary shall not conduct activities (either directly or through the award of a grant or contract) that may involve release of organisms, unless such activities—

(A) have been reviewed and approved under other applicable federal law; or

(B) are found by the Secretary, based on the Secretary's written assessment, to pose no significant environmental risk.

(2) CONDITIONS FOR MAKING A FINDING.—The Secretary may make a finding under subparagraph (1)(B)—

(A) in the case of an intentional release of organisms, only after providing notice and an opportunity for public comment;

(B) within 18 months after the date of the enactment of this Title only, if the Secretary includes with the finding a brief but complete description of the basis for that finding; and

(C) after 18 months after the date of the enactment of this Title, only after guidelines, performance standards, and procedures necessary for the safe conduct of activities by the Department of Commerce that may involve the release of organisms have been developed.

(c) TERMINATION OF AWARD.—The Secretary shall promptly withdraw any award made under this Title if the Secretary determines that the grantee or contractee in question has failed to abide by the applicable guidelines, performance standards, and procedures referred to in this section or section 2104 of this Title.

(d) RESTRICTION ON PACIFIC SALMON.—The Secretary shall only conduct research or award a grant or contract for marine biotechnology applications intended to promote or enhance farming, ranching, or other forms of captive cultivation (other than stock identification or hatchery enhancement of wild stocks) of any species of Pacific salmon upon making a written finding that such award, grant, or contract will not be detrimental to the economic stability and responsible development of traditional coastal economies which rely substantially on the harvest of wild stocks of Pacific salmon for a significant portion of their livelihood.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to the sums authorized to be appropriated under section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out this Title, $12,000,000 for each of fiscal years 1994, 1995, 1996, and 1997.

SEC. 2106. SEA GRANT MARINE BIOTECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended by inserting immediately after section 205 the following new section:

"SECTION 206. MARINE BIOTECHNOLOGY PROGRAM.

''(a) MARINE BIOTECHNOLOGY PROGRAM.—Subject to the availability of appropriations under section 212(c), the national sea grant college program provided for under section 204 shall include a marine biotechnology program under which the Secretary, acting through the Director, shall—

''(1) make grants and enter into contracts in accordance with this section; and

''(2) engage in other activities authorized under this Act; to further research, development, education, technology transfer, and risk assessment in marine biotechnology.

''(b) ADMINISTRATION.—In carrying out the marine biotechnology program, the Secretary shall—

''(1) coordinate the relevant activities of the directors of the sea grant colleges and the Marine Biotechnology Review Panel established under subsection (d); and

''(2) provide general oversight of the review process under subsection (d)(1) to ensure that the marine biotechnology program produces the highest quality research, development, education, and technology transfer.

''(c) GRANTS AND CONTRACTS.—

''(1) APPLICATIONS.—Applications for grants and contracts under this section shall be—

''(A) made in such form and manner, and include such content and submissions, as the Secretary shall by advance notice prescribe;

''(B) forwarded by the appropriate directors of sea grant colleges, along with an evaluation by those directors of merit and programmatic relevance, to the National Sea Grant Office; and

''(C) reviewed by the Marine Biotechnology Review Panel in accordance with subsection (d).

''(2) TERMS AND CONDITIONS.—Any reference in subsection (d) of section 205 or in the last sentence of subsection (a) of section 205 to grants and contracts provided for under that section shall be treated, as the context requires, as including any grant applied for or made, or contract applied for or entered into, under this section.

''(3) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall award grants and contracts under this section on the basis of the recommendations for award made by the Marine Biotechnology Review Panel under subsection (d).

''(d) MARINE BIOTECHNOLOGY REVIEW PANEL.—

''(1) ESTABLISHMENT AND DUTIES.—Subject to the availability of appropriations under section 212(c), the Director, in consultation with the directors of the sea grant colleges, shall convene a panel, to be known as the Marine Biotechnology Review Panel, that shall—

''(A) review, on a competitive basis, the applications made under this section for grants

and contracts to determine their respective scientific, technical, educational, and commercial merits and likely contributions toward achieving the purposes of this section; and

''(B) on the basis of the review under subparagraph (A), and with due regard for the overall balance and coordination of the marine biotechnology program, make recommendations to the Secretary regarding the awarding of grants and contracts under this section.

''(2) MEMBERSHIP.—The Marine Biotechnology Review Panel shall—

''(A) consist of not more than 15 individuals with scientific or technical expertise in marine biotechnology or relevant related fields, including at least two qualified individuals with expertise in marine or freshwater ecological risk assessment;

''(B) reflect a balance among areas of expertise consistent with the purposes of this section;

''(C) include not more than two federal employees, none of which may be employees of the National Oceanic and Atmospheric Administration;

''(D) not include directors of sea grant colleges; and

''(E) reflect geographic balance, consistent with the primary objectives of a high level of expertise and balance among areas of expertise.

''(3) ALLOWANCES.—Each member of the Marine Biotechnology Review panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.''.

(b) DEFINITIONS.—(1) Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) The term 'marine biotechnology' means the application of molecular and cellular techniques to marine and other aquatic organisms for the purposes of—

''(A) identifying, isolating, developing and enhancing products that are derived from the aquatic environment;

''(B) developing new techniques and processes that may be applied to marine and coastal resources; and

''(C) monitoring human health and treating diseases.''.

(2) Section 203(4) of the National Sea Grant College Program Act (33 U.S.C. 1122(4) is amended by inserting ''marine biotechnology,'' immediately after ''marine technology,''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) in subsection (b), by inserting ''but not including section 206'' immediately after ''section 209'';

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

(3) by inserting immediately after subsection (b) the following new subsection:

''(c) MARINE BIOTECHNOLOGY PROGRAM.—

''(1) GRANTS AND CONTRACTS.—There is authorized to be appropriated to carry out the provisions of section 206 (other than for administration) an amount —

''(A) for each of fiscal years 1994 and 1995, not to exceed $20,000,000; and

''(B) for each of fiscal years 1996 and 1997, not to exceed $25,000,000.

''(2) ADMINISTRATION.—There is authorized to be appropriated for the administration of section 206, an amount—

''(A) for each of fiscal years 1994 and 1995, not to exceed $200,000; and

''(B) for each of fiscal years 1996 and 1997, not to exceed $250,000.''.

TITLE XXII—DOCUMENTATION OF VESSELS

SEC. 2201. AUTHORIZATION OF DOCUMENTATION FOR VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782)

(3) ANNAPOLIS (United States official number 999008).

(4) ARTHUR ATKINSON (former United States official number 214656).

(5) ATTITUDE (North Carolina registration number NC3607AN).

(6) BAGGER (Hawaii registration number HI1809E).

(7) BIG DAD (United States official number 565022).

(8) BIG GUY (United States official number 939310).

(9) BROKEN PROMISE (United States official number 904435).

(10) CHESAPEAKE (United States official number 999010).

(11) CHRISSY (Maine registration number ME4778B).

(12) CONSORT (United States official number 999005).

(13) CURTIS BAY (United States official number 999007).

(14) EAGLE MAR (United States official number 575349).

(15) EMERALD AYES (United States official number 986099).

(16) EMPRESS (United States official number 975018).

(17) ENDEAVOR (United States official number 947869).

(18) FIFTY ONE (United States official number 1020419).

(19) FIREBIRD (United States official number 253656).

(20) GIBRALTAR (United States official number 668634).

(21) HAMPTON ROADS (United States official number 999009).

(22) INTREPID (United States official number 508185).

(23) ISABELLE (United States official number 600655).

(24) JAMESTOWN (United States official number 999006).

(25) JOAN MARIE (North Carolina official number NC2319AV).

(26) KLIPPER (New York registration number NY8166AN).

(27) L.R. BEATTIE (United States official number 904161).

(28) LADY ANGELA (United States official number 933045).

(29) LADY HAWK (United States official number 961095).

(30) LADY HELEN (United States official number 527746).

(31) MANDIRAN (United States official number 939915).

(32) MEMORY MAKER (Maryland registration number MD8867AW, hull number 3151059).

(33) OLD HAT (United States official number 508299).

(34) ORCA (United States official number 504279).

(35) REEL TOY (United States official number 698383).

(36) RENDEZVOUS (United States official number 924140).

(37) SALLIE D (Maryland registration number MD2655A).

(38) SEAHAWK (United States official number 673537).

(39) SEAHAWK III (United States official number 996375).

(40) SEA MISTRESS (United States official number 696806).

(41) SERENITY (United States official number 1021393).

(42) SHAMROCK V (United States official number 900936).

(43) SILENT WINGS (United States official number 969182).

(44) SUNSHINE (United States official number 974320).

(45) TECUMSEH (United States official number 668633).

(46) VIKING (former United States official number 224430).

(47) WHY KNOT (United States official number 688570).

(48) WOLF GANG II (United States official number 984934).

(49) A hopper barge owned by Foley & Foley Marine Contractors, Inc. (United States official number 264959).

(50) Each of 2 barges owned by Roen Salvage Co., numbered 103 and 203.

(51) Each of 3 spud barges owned by Dan's Excavating, Inc., as follows:

(A) Spud barge 102 (United States official number 1021958).

(B) Spud barge 103 (United States official number 1021960).

(C) Spud barge 968 (United States official number 1021959).

(52) Each of 3 barges owned by Harbor Marine Corporation of Rhode Island, as follows:

(A) HARBOR 223 (approximately 110 feet in length).

(B) GENE ELIZABETH (approximately 200 feet in length).

(C) HARBOR 221 (approximately 90 feet in length).

(53) SMALLEY 6808 Amphibious Dredge (Florida registration number FL1855FF).

(54) TOO MUCH FUN (United States official number 936565).

SEC. 2202. AUTHORIZATION OF DOCUMENTATION FOR THE ATLANTIS III.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate coastwise endorsement for employment in the coastwise trade in Alaska during the period beginning May 1, 1995, and ending October 31, 1996, for the vessel ATLANTIS III (Coast Guard MSIS number CG006455).

SEC. 2203. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the vessels—

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length); and

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which

is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the ''owner''), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under subsection (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 2204. EXTENSION OF DEADLINE FOR THE M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 is amended by striking ''June 30'' in subpart (3) and inserting ''December 31'' and by striking ''12'' in subpart (4) and inserting ''18''.

SEC. 2205. COASTWISE TRADE AUTHORIZATION FOR HOVERCRAFT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the vessels IDUN VIKING (Danish Registration number A433), LIV VIKING (Danish Registration number A394), and FREJA VIKING (Danish Registration number A395) if—

(1) all repair and alteration work on the vessels necessary to their operation under this section is performed in the United States;

(2) a binding contract for the construction in the United States of at least 3 similar vessels for the coastwise trade is executed by the owner of the vessels within 6 months after the date of enactment of this Act; and

(3) the vessels constructed under the contract entered into under paragraph (1) are to be delivered within 3 years after the date of entering into that contract.

SEC. 2206. WRECKED VESSEL.

The M/V SPIRIT OF THE PACIFIC NORTHWEST (Bahamian official number 725338) shall be considered to have met the requirements of the section 4136 of the Revised Statutes of the United States (46 App. U.S.C. 14), if the Secretary of Transportation determines—

(1) that the vessel was purchased or salvaged by a United States corporation and subsequently repaired in a shipyard in the United States; and

(2) that repairs to the vessel were equal to or greater than three times the appraised salved value of the vessel.

SEC. 2207. AUTHORIZATION FOR R/V ROSS SEAL TO BE DOCUMENTED UNDER THE LAWS OF A FOREIGN COUNTRY.

Notwithstanding any other law—

(1) during the period beginning March 1, 1995, and ending March 1, 1998, the vessel R/V ROSS SEAL United States official number 582641 may be documented under the laws of a foreign country;

(2) that vessel shall not be prohibited from or otherwise ineligible to engage in coastwise trade, by reason of having been documented under the laws of a foreign country in that period; and

(3) the Secretary of Transportation may not, by reason of that vessel having been documented under the laws of a foreign country in the period, withhold documentation for that vessel under chapter 121 of title 46, United States Code, .

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''A bill to provide congressional approval of a governing international fishery agreement, to authorize appropriations for the Coast Guard for fiscal year 1995, and for other purposes.''.

A motion to reconsider the votes whereby said bill 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.

¶122.38 STEWARDSHIP END-RESULT CONTRACTS DEMONSTRATION

On motion of Mr. LAROCCO, by unanimous consent, the bill of the Senate (S. 2100) to provide for rural development, multiple-use management, expenditures under Knutson-Vandenburg Act of 1930, and ecosystem-based management of certain forest land, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. LAROCCO submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. DEMONSTRATION PROGRAM FOR THE SPECIAL USE OF TIMBER REVENUES.

(a) DEMONSTRATION PROGRAM.—The Secretary of Agriculture may carry out a demonstration program on National Forest System lands described in subsection (b) to develop and implement management practices that are ecosystem based and end-result oriented.

(b) APPLICABILITY.—The demonstration program shall apply to the management of the Priest Lake District project, Idaho Panhandle National Forest.

(c) AUTHORIZATION.—Under the demonstration program, the Secretary of Agriculture may apply the value, or a portion of the value, of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received, including site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements. The Secretary of Agriculture may apply such offsets until the demonstration project expires.

(d) COMPLIANCE WITH ENVIRONMENTAL REQUIRMENTS.—Nothing in this Act shall be construed to alter the responsibility of the Secretary to comply with environmental laws applicable to the lands of the National Forest System described in subsection (b).

(e) EXPIRATION OF AUTHORITY.—The authority provided in subsection (c) shall expire on December 31, 1995.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''A bill to provide for a demonstration program to develop and implement special management practices for certain National Forest System lands''.

A motion to reconsider the votes whereby 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 amendments.

¶122.39 OSHA REGULATIONS

On motion of Mr. MURPHY, by unanimous consent, the Committee on Education and Labor was discharged from further consideration of the following concurrent resolution (H. Con. Res. 14):

Whereas it is in the public interest to reduce the frequency of workplace accidents and the human and economic costs associated with such injuries;

Whereas workplace accidents involving powered industrial trucks are often the result of operation by poorly trained, untrained, or unauthorized operators;

Whereas Federal regulations promulgated by the Occupational Safety and Health Administration and codified at 29 C.F.R. 1910.178 require that operators of powered industrial trucks be trained and authorized:

Whereas existing regulations lack any guidelines to measure whether operators of powered industrial trucks are in fact trained and authorized;

Whereas operator training programs have been demonstrated to reduce the frequency and severity of workplace accidents involving powered industrial trucks; and

Whereas a petition to amend existing regulations to specify the proper components of a training program for operation of powered industrial trucks has been pending before the Occupational Safety and Health Administration since March 1988: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Occupational Safety and Health Administration is requested to publish, within one year of passage of this resolution, proposed regulations amending the regulation published as 29 C.F.R. 1910.178 to specify the components of an adequate operator training program and to provide that only trained employees be authorized to operate powered industrial trucks.

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.

¶122.40 WARREN B. RUDMAN UNITED STATES COURTHOUSE

On motion of Mr. TRAFICANT, by unanimous consent, the Committee on Public Works and Transportation was discharged from further consideration of the bill of the Senate (S. 2073) to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the ''Warren B. Rudman United States Courthouse,'' and for other purposes.

Mr. TRAFICANT submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. WARREN B. RUDMAN UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse to be constructed in Concord, New Hampshire, shall be known and designated as the ''Warren B. Rudman United States Courthouse''.

(b) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Warren B. Rudman United States Courthouse''.

SEC. 2. JAMIE L. WHITTEN FEDERAL BUILDING.

(A) DESIGNATION.—The Federal building located at the northeast corner of the intersection of 14th Street and Independence Avenue, Southwest, in Washington, District of Columbia, shall be known and designated as the ''Jamie L. Whitten Federal Building''.

(b) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Jamie L. Whitten Federal Building''.

SEC. 3. WILLIAM H. NATCHER FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 242 East Main Street in Bowling Green, Kentucky, shall be known and designated as the ''William H. Natcher Federal Building and United States Courthouse''.

(b) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''William H. Natcher Federal Building and United States Courthouse''.

When said bill, as amended, was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''A bill to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse .''.

A motion to reconsider the votes whereby the 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 amendments.

¶122.41 HOUSING PROGRAMS EXTENSION

On motion of Mr. GONZALEZ, by unanimous consent, the Committee on Banking, Finance and Urban Affairs was discharged from further consideration of the bill (H.R. 5245) to provide for the extension of certain programs relating to housing and community development, and for other purposes.

When said bill was considered and read twice.

Mr. GONZALEZ submitted the following amendment which was agreed to:

In section 2(i) of the bill, add at the end the following new paragraph:

(4) SECTION 23 CONVERSION.—

(A) AUTHORIZATION.—Notwithstanding contracts entered into pursuant to section 14(b) of the United States Housing Act of 1937, the Secretary is authorized to enter into obligations for the conversion of the Pine Tower Apartments in Bay City, Michigan, from a leased housing contract under section 23 of such Act to a project-based rental assistance contract under section 8 of such Act.

(B) REPAYMENT REQUIRED.—The authorization made in subparagraph (A) is conditioned on the repayment to the Secretary of all amounts received by the public housing agency under the comprehensive improvement assistance program under section 14 of the United States Housing Act of 1937 for the Pine Tower Apartment Project and the amounts, as determined by the Secretary, received by the public housing agency under the formula in section 14(k) of such Act by reason of the project.

In the matter to be inserted by the amendment made by section 5(b)(3) of the bill, strike ''Vallejo and Benecia and to Napa County, in California, such cities and county'' and insert ''Fairfield, Vallejo, Napa, and Vacaville, in California, such cities''.

The bill, as amended, was ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.42 NATIONAL MAMMOGRAPHY DAY

On motion of Ms. NORTON, by unanimous consent, the joint resolution of the Senate (S.J. Res. 220) to designate October 19, 1994, as ''National Mammography Day;'' was taken from the Speaker's table.

