

103^D CONGRESS
1ST SESSION

H. R. 3400

IN THE SENATE OF THE UNITED STATES

NOVEMBER 23, 1993

Received; read twice and referred to the Committee on Governmental Affairs

AN ACT

To provide a more effective, efficient, and responsive
government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Government Reform and Savings Act of 1993”.

6 (b) **TABLE OF CONTENTS.**—

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- Sec. 17001. Short title.

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Development, and Independent Agencies

**TITLE I—DEPARTMENT OF
AGRICULTURE**

**Subtitle A—Department of
Agriculture Reorganization**

**SEC. 1001. DEPARTMENT OF AGRICULTURE REORGANIZA-
TION.**

(a) IN GENERAL.—The Secretary of Agriculture shall
(1) consolidate field, regional, and national offices within
the Department of Agriculture and (2) reduce personnel
by not less than 7,500 staff years, so as to achieve a re-
duction in expenditures by the Department of not less
than \$1,640,000,000 during the period fiscal years 1995
through 1999.

(b) AUTHORITIES.—In consolidating offices and re-
ducing personnel as required by subsection (a), the Sec-
retary shall take such action on the basis of the powers
vested in the Secretary under other laws.

**Subtitle B—Eliminating Federal
Support for Honey**

**SEC. 1101. AMENDMENTS TO SECTION 207 OF THE AGRICUL-
TURAL ACT OF 1949.**

(a) Section 207(a) of the Agricultural Act of 1949
is amended to read as follows:

1 “(a) IN GENERAL.—For each of the 1991 through
2 1995 crops of honey, the price of honey shall be supported
3 through loans, purchases, or other operations, except that
4 for the 1994 and 1995 crops, the price of honey shall be
5 supported through recourse loans.

6 “(1) For the 1991 through 1993 crop years,
7 the rate of support shall be not less than 53.8 cents
8 per pound.

9 “(2) For the 1994 and 1995 crop years, the
10 Secretary shall provide recourse loans to producers
11 at such a rate that minimizes costs and forfeitures,
12 except that such rate shall not be less than 44 cents
13 a pound. Section 407 shall not be applicable to
14 honey forfeited to the Commodity Credit Corpora-
15 tion under loans made under this paragraph.

16 “(3) A producer who fails to repay a loan made
17 under paragraph (2) by the end of the crop year fol-
18 lowing the crop year for which such loan was made
19 shall be ineligible for a loan under this section for
20 subsequent crop years, except that the Secretary
21 may waive this provision in any case where in which
22 the Secretary determines that the failure to repay
23 the loan was due to hardship conditions or cir-
24 cumstances beyond the control of the producer.”.

1 (b) Section 207(b) of the Agricultural Act of 1949
2 is amended by striking “for a crop” and inserting “for
3 the 1991 through 1993 crops”.

4 (c) Section 207(c) of the Agricultural Act of 1949
5 is amended by striking “1998” and inserting “1993”.

6 (d) Section 207(e) of the Agricultural Act of 1949
7 is amended by—

8 (1) striking subparagraphs (D) through (G);

9 (2) inserting “and” after the semicolon follow-
10 ing subparagraph (B); and

11 (3) changing the semicolon following subpara-
12 graph (C) to a period.

13 (e) Section 207(j) of the Agricultural Act of 1949 is
14 amended by striking “1998” and inserting “1995”.

15 **SEC. 1102. AMENDMENT TO SECTION 405 OF THE AGRICUL-**
16 **TURAL ACT OF 1949.**

17 Section 405(a) of the Agricultural Act of 1949 is
18 amended by striking in the first sentence “section 405A”
19 and inserting “sections 207 and 405A”.

20 **SEC. 1103. AMENDMENTS TO SECTION 405A OF THE AGRI-**
21 **CULTURAL ACT OF 1949.**

22 Section 405A(a) of the Agricultural Act of 1949 is
23 amended by striking all that follows “1992 crop year,”
24 and inserting “and \$150,000 in the 1993 crop year.”.

1 **SEC. 1104. SAVINGS PROVISION.**

2 A provision of this subtitle may not affect the liability
3 of any person under any provision of law as in effect be-
4 fore the effective date of the provision.

5 **TITLE II—DEPARTMENT OF**
6 **COMMERCE**

7 **SEC. 2001. POLAR SATELLITE CONVERGENCE.**

8 The Departments of Commerce and Defense and the
9 National Aeronautics and Space Administration shall pro-
10 pose a single operational polar environmental and weather
11 satellite system, which meets national needs. It is the
12 sense of Congress that such a proposed system, contingent
13 on the provision of adequate resources to fully meet the
14 national security interests of the United States, shall be
15 operated as a civil system by the Department of Com-
16 merce. A detailed implementation plan shall be submitted
17 to Congress by the Director of the Office of Science and
18 Technology Policy, in consultation with the Departments
19 of Commerce and Defense and the National Aeronautics
20 and Space Administration, by April 30, 1994. The plan
21 shall be designed to result in savings of up to \$300 million
22 in budget authority and up to \$251 million in outlays be-
23 tween fiscal years 1994 and 1999. The National Aero-
24 nautics and Space Administration and the National Oce-
25 anic and Atmospheric Administration shall jointly develop
26 a plan to implement a program modelled after the Oper-

1 ational Satellite Improvement Program for the purpose of
2 making incremental enhancements in operational weather
3 satellite systems. The goal of the plan shall be to achieve
4 these enhancements in a cost effective manner by imple-
5 menting procedures aimed at avoiding duplication of ef-
6 fort, cost overruns, and schedule delays. The Administra-
7 tors of the National Aeronautics and Space Administra-
8 tion and the National Oceanic and Atmospheric Adminis-
9 tration shall submit to Congress no later than April 30,
10 1994, a report detailing the elements of the plan and out-
11 lining savings in budget authority and budget outlays pro-
12 jected through fiscal year 1999.

13 **TITLE III—DEPARTMENT OF**
14 **DEFENSE**

15 **SEC. 3001. USE OF PROCEEDS FROM THE SALE OF RECY-**
16 **CLABLE MATERIALS AT MILITARY INSTALLA-**
17 **TIONS.**

18 Section 2577 of title 10, United States Code, is
19 amended by striking out subsections (b) and (c) and in-
20 serting in lieu thereof the following:

21 “(b) Proceeds from the sale of recyclable materials
22 at an installation shall be credited—

23 “(1) to funds available for operations and main-
24 tenance at that installation; and

1 “(2) at the discretion of the commander of the
2 installation and if a balance remains available after
3 such funds are credited, to the nonappropriated mo-
4 rale and welfare account of the installation to be
5 used for any morale or welfare activity.”.

6 **SEC. 3002. CLOSURE OF THE UNIFORMED SERVICES UNI-**
7 **VERSITY OF THE HEALTH SCIENCES.**

8 (a) CLOSURE REQUIRED.—Section 2112 of title 10,
9 United States Code, is amended—

10 (1) in subsection (c)—

11 (A) by inserting “and the closure” after
12 “The development”; and

13 (B) by striking out “subsection (a)” and