When said joint resolution was considered and 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 said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.43 PRESIDENTIAL MEDAL OF FREEDON TO MARTHA RAYE

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the following concurrent resolution (H. Con. Res. 35):

Whereas, in 1753, Josiah Hornblower, an English engineer who was an associate and rival of James Watt, assembled the 1st functioning steam engine in the Western Hemisphere in Belleville, New Jersey, to pump water from the Schuyler copper mines;

Whereas, approximately 40 years after such assembly, the 1st steam engine made in the United States was manufactured in a foundry in Belleville from designs by Josiah Hornblower;

Whereas, the designs were commissioned by Nicholas Roosevelt, who was the great-uncle of Franklin Delano Roosevelt and Theodore Roosevelt, to power the Polacca, which was the 1st experimental steamboat in the United States;

Whereas the Polacca negotiated the Passaic River on October 21, 1798, which was several years before Robert Fulton's boat, Clermont, sailed the Hudson River;

Whereas historians herald the invention of the steam engine as the beginning of the industrial revolution;

Whereas the presence of Josiah Hornblower in Belleville brought many of the initiators of the industrial revolution in the United States to Belleville;

Whereas such individuals included members of the Rutgers family, many of whom are buried in the cemetery of the old Dutch Reformed Church in Belleville; and

Whereas Belleville has a rightful claim to the title ''Birthplace of the American Industrial Revolution'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress recognizes Belleville, New Jersey, as the birthplace of the industrial revolution in the United States; and

(2) the President is authorized and requested to issue a proclamation honoring Belleville as such birthplace.

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.

¶122.44 NATIONAL FAMILY LITERACY DAY

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 413) designating November 1, 1994, as ''National Family Literacy Day''.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

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

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶122.45 NATIONAL FIREFIGHTERS DAY

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 411) designating October 29, 1994, as ''National Firefighters Day''.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

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

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶122.46 SMALL-TOWN SUNDAY

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 184) to authorize the President to issue a proclamation

designating Sunday, August 1, 1993, as ''Small-Town Sunday''.

When said joint resolution was considered and read twice.

Ms. NORTON submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the resolving clause and insert the following:

That the weekend of October 15–16, 1994, is designated as ''Small Towns and Townships Weekend'', and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such weekend with appropriate ceremonies and activities.

The joint resolution, as amended, was ordered to be engrossed.

Ms. NORTON submitted the following amendment to the preamble, which was agreed to:

''Whereas small towns and townships have been the spirit and backbone of this great Nation and have provided many common, traditional ideals and values throughout our history;

''Whereas it is appropriate to recognize the importance of small towns and townships in the development of a sense of community and to highlight the spirit of small towns and townships;

''Whereas it is vital to unify residents of small towns and townships in the process of revitalizing their own community and reinvigorating small-town life; and

''Whereas it is fitting that official recognition be given to the importance of small towns and townships and a weekend set aside for activities that are most commonly associated with small towns and townships, such as town festivals, family picnics, and baseball games: Now, therefore, be it''.

The joint resolution, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''Joint resolution designating the weekend of October 15–16, 1994, as 'Small Towns and Townships Weekend'.''.

A motion to reconsider the votes whereby said joint resolution was passed and the title and preamble were amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶122.47 VETERANS' BENEFITS IMPROVEMENTS

On motion of Mr. MONTGOMERY, by unanimous consent, the Committee on Veterans Affairs was discharged from further consideration of the bill (H.R. 5244) to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes;

When said bill was considered and read twice.

Mr. MONTGOMERY submitted the following amendment which was agreed to:

Beginning on page 76, line 1, strike out all through page 81, line 11, and amend the table of contents.

The bill, as amended, was ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.48 WINDOW ROCK UNIFIED SCHOOL DISTRICT

On motion of Mr. KILDEE, by unanimous consent, the Committee on Education and Labor was discharged from further consideration of the bill (H.R. 5220) to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.49 PRINTING—TRIBUTE TO HONORABLE JAMIE L. WHITTEN

On motion of Mr. MANTON, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution (H. Con. Res. 314):

Resolved by the House of Representatives (the Senate concurring), That a collection of statements made in tribute to Representative Jamie L. Whitten, prepared under the supervision of the Joint Committee on Printing, shall be printed as a House document, with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed the lesser of—

(1) 1,850 copies (including 400 casebound copies) of the document, of which 550 copies (including 100 casebound copies) shall be for the use of the House of Representatives, 110 copies (including 100 casebound copies) shall be for the use of the Senate, and 1,190 copies (including 200 casebound copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $19,527, with such copies to be allocated in the same proportion as described in paragraph (1).

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.

¶122.50 FEDERAL POWER ACT AMENDMENTS

On motion of Mr. SHARP, by unanimous consent, the bill of the Senate (S. 2384) to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SHARP submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert:

SECTION 1. EXTENSIONS OF DEADLINES FOR HYDROPOWER PROJECTS.

(a) IN GENERAL.—Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensees for FERC Projects No. 3701, 3943, 3944, 4204, 4474, 4660, 4659, 4797, 6901, 6902, 9423, and 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for each such project for a maximum of 2-years. This section shall take effect for each such project upon the expiration of the extension (issued by the Commission under such section 13 or by Act of Congress) of the period required for commencement of construction of such project.

(b) TERMINATION.—The authorization for issuing extensions under this section shall terminate 3 years after the date of enactment of this section. To facilitate requests for extensions, the Commission may consolidate the requests. The Commission shall, in the case of any project referenced in subsection (a) that has had more than 2 extensions under the Federal Power Act or any other provision of law, shall examine and, at the time of granting extensions under this Act, report to the Congress the reasons for delay in construction by each licensee and the Commission's views on the ability of the licensee to comply with the construction requirements of the Federal Power Act before the end of such extension.

SEC. 2. REINSTATEMENT

(a) IN GENERAL.—The Federal Energy Regulatory Commission authorized and directed to reinstate effective May 23, 1993, in accordance with the good faith, due diligence, and public interest requirements of section 13 of the Federal Power Act (16 U.S.C. 806) and the Commission's procedures under such section, the hydroelectric license previously issued for Project No. 7829. Commencement of construction within the meaning of section 13 of the Federal Power Act shall commence within 4 years of such date.

(b) TERMINATION.—The authorization under this section shall terminate 3 years after the date of enactment of this section.

SEC. 3. EXEMPTION OF PORTION OF EL VADO HYDROELECTRIC PROJECT FROM LICENSING REQUIREMENT OF PART I OF THE FEDERAL POWER ACT.

(a) EXEMPTION.—The Federal Energy Regulatory Commission shall provide that the 69 KV transmission line, including the right-of-way, which originates in the switchyard of the El Vado Hydroelectric Project, New Mexico (FERC project numbered 5226) and extends north to the Spills Switching Station operated by the Northern Rio Arriba Electric Cooperative, Inc. (''NORA''), located in Rio Arriba County, New Mexico may be exempt for the term of the applicable license from so much of part I of the Federal Power Act as the Commission deems necessary to permit NORA to effectively and prudently utilize its system in conjunction with, and in furtherance of, the license unless the Commission finds after reasonable notice that such exemption is not in the public interest. The Commission shall initiate this action upon application of the licensee made within 120 days after the enactment of this Act, and the Commission shall provide such exemption without delay.

SEC. 4. CERTAIN PROJECTS UNDER THE FEDERAL POWER ACT IN ALASKA.

(a) AMENDMENT TO SECTION 2407(a).—Section 2407(a) of the Energy Policy Act of 1992 is amended by striking ''may'' and inserting ''shall, in the case of the projects referenced in paragraphs (1) and (3) of this subsection and may, in the case of the project in paragraph (2) of this subsection,''.

(b) AMENDMENT TO SECTION 2407(f).—Section 2407(f) of such Act is amended by adding the following new sentence at the end thereof: ''The Commission shall, on its own motion, provide such exemption at any time after the enactment of this sentence, taking into consideration any application filed with the Commission prior to such enactment. The Commission shall report to the Congress the actions taken under this section and if the Commission fails to grant any such exemption in paragraphs (1) and (3) of subsection (a), shall explain the reasons for such failure.''.

SEC. 5. HAWAII LEGISLATIVE REPORT.

The Federal Energy Regulatory Commission, taking into consideration the Commission's Study, April 13, 1994, of Hydroelectric Licensing in the State of Hawaii, shall initiate a proceeding for the purpose of making recommendations to the Congress in the first session of the 104th Congress for legislation to provide for the transfer to the State of Hawaii of all or part of the Commission's authority under the Federal Power Act for the licensing of new hydroelectric projects in the State of Hawaii without affecting the applicability of other Federal environmental laws and regulations to such projects, without transferring such authority to the State in the case of any such projects that could conflict with the management and operation of any National Wildlife Refuge or National Park in Hawaii, and without, to the greatest extent possible, establishing a precedent with respect to other States, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico. The Commission shall obtain the views of the State of Hawaii and other Federal environmental agencies on any proposed legislative recommendation and shall include such views in the report of the Commission transferring the Commission's recommendations to the Congress. The Commission shall include its views and recommendations and those of any individual member of the Commission.

SEC. 6. SIZE LIMITATIONS OF ELIGIBLE FACILITIES UNDER PURPA.

Section 3(17)(E) of the Federal Power Act (16 U.S.C. 791a and following) is amended by striking ''1994'' and inserting ''1996''.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and 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.

¶122.51 NARCOTICS CONTROL

On motion of Mr. GEJDENSON, by unanimous consent, the Committee on Foreign Affairs was discharged from further consideration of the bill (H.R. 5246) to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.52 FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the bill (H.R. 5164) to provide for the enrollment of individuals enrolled in a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision in the Federal Employees Health Benefits Program.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.53 RECESS—7:46 P.M.

The SPEAKER pro tempore, Mr. SHARP, pursuant to clause 12 of rule I, declared the House in recess at 7 o'clock and 46 minutes p.m., until 7:57 p.m.

¶122.54 AFTER RECESS—8:10 P.M.

The SPEAKER pro tempore, Mr. SHARP, called the House to order.

¶122.55 CONVENING OF THE 104TH CONGRESS

Mr. HOYER submitted the privileged joint resolution (H.J. Res. 425) providing for the convening of the First Session of the One Hundred Fourth Congress.

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsidered the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶122.56 ADJOURNMENT OF THE TWO HOUSES

Mr. HOYER, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 315):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, October 7, 1994 pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand adjourned until noon on Tuesday, November 29, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on any day from Friday, October 7, 1994 through Friday, October 14, 1994, pursuant to a motion made by the Majority leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until 9 a.m. on Wednesday, November 30, 1994, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first.

Sec. 2. When the House adjourns on the legislative day of Tuesday, November 29, 1994, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns at the close of business on Thursday, December 1, 1994, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

Sec. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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.

¶122.57 PROVIDING FOR THE ADOPTION OF H. RES. 578

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103–851) the resolution (H. Res. 579) providing for the adoption of the resolution (H. Res. 578) amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶122.58 PROVIDING FOR THE ADOPTION OF H. RES. 578

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 579):

Resolved, That House Resolution, 578 is hereby adopted.

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER announced that two-thirds of the Members present had voted in the affirmative.

So, the House decided to consider said resolution.

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. SHARP, announced that the yeas had it.

Mr. MOAKLEY 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 ..... 348 / Nays ..... 3 }

¶122.59 [Roll No. 505]

YEAS—348

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Foley
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Greenwood
Gunderson
Hall (OH)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Paxon
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Waters
Watt
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Crane
Dreier
Goss

NOT VOTING—84

Ackerman
Applegate
Archer
Armey
Bacchus (FL)
Baker (LA)
Barton
Bateman
Bilirakis
Blackwell
Boehlert
Brown (CA)
Bunning
Callahan
Chapman
Clay
Collins (MI)
Cunningham
DeFazio
DeLay
Edwards (CA)
Fish
Flake
Foglietta
Ford (TN)
Gallo
Gibbons
Goodling
Grandy
Green
Gutierrez
Hall (TX)
Houghton
Hutchinson
Hutto
Inhofe
Istook
Johnston
Kyl
LaFalce
Laughlin
Lehman
Levy
Lewis (FL)
Lipinski
Lloyd
McCollum
McCrery
McCurdy
McDade
McMillan
Meehan
Molinari
Murphy
Murtha
Neal (MA)
Packard
Parker
Payne (NJ)
Payne (VA)
Penny
Pickett
Porter
Pryce (OH)
Quillen
Rangel
Ravenel
Rose
Roukema
Sisisky
Skelton
Slattery
Smith (OR)
Spratt
Stenholm
Studds
Sundquist
Taylor (NC)
Torricelli
Tucker
Walsh
Washington
Waxman
Whitten

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.

Pursuant to House Resolution 579, the following resolution (H. Res. 578) was considered agreed to:

Resolved,

SECTION 1. APPLICATION OF CERTAIN LAWS TO THE HOUSE OF REPRESENTATIVES.

The Rules of the House of Representatives are amended by adding at the end the following new rule:

"RULE LII.

"APPLICATION OF CERTAIN LAWS.

"1. There is established an Office of Compliance which shall have a Board of Directors consisting of 5 individuals appointed jointly by the Speaker and the minority leader. Appointments of the first 5 members of the Board of Directors shall be completed not later than 120 days after the beginning of the One Hundred Fourth Congress.

"2. (a) The Office of Compliance shall carry out the duties and functions set forth in sections 2 through 16 of House Resolution ____, One Hundred Third Congress, including the issuance of regulations, to implement the requirements of the following laws to the House of Representatives:

"(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(5) Titles I and V of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(6) The Occupational Safety and Health Act of 1970 (other than section 19) (29 U.S.C. 651 et seq.) (subject to paragraph (c)), effective at the beginning of the One Hundred Fifth Congress.

"(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective at the beginning of the One Hundred Fifth Congress.

"(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress, except that this Act shall not apply to the United States Capitol Police.

"(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(10) The Rehabilitation Act of 1973 (29 U.S.C. 791), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(b) Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees, and family and medical leave) of employees apply to the House in accordance with this rule.

"(c) The House shall comply with the Occupational Safety and Health Act of 1970 as follows: If a citation of a violation of such Act is received, action to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued, subject to the availability of funds appropriated for that purpose after the receipt of the citation.

"3. (a)(1) The Chairperson of the Board of Directors of the Office shall appoint, may establish the compensation of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this rule as the 'executive director'). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or expertise in the application of the laws referred to in clause 2. The appointment of the first executive director shall be completed no later than 120 days after the initial appointment of the Board of Directors.

"(2) The executive director may not be an individual who holds or may have held the position of Member of the House of Representatives or Senator. The executive director may not be an individual who holds the position of employee of the House or the Senate but the executive director may be an individual who held such a position at least 4 years before appointment as executive di-

rector. The term of office of the executive director shall be a single term of 5 years.

''(b)(1)(A) No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Secretary of the Senate or the Clerk shall be considered eligible for appointment to, or service on, the Board of Directors.

''(B) No member of the Board of Directors may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of employee of the House or Senate, or may have held such a position within 4 years of the date of appointment.

''(2) If during a term of office a member of the Board of Directors engages in an activity described in subparagraph (1)(A), such position shall be declared vacant and a successor shall be selected in accordance with paragraph (a)(1).

''(3) A vacancy in the Board of Directors shall be filled in the manner in which the original appointment was made.

''(c)(1) Except as provided in subparagraph (2), membership on the Board of Directors shall be for 5 years. A member shall only be eligible for appointment for a single term of office.

''(2) Of the members first appointed to the Board of Directors—

''(A) 1 shall have a term of office of 3 years,

''(B) 2 shall have a term of office of 4 years, and

''(C) 2 shall have a term of office of 5 years, as designated at the time of appointment by the persons specified in paragraph (a)(1).

''(3) Any member of the Board of Directors may be removed from office by a majority decision of the appointing authorities described in paragraph (a)(1) and only for—

''(A) disability that substantially prevents the member from carrying out the duties of the member,

''(B) incompetence,

''(C) neglect of duty,

''(D) malfeasance, or

''(E) a felony or conduct involving moral turpitude.

''(d) The Chairperson of the Board of Directors shall be appointed from the members of the Board of Directors by the members of the Board.''.

SEC. 2. DEFINITIONS.

As used in sections 2 through 16:

(1) The term ''employee of the House'' means any individual (other than a Member) whose pay is disbursed by the Director of Non-legislative and Financial Services or any individual to whom supervision and all other employee-related matters were transferred to the Sergeant at Arms pursuant to direction of the Committee on Appropriations in House Report 103–517 of the One Hundred Third Congress, and such term includes an applicant for the position of employee and a former employee.

(2) The term ''employing authority'' means, with respect to an employee, the Member of the House of Representatives or elected officer of the House of Representatives, or the Director of the Congressional Budget Office, with the power to appoint the employee.

(3) The term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(4) The term ''elected officer of the House of Representatives'' means an elected officer of the House of Representatives (other than the Speaker and the Chaplain).

(5) The term ''Office'' refers to the Office of Compliance established by rule LII of the Rules of the House of Representatives.

SEC. 3. APPLICATION OF LAWS.

(a) The laws set forth in clause 2 of rule LII of the Rules of the House of Representatives shall apply, as prescribed by that rule, to the House of Representatives.

(b) The laws referred to in rule LI of the Rules of the House of Representatives which apply on December 31, 1994, to House employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this resolution.

SEC. 4. ADMINISTRATIVE MATTERS RELATING TO THE OFFICE OF COMPLIANCE.

(a)(1) Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(b) The executive director may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this resolution.

(c) The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(d) The executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants or organizations thereof.

SEC. 5. STUDY AND REGULATIONS.

(a) The Board of Directors shall conduct a study of the manner in which the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives. The Board of Directors shall complete such study and report the results to House of Representatives not later than 180 days after the date of the first appointment of the first executive director.

(b) On an ongoing basis the Board of Directors—

(1) shall determine which of the laws referred to in clause 2(b) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives and if it should, the manner in which it should be made applicable;

(2) shall study the application to the House of provisions of Federal law referred to in paragraphs (a) and (b) of clause 2 of rule LII of the Rules of the House of Representatives that are enacted after the date of adoption of this resolution;

(3) may propose regulations with respect to such application in accordance with subsection (c); and

(4) may review the regulations in effect under subsection (e)(1) and make such amendments as may be appropriate in accordance with subsection (c).

(c)(1)(A) Not later than 180 days after the date of the completion of the study under subsection (a), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations to implement the requirements of the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in clause 2(a) of rule LII of the Rules of the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(2)(A) Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the House of Representatives. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) specifying which of the provisions of Federal law referred to in clause 2(b) of rule LII of the Rules of the House of Representatives shall apply to the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(3) Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the House of Representatives, including portions relating to remedies.

(4) If a regulation is disapproved by a resolution considered under subsection (e), not later than 60 days after the date of the disapproval, the Board of Directors shall propose a new regulation to replace the regulation disapproved. The action of the Board of Directors under this paragraph shall be in accordance with the applicable requirements of this subsection.

(d) A final regulation issued under subsection (c) shall be transmitted to the House of Representatives for consideration under paragraph (e).

(e)(1) Subject to subsection (f), a final regulation which is issued under subsection (c) shall take effect upon the expiration of 60 days from the date the final regulation is issued unless disapproved by the House of Representatives by resolution.

(2) A resolution referred to in paragraph (1) may be introduced in the House of Representatives within 5 legislative days after the date on which the Board of Directors issues the final regulation to which the resolution applies. The matter after the resolving clause of the resolution shall be as follows: ''That the House of Representatives disapproves the issuance of final regulations of

the Office of Compliance as issued on _____ (the blank space being appropriately filled in).''.

(3) A resolution referred to in paragraph (1) shall be referred to the appropriate committee. If no resolution is reported within 15 legislative days after the Board of Directors issues final regulations under subsection (c)(1)(D) or (c)(2)(D), the committee to which the resolution was referred shall be discharged from further consideration of the first such resolution introduced and the resolution shall be placed on the appropriate calendar. Any meeting of a committee on a resolution shall be open to the public. Within 5 legislative days after the resolution is reported or discharged, it shall be in order as a privileged matter to move to proceed to its consideration and such motion shall not be debatable. The resolution shall be debatable for not to exceed 4 hours equally divided between proponents and opponents and it shall not be subject to amendment.

(f) Any meeting of the Board of Directors held in connection with a study under subsection (a) or (b) shall be open to the public. Any meeting of the Board of Directors in connection with a regulation under subsection (c) shall be open to the public.

SEC. 6. OTHER FUNCTIONS.

(a) The executive director shall adopt rules governing the procedures of the Office, subject to the approval of the Board of Directors, including the procedures of hearing boards, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner. The executive director may consult with the Chairman of the Administrative Conference of the United States and the General Counsel of the House of Representatives on the adoption of rules.

(b) The executive director shall have authority to conduct such investigations as the executive director requires to implement sections 7 through 10.

(c) The Office shall—

(1) carry out a program of education for Members of the House of Representatives and other employing authorities of the House of Representatives respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the House of Representatives and under sections 7 through 10,

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under sections 7 through 10, and any other information the executive director deems appropriate for distribution, distribute such information to Members and other employing authorities of the House in a manner suitable for posting, provide such information to new employees of the House, distribute such information to the residences of employees of the House, and conduct seminars and other activities designed to educate employers and employees in such information,

(3) compile and publish statistics on the use of the Office by employees of the House, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of employees who initiated proceedings with the Office under sections 7 through 10 and the result of such proceedings, and on the number of employees who filed a complaint under section 10, the basis for the complaint, and the action taken on the complaint, and

(4) within 180 days of the initial appointment of the executive director and in conjunction with the Clerk, develop a system for the collection of demographic data respecting the composition of employees of the House, including race, sex, and wages, and a system for the collection of information on employment practices, including family leave and flexible work hours, in House offices.

(d) Within one year of the date the system referred to in subsection (c)(4) is developed and annually thereafter, the Board of Directors shall submit to the House of Representatives a report on the information collected under such system. Each report after the first report shall contain a comparison and evaluation of data contained in the previous report.

SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of laws made applicable to the House of Representatives under this rule consists of 3 steps as follows:

(1) Step I, counseling, as set forth in section 8.

(2) Step II, mediation, as set forth in section 9.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 10.

SEC. 8. STEP I: COUNSELING.

(a) An employee of the House alleging a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may request counseling through the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 9. STEP II: MEDIATION.

(a) Not later than 15 days after the end of the counseling period under section 8, the employee who alleged a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may file a request for mediation with the Office. Mediation—

(1) may include the Office, the employee, the employing authority, and individuals who are recommended by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing authority.

(b) The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing authority when the mediation period has ended.

SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.

(a) Not later than 30 days after receipt by the employee of the House of notice from the Office of the end of the mediation period under section 9, the employee of the House may file a formal complaint with the Office against the head of the employing authority involved. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(b) A board of 3 independent hearing officers (hereinafter in this resolution referred to as a ''hearing board''), who are not Members, officers, or employees of the House, chosen by the executive director (one of whom shall be designated by the executive director as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The executive director shall appoint hearing officers from candidates who are recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States. A hearing board shall act by majority vote.

(c) Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) A hearing shall be conducted—

(1) in closed session on the record by a hearing board; and

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing.

(e) Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f)(1) A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board under the seal of the House of Representatives for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) If a person refuses to obey a subpoena issued under paragraph (1), the hearing board may report the refusal to the Committee on Rules which may take any action it deems appropriate, which shall be authorized by the Chairman and ranking minority member acting jointly. Such action may include—

(A) a referral to the Committee on Standards of Official Conduct if the refusal is by a current Member of the House of Representatives or officer or employee of the House of Representatives, or

(B) a report to the House of Representatives of a resolution to certify a contempt pursuant to sections 102 and 104 of the Joint Resolution of June 22, 1938 (2 U.S.C. 192, 194) if the failure is by someone other than a current Member of the House of Representatives or officer or employee of the House of Representatives.

(3) The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) As expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing, the hearing board shall make a decision in the matter for which the hearing was held. The decision of the hearing board shall be transmitted by the Office to the employee of the House and the employing authority. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation of a law made applicable to the House of Representatives under this rule has occurred. Any decision of the hearing board shall contain a written statement of the reasons for the hearing board's decision. A final decision of the hearing board shall be made available to the public by the Office.

(h) If the decision of the hearing board under subsection (g) is that a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives, it shall order the remedies under such law as made applicable to the House of Representatives under

that rule, except that no Member of the House of Representatives or any other head of an employing authority, or agent of such a Member shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages.

(i)(1) A House employee or an employing authority may request the Board of Directors to review a decision of the hearing board under subsection (g) (including a decision after a remand under paragraph (2)(A)). Such a request shall be made within 30 days of the date of the decision of the hearing board. Review by the Board of Directors shall be based on the record of the hearing board.

(2) The Board of Directors shall issue a decision not later than 60 days after the date of the request under paragraph (1). The decision of the Board of Directors may—

(A) remand to the hearing board the matter before the Board of Directors for the purpose of supplementing the record or for further consideration;

(B) reverse the decision of the hearing board and enter a new decision and order in accordance with subsection (h); or

(C) direct that the decision and order of the hearing board be considered as the final decision.

(j) There shall be established in the House of Representatives a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or (i). From the outset of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

SEC. 11. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 10, the employee and the employing authority resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 12. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee of the House by any Member, officer, or employee of the House of Representatives because of the exercise of a right under this resolution constitutes an unlawful employment practice, which may be remedied in the same manner under this resolution as is a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives.

SEC. 13. CONFIDENTIALITY.

(a) All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing authority of the allegations.

(b) All mediation shall be strictly confidential.

(c) Except as provided in subsection (d), the hearings and deliberations of the hearing board shall be confidential.

(d) At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct access to the records of the hearings and decisions of the hearing boards, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(e) The executive director shall coordinate the proceedings with the Committee on Standards of Official Conduct to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in their respective proceedings.

SEC. 14. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) It shall not be a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives to consider the—

(1) party affiliation,

(2) domicile, or

(3) political compatibility with the employing authority,

of an employee of the House with respect to employment decisions.

(b) For purposes of subsection (a), the term ''employee'' means—

(1) an employee on the staff of the House of Representatives leadership,

(2) an employee on the staff of a committee or subcommittee,

(3) an employee on the staff of a Member of the House of Representatives,

(4) an officer or employee of the House of Representatives elected by the House of Representatives or appointed by a Member of the House of Representatives, other than those described in paragraphs (1) through (3), or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 15. EXCLUSIVITY OF PROCEDURES AND REMEDIES.

The procedures and remedies under rule LII of the Rules of the House of Representatives are exclusive except to the extent that the Rules of the House of Representatives and the rules of the Committee on Standards of Official Conduct provide for additional procedures and remedies.

SEC. 16. STUDY.

(a) The Office shall conduct a study—

(1) of the ways that access by the public to information held by the House of Representatives may be improved and streamlined, and of the application of section 552 of title 5, United States Code to the House of Representatives; and

(2) of the application of the requirement of section 552a of title 5, United States Code, to the House of Representatives.

(b) The study conducted under subsection (a) shall examine—

(1) information that is currently made available under such section 552 by Federal agencies and not by the House of Representatives;

(2) information held by the nonlegislative offices of the House of Representatives, including—

(A) the Director of Non-legislative and Financial Services,

(B) the Clerk,

(C) the Inspector General,

(D) the Sergeant at Arms,

(E) the Doorkeeper,

(F) the United States Capitol Police, and

(G) the House Commission on Congressional Mailing Standards;

(3) financial expenditure information of the House of Representatives; and

(4) provisions for judicial review of denial of access to information held by the House of Representatives.

(c) The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the House of Representatives not later than one year after the date of the initial appointment of the Board of Directors.

SEC. 17. EFFECTIVE DATE AND TRANSITION RULES.

(a) The amendments made by section 1 shall take effect on November 1, 1994.

(b) Effective at the beginning of the second session of the One Hundred Fourth Congress, rule LI of the Rules of the House of Representatives is repealed and rule LII of such Rules is redesignated as rule LI and all references to rule LII in sections 2 through 16 of this resolution are deemed to be references to rule LI of such Rules.

(c) Notwithstanding subsection (b), until the beginning of the second session of the One Hundred Fourth Congress, the functions under rule LI of the Rules of the House of Representatives that are the responsibility of the Office of Fair Employment Practices shall continue to be the responsibility of that Office.

(d) Any formal complaint filed under rule LI of the Rules of the House of Representatives before the close of the first session of the One Hundred Fourth Congress which has not been finally disposed of shall be transferred to the Office of Compliance for completion of all pending proceedings relating to that complaint. The Office of Compliance may make regulations to provide for the orderly transfer and disposition of such complaints.

(e) In appointing staff under section 4(b), the executive director should give full consideration to employees of the Office of Fair Employment Practices.

(f) Sections 1 through 16 and subsections (a) through (e) of this section shall have no force or effect upon the enactment by the One Hundred Third Congress of the Congressional Accountability Act, whether by enactment of the bill H.R. 4822, by incorporation of the text of that bill in another measure, or otherwise.

SEC. 18. The Chairman and ranking minority member of the Committee on House Administration, acting jointly, shall study and report recommendations to the Speaker and minority leader, no later than January 3, 1995, for changes in House Rule LII to be adopted by the House to reconcile such rule with the existing jurisdiction of the Committee on House Administration.

SEC. 19. The General Counsel of the House shall conduct a study to be submitted to the Speaker, Minority Leader, and the chairmen and ranking minority members of the Committees on House Administration and Rules no later than January 3, 1995 on further changes in House rules to provide to employees of the House (as defined in section 2) the ability to bring a civil action in Federal district court against an employing authority (as defined in section 2) for an alleged violation under Federal law to the extent that such violation relates to the terms and conditions of employment, until the statutory provisions contained in H.R. 4822, as passed by the House, are enacted.

¶122.60 CONGRESSIONAL GOLD MEDAL

On motion of Mr. KENNEDY, by unanimous consent, the Committee on Banking, Finance and Urban Affairs was discharged from further consideration of the bill (H.R. 4497) to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.61 RULES MANUAL PRINTING

Mr. GEPHARDT, by unanimous consent, submitted the following resolution (H. Res. 580):

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fourth Congress be printed as a House document, and that two thousand additional copies shall be printed and bound for the use of the House of

Representatives, of which seven hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

When said resolution was considered and agreed to.

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

¶122.62 ORGANIZATIONAL CAUCUSES

Mr. GEPHARDT, by unanimous consent, submitted the following resolution (H. Res. 581):

Resolved, That any organizational caucus or conference in the House of Representatives for the One Hundred Fourth Congress may begin on or after November 27, 1994.

Sec. 2. As used in this resolution, the term ''organizational caucus or conference'' means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

When said resolution was considered and agreed to.

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

¶122.63 SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That, notwithstanding the adjournment of the second session of the One Hundred Third Congress, the Speaker and Minority Leader be authorized to accept resignations and to appoint commissions, boards and committees duly authorized by law or by the House.

¶122.64 EXTENSION OF REMARKS BY COMMITTEE CHAIRMEN AND RANKING MINORITY MEMBERS

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That the chairman and ranking minority Member of each standing committee and each subcommittee thereof be permitted to extend their remarks in the Congressional Record, up to and including the last publication thereof, and to include a summary of the work of that committee or subcommittee.

¶122.65 GENERAL LEAVE TO EXTEND REMARKS UNTIL LAST EDITION OF THE RECORD

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

¶122.66 REPORTS FILED WITH THE CLERK—PRINTING

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That following adjournment sine die, committees authorized to conduct investigations may be permitted to file reports with the Clerk; and that such reports, and reports on the activities of committees pursuant to clause 1(d), rule XI, may be printed by the Clerk as reports of the 103d Congress.

¶122.67 TRANSPORTATION OF MUNICIPAL SOLID WASTE

On motion of Mr. SWIFT, by unanimous consent, the bill of the Senate (S. 2345) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SWIFT submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—INTERSTATE WASTE

SEC. 101. SHORT TITLE.

This Act may be cited as the ''State and Local Government Interstate Waste Control Act of 1994''.

SEC. 102. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

''SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

''(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

''(1) IN GENERAL.—(A) Effective January 1, 1995, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

''(B) An authorization granted pursuant to subparagraph (A) shall—

''(i) be granted by formal action at a meeting;

''(ii) be recorded in writing in the official record of the meeting; and

''(iii) remain in effect according to its terms.

''(C) An authorization granted pursuant to subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

''(D) Promptly, but not later than 90 days after such an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization granted under this subsection.

''(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal solid waste pursuant to this subsection, the owner or operator of the facility seeking such authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

''(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities (expressed in terms of volume) of waste to be handled.

''(B) A map of the facility site indicating location in relation to the local road system and topography and hydrogeological features. The map shall indicate any buffer zones to be acquired by the owner or operator as well as all facility units.

''(C) A description of the then current environmental characteristics of the site, a description of ground water use in the area (including identification of private wells and public drinking water sources), and a discussion of alterations that may be necessitated by, or occur as a result of, the facility.

''(D) A description of environmental controls typically required to be used on the site (pursuant to permit requirements), including run on or run off management (or both), air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs. In addition, the description shall include a description of any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

''(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility. To the extent practicable, the information shall distinguish between employment statistics for preoperational and postoperational levels.

''(H) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner, the operator, and any subsidiary of the owner or operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective action and rehabilitation measures taken as a result of the proceedings.

''(I) Any information that is required by State or Federal law to be provided with respect to gifts and contributions made by the owner or operator.

''(J) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

''(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, except where State law provides for an alternate form of public notification; and

''(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

''(b) ANNUAL STATE REPORT.—

''(1) IN GENERAL.—Each year the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located information specifying the amount of out-of-State municipal solid waste received for disposal during the preceding year. Each year each such State shall publish and make available to the public a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding year. Each year the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall also submit to the Governor of the State of origin of such waste, and to the Administrator, information specifying the amount of out-of-State municipal solid waste received for disposal by the owner or operator during the preceding year from such State of origin. The submissions under this paragraph by any owner or operator shall all be made at the same time.

''(2) CONTENTS.—Each submission referred to in this subsection shall be such as would result in criminal penalties in case of false or misleading information. Such submission shall include the amount of waste received, place of origin, including the identity of the generator, date of shipment, and type of waste.

''(3) LIST.—The Administrator shall publish a list of States that the Administrator has determined have exported out of State an amount of municipal solid waste in excess of 3.5 million tons in calendar year 1995, 3.0 million tons in each of calendar years 1996 and 1997, 2.5 million tons in each of calendar years 1998 and 1999, 1.5 million tons in each of calendar years 2000 and 2001, and 1.0 million tons in calendar year 2002 and each year thereafter. The list for any calendar year shall be published by March 1 of the following calendar year.

''(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

''(c) FREEZE.—

''(1) ANNUAL AMOUNT.—(A) Except as provided in paragraph (2) and unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State muncipal solid waste at such landfill or incinerator, and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (3), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (e) that is subject to the jurisdiction of the Governor, to an annual amount equal to the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

''(B) At the request of an affected local government that has not executed a host community agreement, the Governor may limit the amount of out-of-State municipal solid waste received annually for disposal at the landfill or incinerator concerned to the amount described in subparagraph (A). No such limit may conflict with provisions of a permit specifically authorizing the owner or operator to accept, at the facility, out-of-State municipal solid waste.

''(2) LIMITATION ON GOVERNOR'S AUTHORITY.—A Governor may not exercise the authority granted under this subsection in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (e) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

''(3) UNIFORMITY.—Any limitation imposed by a Governor under paragraph (1)(A)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin.

''(d) RATCHET.—

''(1) IN GENERAL.—Unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, immediately upon the date of publication of the list required under subsection (b)(3), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (4), may prohibit the disposal of out-of-State municipal solid waste, at any landfill or incinerator covered by the exceptions in subsection (e) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under subsection (b)(3) as having exported, to landfills or incinerators not covered by host community agreements, more than any of the following:

''(A) 3.5 million tons of municipal solid waste in calendar year 1995.

''(B) 3.0 million tons of municipal solid waste in calendar year 1996.

''(C) 3.0 million tons of municipal solid waste in calendar year 1997.

''(D) 2.5 million tons of municipal solid waste in calendar year 1998.

''(E) 2.5 million tons of municipal solid waste in calendar year 1999.

''(F) 1.5 million tons of municipal solid waste in calendar year 2000.

''(G) 1.5 million tons of municipal solid waste in calendar year 2001.

''(H) 1.0 million tons of municipal solid waste in calendar year 2002.

''(I) 1.0 million tons of municipal solid waste in each calendar year after 2002.

''(2) ADDITIONAL EXPORT LIMITS.—No State may export to any one State more than 1.4 million tons of municipal solid waste in calendar year 1995 or 90 percent of the 1993 levels exported to a State, whichever is greater, 1.3 million tons in 1996 or 90 percent of the 1995 levels exported to a State, whichever is greater, 1.2 million tons in 1997 or 90 percent of the 1996 levels exported to a State, whichever is greater, 1.1 million tons in 1998 or 90 percent of the 1997 levels exported to a State, whichever is greater, 1 million tons in 1999, 800,000 tons in 2000, and 600,000 tons in 2001 and each year thereafter, to landfills or incinerators not covered by host community agreements. Governors of importing States may restrict levels of imports to reflect the level of out-of-State municipal solid waste imports referred to in the preceding sentence if—

''(A) the Governor of the importing State has notified the Governor of the exporting State and the Administrator 12 months prior to enforcement of the importing State's intention to impose the requirements of this section;

''(B) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to the enforcement of this section; and

''(C) the restrictions imposed by the Governor of the importing State are uniform at all facilities within the State receiving municipal solid waste from the exporting State.

''(3) DURATION.—The authority provided by paragraph (1) or (2) or both shall apply for as long as a State exceeds the levels allowable under paragraph (1) or (2), as the case may be.

''(4) UNIFORMITY.—Any restriction imposed by a State under paragraph (1) or (2)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin, in the case of States in violation of paragraph (1) or (2).

''(e) AUTHORIZATION NOT REQUIRED FOR CERTAIN FACILITIES.—

''(1) IN GENERAL.—The prohibition on the disposal of out-of-State municipal solid waste under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that received during calendar year 1993 documented shipments of out-of-State municipal solid waste.

''(2) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a landfill or incinerator that is exempt under paragraph (1) of this subsection from the requirements of subsection (a) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or other documentation required under paragraph (1). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent: the volume of out-of-State municipal solid waste received, the place of origin of the waste, and the duration of any relevant contract.

''(3) DENIED OR REVOKED PERMITS.—A landfill or incinerator may not receive for disposal or incineration out-of-State municipal solid waste in the absence of a host community agreement if the operating permit or license for the landfill or incinerator (or renewal thereof) was denied or revoked by the appropriate State agency before the date of enactment of this section unless such permit or license (or renewal) has been reinstated as of such date of enactment.

''(4) WASTE WITHIN BI-STATE METROPOLITAN STATISTICAL AREAS.—The owner or operator of a landfill or incinerator in a State may receive out-of-State municipal solid waste without obtaining authorization under subsection (a) from the affected local government if the out-of-State waste is generated within, and the landfill or incinerator is located within, the same bi-State level A metropolitan statistical area (as defined by the Office of Management and Budget and as listed by the Office of Management and Budget as of the date of enactment of this section) that contains two contiguous major cities each of which is in a different State.

''(f) NEEDS DETERMINATION.—Any comprehensive solid waste management plan adopted by an affected local government pursuant to Federal or State law may take into account local and regional needs for solid waste disposal capacity. Any implementation of such plan through the State permitting process may take into account local and regional needs for solid waste disposal capacity only in a manner that is not inconsistent with the provisions of this section. Nothing in this subsection shall be construed to prohibit or preclude any State government or solid waste management district, as defined under State law from requiring any affected

local government to site, construct, or modify any solid waste facility.

''(g) COST RECOVERY SURCHARGE.—

''(1) AUTHORITY.—Both of the States directly affected by the decision of the Supreme Court in the case of *Oregon Waste Systems, Inc. v. Department of Environmental Quality*, 114 S. Ct. 1345 (1994) may impose and collect a cost recovery surcharge on the combustion or disposal in a landfill or incinerator of out-of-State municipal solid waste in such State.

''(2) LIMITATION.—During the period beginning on the date of enactment of this section and ending on December 31, 1996, no such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that meets both of the following conditions:

''(A) The waste is being received at the facility under one or more contracts entered into before the date of enactment of this section.

''(B) The amount of waste being received in a calendar year under the contract or contracts does not exceed the amount of waste received at the facility during calendar year 1993.

''(3) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5) and in no event may exceed $2 per ton of waste.

''(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivisions that incur costs for which the surcharge is collected.

''(5) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the combustion or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the combustion or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise recovered by any other fee or tax assessed against the generation, transportation, treatment, combustion, or disposal of solid waste.

''(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

''(6) BURDEN OF PROOF.—In any proceeding in which a State invokes this subsection to justify a cost recovery surcharge on the combustion or disposal within the State of out-of-State municipal solid waste, the State shall bear the burden of establishing that the cost recovery surcharge satisfies the conditions set forth in paragraph (5).

''(h) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.

''(i) CONSTRUCTION AND DEMOLITION WASTE.—

''(1) LIMIT.—Any State may establish, pursuant to this paragraph, a limit on the amount of out-of-State construction and demolition waste for disposal at landfills in the State. A limit under this paragraph may be imposed consistent with each of the following:

''(A) By January 1, 1996, each State seeking to limit under this paragraph the receipt of out-of-State construction and demolition waste shall establish and implement a mechanism for measuring the amount of construction and demolition waste generated within the State, disposed of within the State, imported into the State and exported for disposal.

''(B) By March 1, 1998, each State seeking to limit under this paragraph the receipt of construction and demolition waste shall establish the amount of out-of-State construction and demolition waste received during calendar year 1996 and 1997 and report the tonnage received to the Governor of each exporting State.

''(2) AMOUNT.—For each calendar year beginning after January 1, 1998, the amount of out-of-State construction and demolition waste received at any facility within an importing State may be limited to the average of the amounts received in calendar years 1996 and 1997.

''(3) DEFINITION.—For purposes of this subsection, the term 'construction and demolition waste' means debris resulting from construction, remodeling, repair, or demolition of structures other than debris that is not otherwise commingled with other municipal solid waste and has been determined by the generator, to be contaminated. For purposes of determining whether any such debris is contaminated, the generator shall conduct representative sampling and analysis of such debris, the results of which shall be submitted to the affected local government for recordkeeping purposes only, unless not required by the affected local government. Any such debris that has been determined to be contaminated shall be disposed of in a landfill that meets, at a minimum, the requirements of this subtitle.

''(j) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed to have any effect on State law relating to contracts.

''(k) DEFINITIONS.—As used in this section:

''(1) AFFECTED LOCAL GOVERNMENT.—(A) For any landfill or incinerator, the term 'affected local government' means—

''(i) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

''(ii) if there is no such body created by State law—

''(I) the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located; or

''(II) if a Governor fails to make a selection under subclause (I), and publish a notice regarding the selection, within 90 days after the date of enactment of this section, the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

The Governor shall publish a notice regarding the selection described in clause (ii).

''(B) Notwithstanding subparagraph (A), for purposes of host community agreements entered into before the date of enactment of this section (or before the date of publication of notice, in the case of subparagraph (A)(ii)), the term shall mean either the public body described in clause (i) or the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility for the use of land on which the facility is located or proposed to be located.

''(C) Two or more Governors of adjoining States may use the authority provided in section 1005(b) to enter into an agreement under which contiguous units of local government located in each of the adjoining States may act jointly as the affected local government for purposes of providing authorization under subsection (a) for municipal solid waste generated in one of such counties and received for disposal or incineration in another.

''(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

''(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public, from a residential source, or from a commercial, institutional, or industrial source (or any combination thereof) to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d), such as paper, food, wood, yard wastes, plastics, leather, rubber, appliances, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include any of the following:

''(A) Any solid waste identified or listed as a hazardous waste under section 3001.

''(B) Any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

''(C) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

''(D) Any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated.

''(E) Any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.

''(F) Sewage sludge and residuals from any sewage treatment plant, including any sewage treatment plant required to be constructed in the State of Massachusetts pursuant to any court order issued against the Massachusetts Water Resources Authority.

''(G) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

''(H) Any medical waste that is segregated from or not mixed with municipal solid

waste (as otherwise defined in this paragraph).

''(I) Any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

''(4) OUT-OF-STATE MUNICIPAL SOLID WASTE.—The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is not consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States.

''(5) SPECIFICALLY AUTHORIZED.—The term 'specifically authorizes' refers to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to 'any place of origin', reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources or locations outside the State from which the owner or operator of a landfill or incinerator proposes to import it.''.

SEC. 103. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

''Sec. 4011. Interstate transportation and disposal of municipal solid waste.''.

TITLE II—FLOW CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the ''Flow Control Act of 1994''.

SEC. 202. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 102) is further amended by adding after section 4011 the following new section:

''SEC. 4012. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

''(a) AUTHORITY.—

''(1) IN GENERAL.—Each State and each qualified political subdivision may, in accordance with this section—

''(A)(i) exercise flow control authority for municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris, or demolition debris generated within the boundaries of the State or qualified political subdivision if, before May 15, 1994, the State or qualified political subdivision—

''(I) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that contains flow control authority and, pursuant to such authority, directs such solid waste, ash, or debris to a proposed or existing waste management facility designated before May 15, 1994; or

''(II) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that identifies the use of one or more waste management methods that will be necessary for the transportation, management, or disposal of municipal solid waste generated within such boundaries, and committed to the designation of one or more waste management facilities for such method or methods;

''(ii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) or (II) of clause (i), exercise flow control authority over such solid waste from any existing or future waste management facility to any other existing or future waste management facility; and

''(iii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) of clause (i), exercise flow control authority over such solid waste, ash, or debris from any existing waste management facility to any other existing or proposed waste management facility, and may do so without regard to subsection (b)(2); and

''(B) exercise flow control authority for voluntarily relinquished recyclable materials generated within the boundaries of the State or qualified political subdivision.

''(2) REASONABLE REGULATION OF COMMERCE.—

''(A) A law, ordinance, regulation, solid waste management plan, or legally binding provision of a State or qualified political subdivision, described in paragraph (1), that implements or exercises flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

''(B) A contract or franchise agreement entered into by a State or political subdivision to provide the exclusive or nonexclusive authority for the collection, transportation, or disposal of municipal solid waste, and not otherwise involving the exercise of flow control authority described in paragraph (1), shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

''(b) LIMITATIONS.—

''(1) LIMITATION OF AUTHORITY REGARDING RECYCLABLE MATERIALS.—A State or qualified political subdivision may exercise the authority described in subsection (a)(1)(B) with respect to recyclable materials only if—

''(A) the generator or owner of the materials voluntarily made the materials available to the State or qualified political subdivision, or the designee of the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials; and

''(B) the State or qualified political subdivision, or the designee of the State or qualified political subdivision, assumes such rights to, or ownership of, such materials.

''(2) LIMITATION OF AUTHORITY REGARDING SOLID WASTE OR RECYCLABLE MATERIALS.—

''(A) A State or qualified political subdivision may exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) only if the State or qualified political subdivision establishes a program to separate, or divert at the point of generation, recyclable materials from municipal solid waste, for purposes of recycling, reclamation, or reuse, in accordance with any Federal or State law or municipal solid waste planning requirements in effect.

''(B) A State or qualified political subdivision may exercise the authority described in clause (i) or (ii) of subsection (a)(1)(A) only if, after conducting one or more public hearings, the State or qualified political subdivision—

''(i) finds, on the basis of the record developed at the hearing or hearings, that it is necessary to exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) to meet the current solid waste management needs (as of the date of the record) or the anticipated solid waste management needs of the State or qualified political subdivision for the management of municipal solid waste or recyclable materials;

''(ii) finds, on the basis of the record developed at the hearing or hearings, including an analysis of the ability of the private sector and public bodies to provide short and long term integrated solid waste management services with and without flow control authority, that the exercise of flow control authority is necessary to provide such services in an economically efficient and environmentally sound manner; and

''(iii) provides a written explanation of the reasons for the findings described clauses (i) and (ii), which may include a finding of a preferred waste management methodology or methodologies for providing such integrated solid waste management services.

''(C) With respect to each designated waste management facility, the authority of subsection (a) shall be effective until completion of the schedule for payment of the capital costs of the waste management facility concerned (as in effect on May 15, 1994), or for the remaining useful life of the original waste management facility, whichever is longer. At the end of such period, the authority of subsection (a) shall be effective for any waste management facility for which subparagraph (B) and subsection (c) have been complied with by the State or qualified political subdivision, except that no facility, and no State or qualified political subdivision, subject to subsection (a)(1)(A)(i)(I) or subsection (a)(1)(A)(ii) shall be required to comply with subparagraph (B) for a period of 10 years after the date of enactment of this section. Notwithstanding the provisions of this paragraph, compliance with subparagraph (B) shall not be required where—

''(i) a designated waste management facility is required to retrofit or otherwise make significant modifications to meet applicable environmental requirements or safety requirements;

''(ii) routine repair or scheduled replacements of existing equipment or components of a designated waste management facility is undertaken that does not add to the capacity of the waste management facility; or

''(iii) a designated waste management facility expands on land legally or equitably owned, or under option to purchase or lease, by the owner or operator of such facility and the applicable permit includes such land.

''(D) Notwithstanding anything to the contrary in this section, paragraphs (2)(B) and (2)(C) shall not apply to any State (or any of its political subdivisions) that, on or before January 1, 1984, enacted regulations pursuant to a State law that required or directed the transportation, management, or disposal of solid waste from residential, commercial, institutional and industrial sources as defined by State law to specific waste management facilities and applied those regulations to every political subdivision in the State.

''(3) LIMITATION TO APPLIED AUTHORITIES.—The authority described in subsection (a)(1)(A) shall apply only to the specific classes or categories of solid waste to which the authority described in subsection (a)(1)(A)(i)(I) was applied by the State or qualified political subdivision before May 15, 1994, and to the specific classes or categories of solid waste for which the State or qualified political subdivision committed to the designation of one or more waste management facilities as described in subsection (a)(1)(A)(i)(II).

''(4) EXPIRATION OF AUTHORITY.—The authority granted under subsection (a)(1)(A)(i)(II) shall expire if a State or qualified political subdivision has not designated, by law, ordinance, regulation, solid waste management plan, or other legally binding

provision, one or more proposed or existing waste management facilities within 3 years after the date of enactment of this section.

''(5) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision limits the use of any of its revenues derived from the exercise of such authority primarily to solid waste management services.

''(c) COMPETITIVE DESIGNATION PROCESS.—

''(1) IN GENERAL.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision develops and implements a competitive designation process, with respect to each waste management facility or each facility for recyclable materials. The process shall—

''(A) ensure that the designation process is based on, or is part of, a municipal solid waste management plan that is adopted by the State or qualified political subdivision and that is designed to ensure long-term management capacity for municipal solid waste or recyclable materials generated within the boundaries of the State or qualified political subdivision;

''(B) set forth the goals of the designation process, including at a minimum—

''(i) capacity assurance;

''(ii) the establishment of provisions to provide that protection of human health and the environment will be achieved; and

''(iii) any other goals determined to be relevant by the State or qualified political subdivision;

''(C) identify and compare reasonable and available alternatives, options, and costs for designation of the facilities;

''(D) provide for public participation and comment;

''(E) ensure that the designation of each facility is accomplished through an open competitive process during which the State or qualified political subdivision—

''(i) identifies in writing criteria to be utilized for selection of the facilities, which shall not discriminate unfairly against any particular waste management facility or any method of management, transportation or disposal, and shall not establish qualifications for selection that can only be met by public bodies;

''(ii) provides a fair and equal opportunity for interested public persons and private persons to offer their existing (as of the date of the process) or proposed facilities for designation; and

''(iii) evaluates and selects the facilities for designation based on the merits of the facilities in meeting the criteria identified; and

''(F) base the designation of each such facility on reasons that shall be stated in a public record.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—A Governor of any State may certify that the laws and regulations of the State in effect on May 15, 1994, satisfy the requirements for a competitive designation process under paragraph (1).

''(B) PROCESS.—In making a certification under subparagraph (A), a Governor shall—

''(i) publish notice of the proposed certification in a newspaper of general circulation and provide such additional notice of the proposed certification as may be required by State law;

''(ii) include in the notice of the proposed certification or otherwise make readily available a statement of the laws and regulations subject to the certification and an explanation of the basis for a conclusion that the laws and regulations satisfy the requirements of paragraph (1);

''(iii) provide interested persons an opportunity to comment on the proposed certification, for a period of time not less than 60 days, after publication of the notice; and

''(iv) publish notice of the final certification, together with an explanation of the basis for the final certification, in a newspaper of general circulation and provide such additional notice of the final certification as may be required by State law.

''(C) APPEAL.—Within 120 days after publication of the final certification under subparagraph (B), any interested person may file an appeal of the final certification in the United States Circuit Court of Appeals for the Federal judicial district of the State, for a judicial determination that the certified laws and regulations do not satisfy the requirements of paragraph (1) or that the certification process did not satisfy the procedural requirements of subparagraph (B). The appeal shall set forth the specific reasons for the appeal of the final certification.

''(D) LIMITATION TO RECORD.—Any judicial proceeding brought under subparagraph (C) shall be limited to the administrative record developed in connection with the procedures described in subparagraph (B).

''(E) COSTS OF LITIGATION.—In any judicial proceeding brought under subparagraph (C), the court shall award costs of litigation (including reasonable attorney fees) to any prevailing party whenever the court determines that such award is appropriate.

''(F) LIMITATION ON REVIEW OF CERTIFICATIONS.—If no appeal is taken within 120 days after the publication of the final certification, or if the final certification by the Governor of any State is upheld by the United States Circuit Court of Appeals and no party seeks review by the Supreme Court (within applicable time requirements), the final certification shall not be subject to judicial review.

''(G) LIMITATION ON REVIEW OF DESIGNATIONS.—Designations made after the final certification and pursuant to the certified laws and regulations shall not be subject to judicial review for failure to satisfy the requirements of paragraph (1).

''(d) OWNERSHIP OF RECYCLABLE MATERIALS.—

''(1) PROHIBITION ON REQUIRED TRANSFERS.—Nothing in this section shall authorize any State or qualified political subdivision, or any designee of the State or qualified political subdivision, to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or qualified political subdivision unless the generator or owner of the recyclable materials voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

''(2) OTHER TRANSACTIONS.—Nothing in this section shall prohibit any person from selling, purchasing, accepting, conveying, or transporting any recyclable materials for purposes of transformation or remanufacture into usable or marketable materials, unless a generator or owner voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

''(e) RETAINED AUTHORITY.—Upon the request of any generator of municipal solid waste affected by this section, the State or political subdivision may authorize the diversion of all or a portion of the solid wastes generated by the generator making such request to a solid waste facility, other than the facility or facilities originally designated by the political subdivision, where the purpose of such request is to provide a higher level of protection for human health and the environment and reduce potential future liability under Federal or State law of such generator for the management of such wastes. Requests shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method. In making such a determination the State or political subdivision may consider the ability and willingness of both the designated and alternative disposal facility or facilities to indemnify the generator against any cause of action under State or Federal environmental statutes and against any cause of action for nuisance, personal injury, or property loss under any State law.

''(f) EXISTING LAWS AND CONTRACTS.—

''(1) IN GENERAL.—To the extent consistent with subsection (a), this section shall not supersede, abrogate, or otherwise modify any of the following:

''(A) Any contract or other agreement (including any contract containing an obligation to repay the outstanding indebtedness on any proposed or existing waste management facility or facility for recyclable materials) entered into before May 15, 1994, by a State or qualified political subdivision in which such State or qualified political subdivision has designated a proposed or existing waste management facility, or facility for recyclable materials, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris or demolition debris, or recyclable materials, pursuant to a law, ordinance, regulation, solid waste management plan, or legally binding provision adopted by such State or qualified political subdivision before May 15, 1994, if, in the case of a contract or agreement relating to recyclable materials, the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions in subsection (b)(1) with respect to the materials.

''(B) Any other contract or agreement entered into before May 15, 1994, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris.

''(C)(i) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

''(I) that is adopted before May 15, 1994;

''(II) that pertains to the transportation, management, or disposal of solid waste generated within the boundaries of a State or qualified political subdivision; and

''(III) under which a State or qualified political subdivision, prior to May 15, 1994, directed, limited, regulated, or prohibited the transportation, management, or disposal of municipal solid waste, or incinerator ash from, a solid waste incineration unit, or construction debris or demolition debris, generated within the boundaries;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of solid waste described in subclause (III), to a proposed or existing waste management facility designated before May 15, 1994, or to the management or disposal of such solid waste at such a facility, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

''(ii) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

''(I) that is adopted before May 15, 1994; and

''(II) that pertains to the transportation or management of recyclable materials generated within the boundaries of a State or qualified political subdivision;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of recyclable materials that are generated within the boundaries, and with respect to which

the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions described in subsection (b)(1), to a proposed or existing facility for recyclable materials designated before May 15, 1994, or to the management of such materials, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

''(2) CONTRACT INFORMATION.—A party to a contract or other agreement that is described in subparagraph (A) or (B) of paragraph (1) shall provide a copy of the contract or agreement to the State or qualified political subdivision on request. Any proprietary information contained in the contract or agreement may be omitted in the copy, but the information that appears in the copy shall include at least the date that the contract or agreement was signed, the volume of municipal solid waste or recyclable materials covered by the contract or agreement with respect to which the State or qualified political subdivision could otherwise exercise authority under subsection (a) or paragraph (1)(C), the source of the waste or materials, the destination of the waste or materials, the duration of the contract or agreement, and the parties to the contract or agreement.

''(3) EFFECT ON INTERSTATE COMMERCE.—Any contract or agreement described in subparagraph (A) or (B) of paragraph (1), and any law, ordinance, regulation, solid waste management plan, or legally binding provision described in subparagraph (C) of paragraph (1), shall be considered to be a reasonable regulation of commerce by a State or qualified political subdivision, retroactive to the effective date of the contract or agreement, or to the date of adoption of any such law, ordinance, regulation, solid waste management plan, or legally binding provision, and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

''(4) LIMITATION.—Any designation by a State or qualified political subdivision of any waste management facility or facility for recyclable materials after the date of enactment of this section shall be made in compliance with subsection (c). Nothing in this paragraph shall affect any designation made before the date of enactment of this section, and any such designation shall be deemed to satisfy the requirements of subsection (c).

''(g) SAVINGS CLAUSE.—

''(1) FEDERAL OR STATE ENVIRONMENTAL LAWS.—Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws (including regulations) that apply to the disposal or management of solid waste or recyclable materials at waste management facilities or facilities for recyclable materials.

''(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a qualified political subdivision to exercise the authority granted by this section in a manner inconsistent with State law.

''(h) PROHIBITION.—No political subdivision may exercise flow control authority to direct the movement of municipal solid waste to any waste management facility for which a Federal permit was denied twice before the enactment of this section.

''(h) DEFINITIONS.—For purposes of this section only, the following definitions apply:

''(1) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The term 'committed to the designation of one or more waste management facilities' means that a State or qualified political subdivision was legally bound to designate one or more existing or future waste management facilities or performed or caused to be performed one or more of the following actions for the purpose of designating one or more such facilities:

''(A) Obtained all required permits for the construction of such waste management facility prior to May 15, 1994.

''(B) Executed contracts for the construction of such waste management facility prior to May 15, 1994.

''(C) Presented revenue bonds for sale to specifically provide revenue for the construction of such waste management facility prior to May 15, 1994.

''(D) Submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, administratively complete permit applications for the construction and operation of a waste management facility.

''(E) Formed a public authority or a joint agreement among qualified political subdivisions, pursuant to a law authorizing such formation for the purposes of designating facilities.

''(F) Executed a contract or agreement that obligates or otherwise requires a State or qualified political subdivision to deliver a minimum quantity of solid waste to a waste management facility and that obligates or otherwise requires the State or qualified political subdivision to pay for that minimum quantity of solid waste even if the stated minimum quantity of solid waste is not delivered within a required timeframe, otherwise commonly known as a ''put or pay agreement''.

''(G) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of preliminary designation that specifies criteria and procedures for soliciting proposals to designate facilities after having completed a public notice and comment period.

''(H) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of intent to establish designation with a list of facilities for which designation is intended.

''(2) DESIGNATION; DESIGNATE.—The terms 'designate', 'designated', 'designation' or 'designating' mean a requirement of a State or qualified political subdivision, and the act of a State or qualified political subdivision, to require that all or any portion of the municipal solid waste that is generated within the boundaries of the State or qualified political subdivision be delivered to a waste management facility identified by a State or qualified political subdivision, and specifically includes put or pay agreements of the type described in paragraph (1)(F).

''(3) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of solid waste or recyclable materials and direct such waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials.

''(4) INDUSTRIAL SOLID WASTE.—The term 'industrial solid waste' means solid waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling, that is not hazardous waste regulated under subtitle C. 'Industrial solid waste' does not include municipal solid waste specified in paragraph (5)(A)(iii).

''(5) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—Subject to the limitations of subsection (b)(3), the term 'municipal solid waste' means—

''(i) any solid waste discarded by a household, including a single or multifamily residence;

''(ii) any solid waste that is discarded by a commercial, institutional, or industrial source;

''(iii) residue remaining after recyclable materials have been separated or diverted from municipal solid waste described in clause (i) or (ii);

''(iv) any waste material or waste substance removed from a septic tank, septage pit, or cesspool, other than from portable toilets; and

''(v) conditionally exempt small quantity generator waste under section 3001(d), if it is collected, processed or disposed with other municipal solid waste as part of municipal solid waste services.

''(B) EXCLUSIONS.—The term 'municipal solid waste' shall not include any of the following:

''(i) Hazardous waste required to be managed in accordance with subtitle C (other than waste described in subparagraph (A)(v)), solid waste containing a polychlorinated biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or medical waste listed in section 11002.

''(ii)(I) A recyclable material.

''(II) A material or a product returned from a dispenser or distributor to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

''(III) A material or product that is an out-of-date or unmarketable material or product, or is a material or product that does not conform to specifications, and that is returned to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

''(iii) Any solid waste (including contaminated soil and debris) resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

''(iv) (I) Industrial solid waste.

''(II) Any solid waste that is generated by an industrial facility and transported for the purpose of containment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or a facility that is located on property owned by the generator.

''(6) QUALIFIED POLITICAL SUBDIVISION.—The term 'qualified political subdivision' means a governmental entity or political subdivision of a State, as authorized by the State, to plan for, or determine the methods to be utilized for, the collection, transportation, disposal or other management of municipal solid waste generated within the boundaries of the area served by the governmental entity or political subdivision.

''(7) RECYCLABLE MATERIAL.—The term 'recyclable material' means any material (including any metal, glass, plastic, textile, wood, paper, rubber, or other material) that has been separated, or diverted at the point of generation, from solid waste for the purpose of recycling, reclamation, or reuse.

''(8) SOLID WASTE MANAGEMENT PLAN.—The term 'solid waste management plan' means a plan for the transportation, treatment, processing, composting, combustion, disposal or other management of municipal solid waste, adopted by a State or qualified political subdivision pursuant to and conforming with State law.

''(9) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

''(10) EXISTING WASTE MANAGEMENT FACILITY.—The term 'existing waste management facility' means a facility under construction or in operation as of May 15, 1994.

''(11) PROPOSED WASTE MANAGEMENT FACILITY.—The term 'proposed waste management facility' means a facility that has been specifically identified and designated, but that was not under construction, as of May 15, 1994.

''(12) FUTURE WASTE MANAGEMENT FACILITY.—The term 'future waste management facility' means any other waste management facility.''.

SEC. 203. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 103) is further amended by adding after the item relating to section 4011 the following new item:

''Sec. 4012. Congressional authorization of State control over transportation, management and disposal of municipal solid waste.''.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes.''.

A motion to reconsider the votes whereby 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 amendments.

¶122.68 COMPREHENSIVE ONE-CALL NOTIFICATION

On motion of Mr. SHARP, by unanimous consent, the Committee on Public Works and Transportation and the Committee on Energy and Commerce were discharged from further consideration of the bill (H.R. 5248) to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.69 SOCIAL SECURITY ACT AMENDMENTS

On motion of Mr. STARK, by unanimous consent, the Committee on Ways and Means and Committee on Energy and Commerce were discharged from further consideration of the bill (H.R. 5252) to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and 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 request the concurrence of the Senate in said bill.

¶122.70 PERMISSION TO FILE REPORTS

On motion of Mr. CONYERS, by unanimous consent, the Committee on Government Operations was granted permission until 6 p.m., Friday, November 11, 1994, to file sundry reports.

¶122.71 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, 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. 3160. An Act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102–586, and for other purposes; and

H.R. 4598. An Act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2375. An Act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

¶122.72 PREEMPTING STATE ECONOMIC REGULATION OF MOTOR CARRIERS TECHINCAL CORRECTION

On motion of Mr. RAHALL, by unanimous consent, the bill (H.R. 5123) to make a technical correction to an Act preempting State economic regulation of motor carriers; 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. TECHNICAL CORRECTION OF 1994 FAA AUTHORIZATION ACT.

(a) IN GENERAL.—Section 11501(h)(2) of title 49, United States Code, is amended—

(1) by striking out ''and'' at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and insert in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(C) does not apply to the transportation of garbage and refuse;

''(D) does not apply to the transportation for collection of recyclable materials that are a part of a residential curbside recycling program; and

''(E) does not restrict the regulatory authority of a State, political subdivision of a State, or political authority of 2 or more States before January 1, 1997, insofar as such authority relates to tow trucks or wreckers providing for-hire service.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1995.

On motion of Mr. RAHALL, 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.

¶122.73 COASTAL BARRIER RESOURCES SYSTEM

On motion of Mrs. UNSOELD, by unanimous consent, the bill (H.R. 4598) to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; 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. CORRECTION TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 30 days after the date of enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that—

(1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled 'Coastal Barrier Resources System'', dated September 27, 1994, and on file with the Secretary of the Interior; and

(2) the Coastal Barrier Resources System does not include any area that, on the day before the date of the enactment of this Act, was part of unit FL–05P of the System.

(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled ''Coastal Barrier Resources System'', dated October 24, 1990; and

(2) related to the following units of the Coastal Barrier Resources System: AL–01P, FL–05P; P11A, P17, P17A, P18P, P19P, FL–15, FL–95P, FL–36P, P31P, FL–72P, MI21, NY75, and VA62P.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended to read as follows:

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary for carrying out this Act $2,000,000 for each of fiscal years 1995 to 1998.''.

On motion of Mrs. UNSOELD, 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.

¶122.74 RECESS—10:43 P.M.

The SPEAKER pro tempore, Mr. DE LA GARZA, pursuant to clause 12 of rule I, declared the House in recess at 10 o'clock and 43 minutes p.m., until approximately 11 o'clock p.m.

¶122.75 AFTER RECESS—11:55 P.M.

The SPEAKER pro tempore, Mr. DURBIN, called the House to order.

¶122.76 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, 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. 512. An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes;

H.R. 2970. An Act to reauthorize the Office of Special Counsel, and for other purposes;

H.R. 3499. An Act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; and

H.R. 4361. An Act to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2478. An Act to amend the Small Business Act to enhance the business development opportunities of small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes.

¶122.77 OFFICE OF SPECIAL COUNSEL

On motion of Mr. McCLOSKEY, by unanimous consent, the bill (H.R. 2970) to reauthorize the Office of Special Counsel, 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. AUTHORIZATION OF APPROPRIATIONS.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note: Public Law 101–12: 103 Stat. 34) is amended by striking out ''1989, 1990, 1991, 1992, 1993, and 1994'' and inserting in lieu thereof ''1993, 1994, 1995, 1996, and 1997.''

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note: Public Law 101–12; 103 Stat. 34) is amended by striking out ''1989, 1990, 1991, and 1992'' and inserting in lieu thereof ''1993, 1994, 1995, 1996, and 1997''.

SEC. 2. REASONABLE ATTORNEY FEES IN CERTAIN CASES.

Section 1204 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

''(m)(l) Except as provided in paragraph (2) of this subsection, the Board, or an administrative law judge or other employee of the Board designated to hear a case arising under section 1215, may require payment by the agency involved of reasonable attorney fees incurred by an employee or applicant for employment if the employee or applicant is the prevailing party and the Board, administrative law judge, or other employee (as the case may be) determines that payment by the agency is warranted in the interest of justice, including any case in which a prohibited personnel practice was engaged in by the agency or any case in which the agency's action was clearly without merit.

''(2) If an employee or applicant for employment is the prevailing party of a case arising under section 1215 and the decision is based on a finding of discrimination prohibited under section 2302(b)(1) of this title, the payment of attorney fees shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).''.

SEC. 3. OFFICE OF SPECIAL COUNSEL.

(a) SUCCESSION.—Section 1211(b) of title 5, United States Code, is amended by inserting after the first sentence: ''The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection.''

(b) LIMITATIONS ON DISCLOSURES.—Section 1212(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out ''provide information concerning'' and inserting in lieu thereof ''disclose any information from or about''; and

(2) in paragraph (2), by striking out ''a matter described in subparagraph (A) or (B) of section 2302(b)(2) in connection with a'' and inserting in lieu thereof ''an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any''.

(c) STATUS REPORT BEFORE TERMINATION OF INVESTIGATION.—Section 1214(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding at the end thereof the following new subparagraph:

''(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel. The Special Counsel shall not be required to provide a subsequent written status report under this subparagraph after the submission of such written comments.''; and

(2) in paragraph (2)(A)—

(A) in clause (ii) by striking out ''and'' after the semicolon;

(B) in clause (iii) by striking out the period and inserting in lieu thereof a semicolon and ''and''; and

(C) by adding at the end thereof the following new clause:

''(iv) a response to any comments submitted under paragraph (1)(D).''.

(d) DETERMINATIONS.—Section 1214(b)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1) of this subsection) the following:

''(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

''(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation.''; and

(3) by inserting after subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following new subparagraph:

''(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.''.

(e) REPORTS.—Section 1218 of title 5, United States Code, is amended by inserting ''cases in which it did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i),'' after ''investigations conducted by it,''.

SEC. 4. INDEPENDENT RIGHT OF ACTION.

(a) SUBPOENAS.—Section 1221(d) of title 5, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.''.

(b) CORRECTIVE ACTIONS.—Section 1221(e)(1) is amended by adding after the last sentence: ''The employee may demonstrate that the disclosure was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

''(A) the official taking the personnel action knew of the disclosure; and

''(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure was a contributing factor in the personnel action.''

(c) REFERRALS.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following new paragraph:

''(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel to investigate and take appropriate action under section 1215.''.

SEC. 5. PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTIONS.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (ix) by striking out ''and'' after the semicolon:

(2) by striking out clause (x) and inserting in lieu thereof the following:

''(x) a decision to order psychiatric testing or examination; and

''(xi) any other significant change in duties, responsibilities, or working conditions;''; and

(3) in the matter following designated clause (xi) (as added by paragraph (2) of this subsection) by inserting before the semicolon the following: '', and in the case of an alleged prohibited personnel practice described in subsection (b)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31''.

(b) COVERED POSITIONS.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

''(B) 'covered position' means, with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excepted service, but does not include any position which is, prior to the personnel action—

''(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

''(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration; and''.

(c) AGENCIES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended in clause (i) by inserting before the semicolon: ‘‘, except in the case of an alleged prohibited personnel practice described under subsection (b)(8)’’.

(d) INFORMATIONAL PROGRAM.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ‘‘, and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title’’.

SEC. 6. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

‘‘(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title.’’.

SEC. 7. MERIT SYSTEMS APPLICATION TO CERTAIN VETERANS AFFAIRS PERSONNEL.

Section 2105 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

‘‘(f) For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees.’’.

SEC. 8. CORRECTIVE ACTIONS ORDERED BY THE MERIT SYSTEMS PROTECTION BOARD.

(a) IN GENERAL.—Section 1214 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

‘‘(g) If the board orders corrective action under this section, such corrective action may include—

‘‘(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

‘‘(2) reimbursement for attorney’s fees, back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential damages.’’.

(b) CERTAIN REPRISAL CASES.—Section 1221(g) of title 5, United States Code (as amended by section 4(d) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

‘‘(1)(A) If the Board orders corrective action under this section, such corrective action may include—

‘‘(i) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

‘‘(ii) back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential changes.

‘‘(B) Corrective action shall include attorney’s fees and costs as provided for under paragraph (2) and (3).’’.

SEC. 9. AUTHORITIES RELATING TO ARBITRATORS AND CHOICE OF REMEDIES NOT INVOLVING JUDICIAL REVIEW.

(a) AUTHORITIES WHICH MAY BE EXTENDED TO ARBITRATORS.—Section 7121(b) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (C) of paragraph (3) as clauses (i) through (iii), respectively;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by striking ‘‘(b)’’ and inserting ‘‘(b)(1)’’; and

(4) by adding at the end the following:

‘‘(2)(A) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order—

‘‘(i) a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board; and

‘‘(ii) the taking, by an agency, of any disciplinary action identified under section 1215(a)(3) that is otherwise within the authority of such agency to take.

‘‘(B) Any employee who is the subject of any disciplinary action ordered under subparagraph (A)(ii) may appeal such action to the same extent and in the same manner as if the agency had taken the disciplinary action absent arbitration.’’.

(b) CHOICE OF REMEDIES PROVISION NOT INVOLVING JUDICIAL REVIEW.—Section 7121 of title 5, United States Code, is amended by adding at the end the following:

‘‘(g)(1) This subsection applies with respect to a prohibited personnel practice other than a prohibited personnel practice to which subsection (d) applies.

(2) An aggrieved employee affected by a prohibited personnel practice described in paragraph (1) may elect not more than one of the remedies described in paragraph (3) with respect thereto. For purposes of the preceding sentence, a determination as to whether a particular remedy has been elected shall be made as set forth under paragraph (4).

‘‘(3) The remedies described in this paragraph are as follows:

‘‘(A) An appeal to the Merit Systems Protection Board under section 7701.

‘‘(B) A negotiated grievance procedure under this section.

‘‘(C) Procedures for seeking corrective action under subchapters II and III of chapter 12.

‘‘(4) For the purpose of this subsection, a person shall be considered to have elected—

‘‘(A) the remedy described in paragraph (3)(A) if such person has timely filed a notice of appeal under the applicable appellate procedures;

‘‘(B) the remedy described in paragraph (3)(B) if such person has timely filed a grievance in writing, in accordance with the provisions of the parties’ negotiated procedure; or

‘‘(C) the remedy described in paragraph (3)(C) if such person has sought corrective action from the Office of Special Counsel by making an allegation under section 1214(a)(1).’’.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7121(a)(1) of title 5, United States Code, is amended—

(1) by striking ‘‘(d) and (e)’’ and inserting ‘‘(d), (e), and (g)’’; and

(2) by inserting ‘‘administrative’’ after ‘‘exclusive’’.

SEC. 10. EXPENSES RELATED TO FEDERAL RETIREMENT APPEALS.

Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B) by striking out ‘‘and’’ at the end thereof:

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and ‘‘and’’; and

(3) by adding at the end thereof the following new paragraph:

‘‘(3) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under sections 8347(d) and 8461(e) of this title.’’.

SEC. 11. ELECTION OF APPLICATION OF LAWS BY EMPLOYEES OF THE RESOLUTION TRUST CORPORATION AND THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) ELECTION OF PROVISIONS OF TITLE 5, UNITED STATES CODE.—If an individual who believes he has been discharged or discriminated against in violation of section 21a(q)(1) of the Federal Home Loan Bank Act (12 U.S.C. 144a(g)(1)) seeks an administrative corrective action or judicial remedy for such violation under the provisions of chapters 12 and 23 of title 5, United States Code, the provisions of section 21a(q) of such Act shall not apply to such alleged violation.

(b) ELECTION OF PROVISIONS OF FEDERAL HOME LOAN BANK ACT.—If an individual files a civil action under section 21a(q)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(2)), the provisions of chapters 12 and 23 of title 5, United States Code, shall not apply to any alleged violation of section 21a(q)(1) of such Act.

SEC. 12. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described under section 2302(b)(8) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information that may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any letter terminating an investigation under section 1214(a)(2) of title 5, United States Code, the name and telephone number of an employee of the Special Counsel who is available to respond to reasonable questions from the person regarding the investigation or review conducted by the Special Counsel, the relevant facts ascertained by the Special Counsel, and the law applicable to the person’s allegations.

SEC. 13. ANNUAL SURVEY OF INDIVIDUALS SEEKING ASSISTANCE.

(a) IN GENERAL.—The Office of Special Counsel shall, after consulting with the Office of Policy and Evaluation of the Merit Systems Protection Board, conduct an annual survey of all individuals who contact the Office of Special Counsel for assistance. The survey shall—

(1) determine if the individual seeking assistance was fully apprised of their rights;

(2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and

(3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.

(b) REPORT.—The results of the survey conducted under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall be effective on and after the date of the enactment of this Act.

On motion of Mr. MCCLOSKEY, 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.

¶122.78 DOD OVERSEAS TEACHERS

On motion of Mr. MCCLOSKEY, by unanimous consent, the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Page 2 after line 12, insert:

SEC. 2. PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

"§ 4508. Limitation of awards during a Presidential election year

''(a) For purposes of this section, the term—

''(1) 'Presidential election period' means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

''(2) 'senior politically appointed officer' means any officer who during a Presidential election period serves—

''(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

''(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

''(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

"§ 4509. Prohibition of cash award to Executive Schedule officers

''No officer may receive a cash award under the provisions of this subchapter, if such officer—

''(1) serves in—

''(A) an Executive Schedule position under subchapter II of chapter 53; or

''(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

''(2) was appointed to such position by the President, by and with the advice and consent of the Senate.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

''4508. Limitation of awards during a Presidential election year.

''4509. Prohibition of cash award to Executive Schedule officers.''.

On motion of Mr. MCCLOSKEY, 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.

SATURDAY, OCTOBER 8, (LEGISLATIVE DAY OF OCTOBER 7), 1994

¶122.79 FEGLI LIVING BENEFITS

On motion of Mr. MCCLOSKEY, by unanimous consent, the bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Page 7, after line 12, insert:

SEC. 5. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY OR THE OFFICE OF THRIFT SUPERVISION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision before the termination of such plans on January 7, 1995, shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—(1) Any individual who, on January 7, 1995, is covered by a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

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

(B) for coverage effective on and after January 8, 1995.

(2) An individual who, on January 7, 1995, is entitled to continued coverage under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after January 8, 1995.

(3) An individual who, on January 7, 1995, is covered as an unmarried dependent child under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on January 7, 1995, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after January 8, 1995.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—The Office of the Comptroller of the Currency and the Office of Thrift Supervision shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Office of the Comptroller of the Currency and the Office of Thrift Supervision, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of such title.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

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

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

(2) may prescribe regulations to implement this section.

Amend the title so as to read: ''An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and for other purposes.''.

On motion of Mr. MCCLOSKEY, said Senate amendments were agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶122.80 FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

On motion of Mr. MCCLOSKEY, by unanimous consent, the bill (H.R. 4361) to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes; together with the following amendments 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 ''Federal Employees Family Friendly Leave Act''.

SEC. 2. USE OF SICK LEAVE FOR PURPOSES RELATING TO A FAMILY MEMBER.

Section 6307 of title 5, United States Code, is amended by adding at the end the following:

''(d)(1) For the purpose of this subsection, the term 'family member' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under subchapter III, under regulations prescribed by the Office (as in effect on January 1, 1993).

''(2) Subject to paragraph (3) and in addition to any other allowable purpose, sick leave may be used by an employee—

''(A) to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

''(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

''(3)(A) Sick leave may be used by an employee for the purposes provided under para-

graph (2) only to the extent the amount used for such purposes does not exceed—

''(i) 40 hours in any year, plus

''(ii) up to an additional 64 hours in any year, but only to the extent the use of such additional hours does not cause the amount of sick leave to the employee's credit to fall below 80 hours.

''(B) In the case of a part-time employee or an employee on an uncommon tour of duty, the Office of Personnel Management shall establish limitations that are proportional to those prescribed under subparagraph (A).

''(4)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

''(B) Not later than 6 months before the date on which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.''.

Amend the title so as to read: ''An Act to amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.''.

On motion of Mr. MCCLOSKEY, said Senate amendments were agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

¶122.81 LINCOLN COUNTY, MONTANA, PUBLIC LANDS

On motion of Mr. VENTO, by unanimous consent, the Committee on Natural Resources was discharged from further consideration of the bill of the Senate (S. 528) to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

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.

¶122.82 SENATE BILLS, JOINT RESOLUTIONS AND CONCURRENT RESOLUTION REFERRED

Bills, joint resolutions, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 560. An Act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Government Operations.

S. 991. An Act to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; jointly, to the Committees on Education and Labor, Public Works and Transportation, Natural Resources, Energy and Commerce, and Science, Space, and Technology.

S. 1422. An Act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe; to the Committee on the Judiciary.

S. 1493. An Act to support the transition to nonracial democracy in South Africa; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs; Ways and Means; Post Office and Civil Service; and Government Operations.

S. 1685. An Act to amend the Federal Deposit Insurance Act to permit the continued insurance of deposits in minority- and women-owned banks by the Bank Deposit Financial Assistance Program; to the Committee on Banking, Finance and Urban Affairs.

S. 1774. An Act to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes; to the Committee on Education and Labor.

S. 1881. An Act to establish and implement a technology investment policy for aeronautical and space activities of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science, Space, and Technology.

S. 2036. An Act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes; to the Committee on Natural Resources.

S. 2042. An Act to remove the United States arms embargo of the Government of Bosnia and Herzegovina; to the Committee on Foreign Affairs.

S. 2075. An Act to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act; to the Committee on Natural Resources.

S. 2145. An Act to authorize the Secretary of Agriculture to determine which programs of the Department of Agriculture are eligible for State mediation and to certify States to administer mediation for the programs, and for other purposes; to the Committee on Agriculture.

S. 2433. An Act to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes; to the Committee on Energy and Commerce.

S. 2478. An Act to amend the Small Business Act to enhance the business development opportunities of small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes; to the Committee on Small Business.

S.J. Res. 20. Joint resolution to designate February 7, 1993, through February 13, 1993, and February 6, 1994, through February 12, 1994, as ''National Burn Awareness Week''; to the Committee on Post Office and Civil Service.

S.J. Res. 180. Joint resolution to provide for the appointment of an executive secretary for the United States Capitol Preservation Commission, and for other purposes; to the Committee on Natural Resources.

S.J. Res. 181. Joint resolution to designate the week of May 8, 1994, through May 14, 1994, as ''United Negro College Fund Week''; to the Committees on Post Office and Civil Service and Education and Labor.

S.J. Res. 208. Joint resolution designating the week of November 6, 1994, through November 12, 1994, ''National Health Information Management Week; to the Committee on Post and Civil Service.

S.Con. Res. 60. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; to the Committee on Post Office and Civil Service.

¶122.83 ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4278. An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act;

H.R. 4379. An Act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes; and

H.R. 4950. An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

¶122.84 SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 221. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park.

And then,

¶122.85 ADJOURNMENT

On motion of Mr. HUGHES, pursuant to the provisions of House Concurrent Resolution 315, at 12 o'clock and 5 minutes a.m., Saturday, October 8 (legislative day of October 7), 1994, the House adjourned until 12 o'clock noon on Tuesday, November 29, 1994.

¶122.86 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. CLAY: Committee on Post Office and Civil Service. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with amendments (Rept. No. 103–601 Pt. 7). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 2289. A bill to amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes; with an amendment (Rept. No. 103–785 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2873. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes; with an amendment (Rept. No. 103–848 Pt. 1). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4477. A bill to amend the act commonly referred to as the ''Dingell-Johnson Sport Fish Restoration Act'' to provide funding for recreational boating

safety programs, and for other purposes; with an amendment (Rept. No. 103–849). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4236. A bill to establish a National Undersea Research Program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. No. 103–850). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 579. Resolution providing for the adoption of the resolution (H. Res. 578) amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes (Rept. No. 103–851). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 9. A bill to modify the antitrust exemption applicable to the business of insurance; with an amendment (Rept. No. 103–853). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4490. A bill to extend the Administrative Conference of the United States, and for other purposes; with an amendment (Rept. No. 103–854). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3297. A bill to amend title 5, United States Code, to extend the treatment currently afforded to Federal judges under the Federal Employees Group Life Insurance Program to certain other judicial officials; with amendments (Rept. No. 103–855). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1231. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes; with an amendment (Rept. No. 103–856). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 4306. A bill to establish a comprehensive risk assessment program within the Environmental Protection Agency, and for other purposes; with an amendment (Rept. No. 103–857). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 115. A bill to strengthen the authority to require safe workplaces for Federal and Postal Service employees, and for other purposes; with an amendment (Rept. No. 103–858). Referred to the Committee of the Whole House on the State of the Union.

¶122.87 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. UNSOELD:

H.R. 5241. A bill to amend section 9147 of Public Law 102–396; jointly, to the Committees on Armed Services and the Judiciary.

By Ms. SCHENK:

H.R. 5242. A bill to amend teh act commonly referred to as the ''Johnson Act'' to limit the authority of States to regulate gambling devices on vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE (for himself, Mr. KANJORSKI, Mr. MINETA, Mr. GONZALEZ, Mr. SHUSTER, Ms. MOLINARI, and Mr. RIDGE):

H.R. 5243. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.R. 5244. A bill to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 5245. A bill to provide for the extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GEJDENSON (for himself and Mr. GILMAN):

H.R. 5246. A bill to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHARP (for himself and Mr. MOORHEAD):

H.R. 5247. A bill to provide for extensions and modifications of certain hydro and renewable energy programs; to the Committee on Energy and Commerce.

By Mr. SHARP:

H.R. 5248. A bill to require States to consider adopting mandatory, comprehensive, statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. ANDREWS of Texas (for himself, Mrs. KENNELLY, and Mr. SHAW):

H.R. 5249. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5250. A bill to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACHUS of Alabama:

H.R. 5251: A bill to amend the Federal Home Loan Bank Act to require the Resolution Trust Corporation to use competitive procedures in procuring property and services necessary or appropriate to carry out its duties; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STARK:

H.R. 5252. A bill to amend the Social Security Act and related acts to make miscellaneous and technical amendments, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By. Mr. BALLENGER:

H.R. 5253. A bill to establish standards relating to the calculation and payment of damages in medical malpractice liability claims and actions, to restrict attorneys' contingency fees under such claims and actions, and for other purposes; to the Committee on the Judiciary.

By Mr. BERMAN (for himself, Mr. GILMAN, Mr. ROSE, Mr. PORTER, Mr. LANTOS, Mrs. UNSOELD, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, and Ms. PELOSI):

H.R. 5254. A bill to establish the position of United States Special Envoy for Tibet, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BONIOR (for himself, Mr. BROOKS, Mr. DINGELL, Mr. PALLONE, Mr. GILLMOR, Mr. PAYNE of New Jersey, and Mr. GOSS):

H.R. 5255. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BREWSTER (for himself and Mr. DELAY):

H.R. 5256. A bill to guarantee the ability of licensed pharmacists to conduct the practice of pharmacy compounding and to ensure their right to the necessary supply of bulk drug products, subject to applicable State and Federal laws; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 5257. A bill to authorize a study regarding the incidence of breast and prostate cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 5258. A bill to improve Federal enforcement against health care fraud and abuse; to the Committee on Government Operations.

By Mr. DREIER:

H.R. 5259. A bill to amend the Internal Revenue Code of 1986 to exclude long-term capital gains from gross income; to the Committee on Ways and Means.

By Mr. EMERSON (for himself, Mr. SKELTON, and Mr. HANCOCK):

H.R. 5260. A bill to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

By Mr. EVANS (for himself, Ms. KAPTUR, Mr. BROWN of California, Mr. CONYERS, and Mr. DEFAZIO):

H.R. 5261. A bill to require the Secretary of State to establish a set of voluntary guidelines to promote socially responsible business practices for U.S. businesses operating in foreign countries; to the Committee on Foreign Affairs.

By Mr. EVERETT (for himself and Mr. BROWDER):

H.R. 5262. A bill to amend the Indian Gaming Regulatory Act to provide for community approval before Indian class III gaming operations may take effect; to the Committee on Natural Resources.

By Mr. FRANKS of Connecticut:

H.R. 5263. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to prohibit any individual convicted of a crime subject to a term of imprisonment of 6 months or longer from serving as a member of the Council of the District of Columbia or as the Mayor of the District of Columbia; to the Committee on the District of Columbia.

H.R. 5264. A bill to prohibit use of education funds to make condoms available in an elementary school; to the Committee on Education and Labor.

By Mr. GUTIERREZ:

H.R. 5265. A bill to amend the National Voter Registration Act of 1993 to increase the number of college students who register and vote; to the Committee on House Administration.

By Mr. HAYES (for himself, Mr. DIXON, Mr. STENHOLM, Mr. SUNDQUIST, and Mr. TAUZIN):

H.R. 5266. A bill to amend the Occupational Safety and Health Act of 1970 to assist small business in compliance with such Act; to the Committee on Education and Labor.

By Mr. HOCHBRUECKNER:

H.R. 5267. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to require the Secretary of Agriculture to develop programs to encourage source-separated composting at homes, schools, and workplaces, and on farms; to the Committee on Agriculture.

H.R. 5268. A bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY; to the Committee on Natural Resources.

By Mr. LANTOS (for himself, Mrs. UNSOELD, and Ms. PELOSI):

H.R. 5269. A bill to encourage liberalization inside the People's Republic of China and Tibet; to the Committee on Foreign Affairs.

By Ms. MCKINNEY (for herself, Mr. BROWN of California, Mr. DELLUMS, Mr. FARR, Mr. FRANK of Massachusetts, Mr. HINCHEY,, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. NADLER, Mr. ROSE and Ms. SHEPHERD):

H.R. 5270. A bill entitled, the ''Farm Viability and Pest Management Improvement Act of 1994: A National Program for Pesticide Reduction''; to the Committee on Agriculture.

By Mr. MFUME (for himself, Mr. CONYERS, Mr. FLAKE, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, and Mr. TUCKER):

H.R. 5271. A bill to amend the Small Business Act to make modifications to the small business and capital ownership development program, and for other purposes; to the Committee on Small Business.

By Mr. MINGE:

H.R. 5272. A bill to improve accountability regarding official mail by repealing the use of the frank for official mail, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. OBERSTAR:

H.R. 5273. A bill to authorize the Secretary of Agriculture to establish and collect recreation use fees on a temporary basis in connection with the recreational use of the Superior National Forest in the State of Minnesota; to the Committee on Natural Resources.

By Mr. OBERSTAR:

H.R. 5274. A bill to improve the safety and convenience of air travel by establishing the Federal Aviation Administration as an independent Federal agency; to the Committee on Public Works and Transportation.

By Mr. OWENS:

H.R. 5275. A bill to establish a Federal Housing Trust Fund to provide decent, safe, and affordable housing for low-income families lacking such housing; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. REGULA:

H.R. 5276. A bill to provide for the relief of hospitals treating rural populations under the current calculation of the wage index modifier for the prospective payment under Medicare; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself an Ms. FURSE) (both by request):

H.R. 5277. A bill to address the need for private financing of home ownership and economic development on and near reservation lands, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANDERS (for himself, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. OWENS, Mr. BONIOR, and Mr. BROWN of California):

H.R. 5278. A bill to provide for the creation of jobs in America, and for other purposes; jointly, to the Committees on Public Works and Transportation; Energy and Commerce; Armed Services; Appropriations; Banking, Finance and Urban Affairs; Education and Labor; Natural Resources; and Ways and Means.

By Mr. SHAYS (for himself, Mr. BORSKI, Ms. MOLINARI, Mr. RIDGE, and Mr. SANTORUM):

H.R. 5279. A bill to promote a new urban agenda, and for other purposes; jointly, to the Committees on Government Operations; Foreign Affairs; Public Works and Transportation, Armed Services; Ways and Means; Rules; Banking, Finance and Urban Affairs; and Energy and Commerce.

By Mr. SMITH of Michigan (for himself and Mr. KNOLLENBERG):

H.R. 5280. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local general sales taxes and to compensate for the resulting revenue loss by providing that only 89 percent of the amount of all State and local taxes shall be allowed as a deduction; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. MCCOLLUM, Mr. PETRI, and Mr. SOLOMON):

H.R. 5281. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to all families with young children, and for other purposes; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 5282. A bill to provide a mechanism for dedicating spending cuts in discretionary spending programs to deficit reduction; jointly, to the Committees on Government Operations and Rules.

By Mr. TORKILDSEN (for himself, Mr. SPENCE, Mr. CUNNINGHAM, Mr. SAXTON, Mr. TALENT, Mr. DORNAN, Mr. MCCLOSKEY, Mr. PARKER, Mr. EMERSON, Mr. MCCOLLUM, Mr. MCHUGH, and Mr. LIPINSKI):

H.R. 5283. A bill to request the Secretary of the Navy to name an appropriate ship of the U.S. Navy the U.S.S. *Joseph Vittori*; to the Committee on Armed Services.

By Mr. TORRICELLI:

H.R. 5284. A bill to provide compensation for victims from persons who unlawfully provide firearms to juveniles, felons, and other disqualified individuals; to the Committee on the Judiciary.

H.R. 5285. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearms parts, and for other purposes; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 5286. A bill to amend the Internal Revenue Code of 1986 to provide that the burden of proof shall be on the Secretary of the Treasury in all tax cases, and for other purposes; to the Committee on Ways and Means.

By Mr. VALENTINE:

H.R. 5287. A bill relating to the tariff treatment of pharmaceutical grade phospholipids; to the Committee on Ways and Means.

By Mr. WHEAT:

H.R. 5288. A bill to amend the Solid Waste Disposal Act to prohibit a certain requirement from applying to out-of-State municipal solid waste generated and disposed of within the same bi-State level A metropolitan statistical area; to the Committee on Energy and Commerce.

By Mr. HOYER:

H.J. Res. 425. Joint resolution providing for the convening of the first session of the 104th Congress; considered and passed.

By Mr. COYNE:

H.J. Res. 426. Joint resolution designating October 24, 1995, as ''United Nations Day''; to the Committee on Post Office and Civil Service.

By Mr. FRANKS of Connecticut:

H.J. Res. 427. Joint resolution proposing an amendment to the Constitution of the United States to disqualify from certain offices persons who have been convicted of a crime for which a penalty of imprisonment of 6 months or more may be imposed; to the Committee on the Judiciary.

By Mr. PICKETT:

H.J. Res. 428. Joint resolution proposing an amendment to the Constitution of the United States relative to the desecration of the American flag; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H. Con. Res. 314. Concurrent resolution providing for the printing of a collection of statements made in tribute to Representative JAMIE L. WHITTEN; to the Committee on House Administration.

By Mr. HOYER:

H. Con. Res. 315. Concurrent resolution providing an adjournment or recess of the two Houses; considered and agreed to.

By Mr. FRANKS of Connecticut:

H. Con. Res. 316. Concurrent resolution declaring the sense of the Congress with respect to the use of racial quotas and statistics in connection with death penalty cases; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself and Mr. FIELDS of Texas):

H. Con. Res. 317. Concurrent resolution to express the sense of Congress that the President, the U.S. Trade Representative, the Secretary of Transportation, and the Secretary of Commerce must take all appropriate and necessary steps to eliminate, through international agreements or otherwise, restrictive foreign shipping practices which restrain or prevent U.S. flag vessels from fair and equitable participation in the transportation of motor vehicles into the United States; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, and Ways and Means.

By Mr. GIBBONS:

H. Res. 577. Resolution returning to the Senate the bill S. 1216; considered and agreed to.

By Mr. MOAKLEY:

H. Res. 578. Resolution amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. GEPHARDT:

H. Res. 580. Resolution providing for the printing of the revised edition of the Rules and Manual of the House of Representatives for the 104th Congress: considered and agreed to.

By Mr. GEPHARDT:

H. Res. 581. Resolution relating to early organization of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. CLINGER:

H. Res. 582. Resolution declaring the sense of the House with respect to the National Performance Review's recommendation to dismantle the Railroad Retirement System; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. COX:

H. Res. 583. Resolution expressing the sense of the House of Representatives concerning the Iraqi Government's campaign against the Marsh Arabs of southern Iraq; to the Committee on Foreign Affairs.

By Mr. ORTON (for himself, Mr. YOUNG of Alaska, and Mr. HANSEN):

H. Res. 584. Resolution requesting that the Secretary of the Interior withdraw proposed regulations concerning rights-of-way granted under section 2477 of the Revised Statutes; to the Committee on Natural Resources.

¶122.88 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (by request):

H.R. 5289. A bill for the relief of John T. Monk; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 5290. A bill for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

¶122.89 REPORTS OF COMMITTEES ON PRIVATE 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. BROOKS: Committee on the Judiciary. H.R. 4862. A bill for the relief of Inslaw, Inc., a Delaware corporation, and William A. Hamilton and Nancy Hamilton, individually; with an amendment (Rept. No. 103–852). Referred to the Committee of the Whole House.

¶122.90 ADDITIONAL SPONSORS

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

H.R. 65: Ms. DUNN.

H.R. 123: Mr. PETERSON of Minnesota and Mr. HALL of Texas.

H.R. 124: Mr. ROTH.

H.R. 127: Ms. DELAURO, Mr. OWENS, Mr. GOODLING, and Mr. WATT.

H.R. 200: Mr. BORSKI.

H.R. 325: Ms. BROWN of Florida, Mr. WATT, Ms. LONG, and Mrs. LLOYD.

H.R. 326: Mr. GONZALEZ.

H.R. 346: Mr. SANTORUM.

H.R. 417: Mr. ISTOOK, Mr. LANCASTER, Mr. DELAY, and Mr. MCDADE.

H.R. 436: Mr. MINGE.

H.R. 438: Mr. BORSKI.

H.R. 539: Mr. BUNNING, Mr. HEFLEY, Mr. BOEHNER, Mr. BALLENGER, Mr. GILCHREST, Mr. COX, Mr. SAXTON, Mr. MICHEL, Mr. HANCOCK, Mr. GUNDERSON, Mr. BAKER of California, Mr. HOEKSTRA, Mr. FRANKS of Connecticut, Mr. HASTERT, Mr. CRANE, Mr. TRAFICANT, Mr. GOODLING, Mr. MYERS of Indiana, and Mr. RIDGE.

H.R. 559: Mr. FARR.

H.R. 885: Mr. ROTH and Mr. BLUTE.

H.R. 896: Ms. DUNN.

H.R. 911: Mr. BATEMAN.

H.R. 1080: Mr. ROTH.

H.R. 1110: Mr. MCHALE.

H.R. 1122: Mr. BLUTE.

H.R. 1293: Ms. DUNN.

H.R. 1417: Mrs. CLAYTON and Mr. FOGLIETTA.

H.R. 1487: Mr. BLUTE.

H.R. 1500: Mr. STOKES, Mr. FARR, and Ms. MCKINNEY.

H.R. 1604: Mr. ROYCE.

H.R. 1605: Mr. ROYCE.

H.R. 1620: Mr. BLUTE.

H.R. 1671: Mrs. ROUKEMA.

H.R. 1703: Mr. NADLER.

H.R. 1709: Mr. EDWARDS of Texas, Mr. MANN, Mr. LUCAS, Mr. PETRI, Mr. VOLKMER, and Mr. WILLIAMS.

H.R. 1843: Mrs. SCHROEDER and Mr. INSLEE.

H.R. 1852: Mr. ROYCE.

H.R. 1853: Mr. ROYCE.

H.R. 1883: Mr. CAMP, Mr. CARR, Mr. CALLAHAN, Mr. DARDEN, and Mr. YATES.

H.R. 1968: Mr. FAZIO.

H.R. 1980: Mr. FARR.

H.R. 2043: Mr. SAWYER and Mr. WATT.

H.R. 2059: Mr. ROYCE.

H.R. 2105: Mr. FARR.

H.R. 2119: Ms. FURSE.

H.R. 2229: Mr. JEFFERSON.

H.R. 2292: Mr. SHAW and Mr. HUTTO.

H.R. 2336: Mr. MEYERS of Kansas.

H.R. 2365: Mr. BLUTE.

H.R. 2429: Mr. SANGMEISTER.

H.R. 2501: Mr. NADLER.

H.R. 2543: Mr. BERMAN and Mr. FARR.

H.R. 2623: Mr. COX.

H.R. 2664: Mr. BARCIA of Michigan.

H.R. 2673: Mr. BORSKI.

H.R. 2676: Mr. NADLER.

H.R. 2717: Mr. BACHUS of Alabama, Mr. GINGRICH, Mr. KINGSTON, and Mr. CRANE.

H.R. 2727: Mr. SWETT, Mr. LANTOS, and Mr. FARR.

H.R. 2910: Mr. BOEHNER, Mr. COMBEST, Mr. EWING, Mr. KINGSTON, and Mr. PAXON.

H.R. 2971: Mr. SUNDQUIST.

H.R. 3122: Mr. NADLER.

H.R. 3176: Mr. BLUTE.

H.R. 3227: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GUNDERSON, Mr. CRAMER, Mr. BAKER of California, Mr. Stump, Mr. BACHUS of Alabama, Mr. BURTON of Indiana, and Mr. SCHAEFER.

H.R. 3269: Ms. SHEPHERD.

H.R. 3320: Mr. ROTH.

H.R. 3322: Mr. CLYBURN.

H.R. 3397: Mr. SAWYER.

H.R. 3407: Mr. NADLER.

H.R. 3472: Mr. NADLER.

H.R. 3526: Ms. WOOLSEY and Mr. FILNER.

H.R. 3628: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Mr. FROST, Mr. QUINN, and Mr. FINGERHUT.

H.R. 3692: Mr. BLUTE.

H.R. 3712: Ms. SLAUGHTER and Mr. ORTIZ.

H.R. 3739: Mr. BALLENGER.

H.R. 3747: Mr. DEFAZIO and Mrs. UNSOELD.

H.R. 3846: Mr. PALLONE.

H.R. 3860: Mr. ROTH.

H.R. 3875: Mr. SISISKY.

H.R. 3897: Mr. MORAN.

H.R. 3955: Mr. GEKAS, Mr. KOLBE, Mr. EMERSON, Mr. KINGSTON, Mr. INGLIS of South Carolina, Mr. WALKER, Mr. BEREUTER, Mr. INHOFE, Mr. BAKER of Louisiana, Mr. HOKE, Mr. HEFLEY, Mr. CRANE, Mr. HANSEN, Mr. KNOLLENBERG, Mr. MICA, Mr. SHAW, Mr. SCHAEFER, Mr. SKEEN, Mr. SOLOMON, Ms. PRYCE of Ohio, Mr. HOBSON, Mr. ZIMMER, Mr. CALVERT, Mr. EVERETT, and Mr. WELDON.

H.R. 4028: Mr. ZIMMER.

H.R. 4056: Mr. HOBSON.

H.R. 4096: Mr. TRAFICANT and Mr. FRANK of Massachusetts.

H.R. 4118: Mr. BACHUS of Alabama.

H.R. 4129: Mr. GILCHREST, Ms. COLLINS of Michigan, and Mr. STUPAK.

H.R. 4132: Mr. OWENS.

H.R. 4142: Mr. GILCHREST.

H.R. 4163: Mr. SKAGGS.

H.R. 4213: Mr. FARR.

H.R. 4225: Mr. LEWIS of Florida and Mr. ZIMMER.

H.R. 4291: Mr. KOPETSKI.

H.R. 4303: Mr. COX.

H.R. 4404: Mr. LANTOS and Mr. FISH.

H.R. 4416: Mr. GILCHREST.

H.R. 4496: Mr. SANGMEISTER and Mr. MCDERMOTT.

H.R. 4507: Mr. MORAN.

H.R. 4514: Mr. DOOLITTLE, Mr. GEJDENSON, and Mr. WILSON.

H.R. 4540: Ms. SHEPHERD.

H.R. 4570: Mr. MORAN.

H.R. 4585: Mr. GOODLING, Mr. HOEKSTRA, and Mr. HEFLEY.

H.R. 4654: Mr. MCHALE.

H.R. 4658: Ms. WOOLSEY, Mr. STUDDS, Ms. ESHOO, Ms. ROYBAL-ALLARD, Ms. PELOSI, Mr. EVANS, Ms. FURSE, and Ms. ENGLISH of Arizona.

H.R. 4677: Mrs. MALONEY, Ms. BROWN of Florida, Ms. COLLINS of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOWEY, Mr. MILLER of California, Ms. SHEPHERD, Mr. LEWIS of Georgia, Mr. BECERRA, and Mr. BARRETT of Wisconsin.

H.R. 4696: Mr. HINCHEY, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Ms. FURSE, Mr. LIPINSKI, and Mr. DELLUMS.

H.R. 4737: Mr. MCHALE.

H.R. 4789: Mr. GILCHREST.

H.R. 4792: Mr. DORNAN.

H.R. 4805: Mr. FINGERHUT.

H.R. 4839: Mr. FARR.

H.R. 4875: Mr. OWENS.

H.R. 4876: Mr. LINDER.

H.R. 4879: Mr. ANDREWS of New Jersey.

H.R. 4903: Mr. ABERCROMBIE, Mr. TOWNS, Ms. NORTON, Mr. CLAY, Mr. RUSH, Mr. KLEIN, and Mr. LEWIS of Georgia.

H.R. 4912: Mr. TORRES and Mr. SCHAEFER.

H.R. 4934: Mr. SOLOMON.

H.R. 4936: Mr. DURBIN.

H.R. 4949: Mr. DUNCAN and Mr. MCCOLLUM.

H.R. 4954: Mr. ACKERMAN.

H.R. 4955: Mr. TORRICELLI and Ms. FURSE.

H.R. 4977: Mr. MILLER of California.

H.R. 4978: Mr. MILLER of California.

H.R. 4979: Mr. MILLER of California.

H.R. 4981: Mr. OLVER, Ms. PELOSI, Mr. MILLER of California, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, and Mr. WYDEN.

H.R. 4986: Mrs. JOHNSON of Connecticut, Mrs. MALONEY, Mr. HALL of Ohio, Mr. PAYNE of Virginia, Mr. LIGHTFOOT, Mr. RAHALL, Mr. LIPINSKI, Mr. WILSON, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. HOUGHTON, Mr. MCCLOSKEY, and Mr. BARLOW.

H.R. 4995: Mr. KLUG and Mr. MCHALE.

H.R. 4997: Mr. MANTON and Ms. SCHENK.

H.R. 5006: Mr. CARR, Mr. BEREUTER, Mr. MONTGOMERY, Mr. CRAMER, Mr. BILBRAY, Mr. LAUGHLIN, Mr. MOORHEAD, Mr. OXLEY, Mr. PORTMAN, Mr. TANNER, Mr. DE LA GARZA, Mr. YOUNG of Alaska, Mr. SCHIFF, Mr. WELDON, Mr. HUFFINGTON, Mr. LIGHTFOOT, Mr. KNOLLENBERG, Mr. BALLENGER, Mr. BARTON of Texas, Mr. DUNCAN, Mr. ROHRABACHER, Mr. ORTON, Mr. FARR, and Mr. SOLOMON.

H.R. 5010: Mr. SOLOMON.

H.R. 5013: Mr. BEREUTER, Mr. EMERSON, Ms. ROYBAL-ALLARD, MRS. LOWEY, and Mr. MORAN.

H.R. 5014: Mr. SOLOMON.

H.R. 5032: Mr. JOHNSON of Georgia, Mr. DICKS, Ms. CANTWELL, Mr. SWIFT, Mr. GUNDERSON.

H.R. 5036: Mr. SERRANO, Mr. FILNER, Mr. FROST, Mr. MFUME, and Mr. LANCASTER.

H.R. 5043: Mr. WALSH, Mr. EVANS, Mr. SKEEN, and Mr. SHAYS.

H.R. 5061: Mr. MANTON, Mr. KING, Mr. KNOLLENBERG, Mr. LIVINGSTON, Mr. SOLOMON, Mr. STUPAK, Mr. SAXTON, Mr. MYERS of Indiana, Mr. CRANE, Mrs. THURMAN, Mr. ZELIFF, Mr. BARTON of Texas, and Mr. HOEKSTRA.

H.R. 5062: Ms. WATERS, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. ORTIZ, Mr. CUNNINGHAM, Mr. HUFFINGTON, Mr. QUILLEN, Mr. CRAPO, Ms. FURSE, Mr. LAROCCO, Mr. JOHNSTON of Florida, Mr. SUNDQUIST, Ms. BROWN of Florida, Mr. LAZIO, Mr. BEILENSON, Mr. BARLOW, Mr. CRANE, Mr. HALL of Texas, Mr. REED, and Ms. ENGLISH of Arizona.

H.R. 5069: Mr. KINGSTON.

H.R. 5073: Mr. CALVERT.

H.R. 5075: Mrs. KENNELLY.

H.R. 5082: Mr. SAXTON, MR. CLINGER, Mr. BLILEY, Mr. LINDER, Mr. COBLE, Mr. MCHUGH, Mr. SANTORUM, Mr. THOMAS of Wyoming, Mr. PORTER, Mr. EWING, Mr. MCINNIS, and Mr. WOLF.

H.R. 5083: Mr. DEUTSCH, Mr. HASTINGS, and Ms. LOWEY.

H.R. 5092: Mr. STUMP.

H.R. 5111: Mr. MINGE and Mr. BEILENSON.

H.R. 5119: Mr. SWIFT.

H.R. 5128: Mr. MANN and Mr. FRANK of Massachusetts.

H.R. 5129: Mr. BARRETT of Wisconsin, Mr JOHNSON of South Dakota, Mr. BARCIA of Michigan, Mr. KLEIN, Mr. FRANK of Massachusetts, Mr. ROHRABACHER, Mr. NADLER, and Mr. POMEROY.

H.R. 5134: Mrs. FOWLER, Mrs. MEYERS of Kansas, Mr. BAKER of California, Mr. BARRETT of Nebraska, Mr. PORTMAN, Mr. FIELDS of Texas, and Mr. ANDREWS of New Jersey.

H.R. 5135: Mr. EWING, Mr. EMERSON, and Mr. MILLER of Florida.

H.R. 5141: Mr. MENENDEZ, Mr. SCHUMER, Mr. GUNDERSON, Ms. HARMAN, Mr. SABO, Mr. FRANKS of Connecticut, Mrs. JOHNSON of

Connecticut, Mr. GILMAN, Mr. ACKERMAN, Mr. RUSH, Mr. HUGHES, Mr. HORN, and Mr. KLUG.

H.R. 5195: Mrs. LOWEY.

H.R. 5219: Mrs. CLAYTON and Mr. PAYNE of New Jersey.

H.R. 5222: Mrs. MORELLA.

H.R. 5228: Mr. TANNER, Mr. BOEHLERT, Mr. DEAL, Mr. CASTLE, Mrs. LLOYD, Mr. HOUGHTON, Mr. HEFNER, Mr. KLUG, Ms. LONG, Mr. COLLINS of Georgia, Mr. ANDREWS of New Jersey and Mr. EVERETT.

H.J. Res. 18: Mr. CHAPMAN.

H.J. Res. 44: Mr. LAZIO.

H.J. Res. 145: Mr. CALVERT, Mr. GREENWOOD, and Mr. HEFLEY.

H.J. Res. 184: Mr. WATT, Mr. GOODLING, Mr. REGULA, Mr. OXLEY, Mr. Edwards of California, Mr. BARTLETT of Maryland, Mr. YOUNG of Florida, Mr. COX, Mr. GALLO, Mr. FRANKS of New Jersey, Mr. SOLOMON, Mr. BILIRAKIS, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. BARRETT of Wisconsin, Mr. MANTON, Ms. DUNN, Mr. DREIER, Mr. SMITH of Texas, Mr. ROEMER, Mr. VISCLOSKY, Mr. BAKER of Louisiana, Mr. HASTINGS, Mr. BALLENGER, Mr. ROHRABACHER, Mr. BUNNING, Mr. BARRETT of Nebraska, Mr. UPTON, Mr. CARDIN, and Mr. BACHUS of Alabama.

H.J. Res. 332: Mr. PICKETT.

H.J. Res. 385: Mr. MOLLOHAN, Mr. JACOBS, and Mr. GRANDY.

H.J. Res. 399: Ms. BROWN of Florida, Mr. JACOBS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mr. SLATTERY, Mr. HILLIARD, Mr. JEFFERSON, Mr. DIXON, and Mr. MFUME.

H.J. Res. 405: Mr. SMITH of New Jersey, Mr. FIELDS of Louisiana, Mr. COX, Mr. LIGHTFOOT, Mr. QUINN, Mr. PETERSON of Minnesota, Mr. GILLMOR, Mr. GILCHREST, Mr. GEKAS, and Mr. BISHOP.

H.J. Res. 410: Mr. MYERS of Indiana and Mr. CARDIN.

H.J. Res. 411: Mrs. BYRNE, Mr. BACCHUS of Florida, Mr. BARCA of Wisconsin, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. MACHTLEY, Mr. RAMSTAD, Mr. GALLO, Mr. HASTERT, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. BROWN of California, Mr. WOLF, Mr. ROGERS, Mr. SMITH of Oregon, Mr. STOKES, Mrs. VUCANOVICH, Mr. BEVILL, Mr. LAUGHLIN, Mr. OLVER, Mr. HAMBURG, Mr. BECERRA, Mr. SCOTT, Mr. ROSTENKOWSKI, Mr. FIELDS of Louisiana, Mrs. MINK of Hawaii, Ms. MARGOLIES-MEZVINSKY, Ms. SHEPHERD, Mr. DARDEN, Mr. DEAL, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. DELLUMS, Mr. HUTTO, Mr. KANJORSKI, Mr. MAZZOLI, Mr. MOAKLEY, Mr. SPENCE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. GEKAS, Mr. HOLDEN, Mr. SHUSTER, Mr. MURPHY, Mr. RIDGE, Mr. ORTON, Mr. ANDREWS of Maine, Mr. KLINK, Mr. NEAL of North Carolina, Mr. SARPALIUS, Mr. LEVY, Mr. FLAKE, Mr. NADLER, Mr. SCHUMER, Mr. TOWNS, Ms. VELAZQUEZ, Ms. MOLINARI, Mr. RANGEL, Mr. ENGEL, Mr. GILMAN, Mr. PAXON, Mr. LAFALCE, Mr. HOUGHTON, Mr. SAM JOHNSON, Mr. SMITH of Michigan, Mr. ROHRABACHER, Mr. ZIMMER, Mr. CALVERT, Mr. HOKE, Mr. BARTLETT of Maryland, Mr. GRAMS, Ms. SNOWE, Mr. UPTON, Mr. YOUNG of Florida, Ms. DELAURO, Mr. HOCHBRUECKNER, Mr. CARDIN, Mr. TAUZIN, Mr. LEHMAN, Mr. HASTINGS, Mr. DOOLITTLE, Mr. HUNTER, Mr. LEACH, Mrs. MEYERS of Kansas, Mr. QUILLEN, Mr. RAVENEL, Mr. ROEMER, Mr. FALEOMAVAEGA, Mr. SERRANO, Mr. HALL of Texas, Mr. ANDREWS of Texas, Mr. ABERCROMBIE, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BROWDER, Mr. CARR, Mrs. CLAYTON, Mr. CLYBURN, Ms. COLLINS of Michigan, Mr. COYNE, Mr. CRAMER, Ms. DANNER, Mr. DEFAZIO, Mr. EDWARDS of Texas, Ms. ENGLISH of Arizona, Mr. FARR, Mr. FINGERHUT, Mr. FOGLIETTA, Ms. FURSE, Mr. HUGHES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KLECZKA, Mr. KOPETSKI, Ms. LAMBERT, Ms. LOWEY, Mr. MANTON, Mr. MARKEY, Mr. MCHALE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MINGE, Mr. MORAN, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. GEPHARDT, Mr. GONZALEZ, Mr. HAMILTON, Mr. PETERSON of Florida, Mr. POMEROY, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. ROSE, Mr. RUSH, Mr. SMITH of Iowa, Mr. STENHOLM, Mr. STUPAK, Mr. SYNAR, Mrs. THURMAN, Mrs. UNSOELD, Ms. WATERS, Ms. WOOLSEY, Mr. WYDEN, and Mr. DELAY.

H.J. Res. 418: Mr. SAXTON.

H. Con. Res. 148: Ms. DUNN, Mr. OWENS, Mrs. MEEK of Florida, Mr. THOMPSON, Ms. SHEPHARD, Mr. TAUZIN, Mr. NEAL of Massachusetts, Mr. BILBRAY, and Mr. JOHNSON of Georgia.

H. Con. Res. 173: Mr. REED, Mr. KOPETSKI, Mr. GILCHREST, Mr. SANTORUM, Mr. MURPHY, Mr. HOLDEN, Mr. LEWIS of California, and Mr. CARR.

H. Con. Res. 188: Mr. LANTOS, Mr. PORTER, Mr. CONDIT, Mr. CONYERS, and Ms. DELAURO.

H. Con. Res. 219: Mr. FILNER.

H. Con. Res. 243: Mr. PASTOR.

H. Con. Res. 258: Mr. DELLUMS, Mr. EMERSON, Mr. LIPINSKI, Mr. MANTON, and Mr. FLAKE.

H. Con. Res. 259: Mr. EDWARDS of Texas, Mr. MAZZOLI, Mr. MONTGOMERY, Mr. LIPINSKI, Mr. FROST, Mr. ORTIZ, and Mr. MANTON.

H. Con. Res. 276: Mr. EVANS.

H. Con. Res. 306: Mr. KOPETSKI, Mr. EVANS, Mr. MCCLOSKEY, Mr. DEFAZIO, Mr. STARK, Mr. FRANK of Massaschusetts, Mr. EDWARDS of California, Mr. WYDEN, and Ms. MCKINNEY.

H. Res. 266: Mr. BLUTE.

H. Res. 473: Mr. UNDERWOOD, Ms. LOWEY, and Mr. MINETA.

H. Res. 519: Mr. ROHRABACHER, Mr. DEUTSCH, Mr. ISTOOK, Mr. PAXON, and Mrs. VUCANOVICH.

H. Res. 527: Mr. JEFFERSON, Mr. PETE GEREN of Texas, Mrs. KENNELLY, Mr. FLAKE, Mr. CLAY, Mr. STOKES, Mr. FORD of Tennessee, Mr. WYNN, Mr. TUCKER, Mr. TEJEDA, Mr. WATT, Mr. REYNOLDS, Mr. SAWYER, Mr. SCOTT, Mr. BONIOR, Mr. RICHARDSON, Mr. BLACKWELL, Mr. TOWNS, Mr. CONYERS, Mr. HASTINGS, Mr. THOMPSON, Ms. NORTON, Mr. CARDIN, Mr. WHEAT, Mr. HUTTO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN, Mrs. MEEK of Florida, Mr. MINETA, Mr. ACKERMAN, Mr. DELLUMS, Ms. WATERS, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. DE LUGO, Mr. WASHINGTON, Mr. LINDER, Mr. MONTGOMERY, Mr. MILLER of California, Mr. FROST, Mr. ROWLAND, Mr. BACCHUS of Florida, Mr. EVANS, Mr. KILDEE, Mr. QUINN, Ms. SLAUGHTER, Mr. ENGEL, Mr. JOHNSON of Georgia, Mr. CLYBURN, Mr. MEEHAN, Mr. DEAL, Mr. FILNER, Mr. KINGSTON, Mr. MCDERMOTT, Ms. DELAURO, Mr. SCHUMER, Mr. LANTOS, and Mr. FALEOMAVAEGA.

H. Res. 528: Mr. JEFFERSON, Mr. PETE GEREN of Texas, Mrs. KENNELLY, Mr. FLAKE, Mr. STOKES, Mr. FORD of Tennessee, Mr. WYNN, Mr. TUCKER, Mr. TEJEDA, Mr. WATT, Mr. REYNOLDS, Mr. SAWYER, Mr. SCOTT, Mr. BONIOR, Mr. RICHARDSON, Mr. BLACKWELL, Mr. TOWNS, Mr. CONYERS, Mr. HASTINGS, Mr. THOMPSON, Ms. NORTON, Mr. CARDIN, Mr. WHEAT, Mr. HUTTO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN, Mrs. MEEK of Florida, Mr. MINETA, Mr. ACKERMAN, Mr. DELLUMS, Ms. WATERS, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. DE LUGO, Mr. WASHINGTON, Mr. LINDER, Mr. MONTGOMERY, Mr. MILLER of California, Mr. FROST, Mr. ROWLAND, Mr. MACCHUS of Florida, Mr. EVANS, Mr. KILDEE, Mr. QUINN, Ms. SLAUGHTER, Mr. ENGEL, Mr. JOHNSON of Georgia, Mr. CLYBURN, Mr. MEEHAN, Mr. DEAL, Mr. FILNER, Mr. KINGSTON, Mr. MCDERMOTT, Ms. DELAURO, Mr. SCHUMER, and Mr. LANTOS.

H. Res. 529: Mr. THORTON.

H. Res. 545: Mr. BLILEY, Mr. HANSEN, Mr. KINGSTON, Mr. LINDER, Mr. PARKER, Mr. PETERSON of Minnesota, Mr. EMERSON, and Mr. COX.

H. Res. 557: Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. BARRETT of Wisconsin, Mr. ACKERMAN, Mr. BONIOR, Mr. COOPER, Mr. FLAKE, Mrs. FOWLER, Ms. SLAUGHTER, Mr. WATT, Mr. BEILENSON, and Ms. DELAURO.

H. Res. 569: Mr. MANZULLO.

TUESDAY, NOVEMBER 29, 1994 (123)

The House was called to order by the SPEAKER.

¶123.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, October 7, 1994.

Mr. MCCANDLESS, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. MCCANDLESS 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 ..... 223 / Nays ..... 152 }

¶123.2 [Roll No. 506]

YEAS—223

Abercrombie	Edwards (CA)	Kopetski
Ackerman	Edwards (TX)	LaFalce
Andrews (ME)	Engel	Lambert
Andrews (NJ)	Eshoo	LaRocco
Applegate	Evans	Laughlin
Baesler	Everett	Lehman
Barcia	Farr	Levin
Barlow	Fazio	Lewis (CA)
Barrett (WI)	Fields (LA)	Lewis (GA)
Bateman	Filner	Lipinski
Becerra	Fish	Livingston
Beilenson	Flake	Lowey
Berman	Foglietta	Maloney
Bevill	Frank (MA)	Manton
Bilbray	Frost	Markey
Bishop	Furse	Matsui
Blackwell	Gejdenson	Mazzoli
Bonior	Gephardt	McCurdy
Borski	Geren	McDermott
Boucher	Gibbons	McHale
Brewster	Gillmor	McNulty
Browder	Gilman	Meehan
Brown (FL)	Gonzalez	Meek
Cantwell	Gordon	Menendez
Cardin	Green	Meyers
Carr	Greenwood	Mfume
Chapman	Gutierrez	Miller (CA)
Clay	Hall (TX)	Mineta
Clayton	Hamburg	Minge
Clement	Hamilton	Mink
Clinger	Harman	Moakley
Clyburn	Hayes	Mollohan
Coleman	Hilliard	Montgomery
Collins (IL)	Hinchey	Moran
Combest	Holden	Murtha
Conyers	Houghton	Myers
Coppersmith	Hoyer	Nadler
Costello	Hutto	Neal (MA)
Cox	Hyde	Obey
Coyne	Inslee	Olver
Cramer	Jefferson	Ortiz
Darden	Johnson (SD)	Orton
de la Garza	Johnson, E. B.	Owens
Deal	Johnston	Packard
DeLauro	Kanjorski	Pallone
Dellums	Kasich	Parker
Deutsch	Kennedy	Pastor
Dicks	Kennelly	Payne (NJ)
Dingell	Kildee	Payne (VA)
Dixon	Kleczka	Pelosi
Dooley	Klink	Penny
Durbin	Knollenberg	Peterson (FL)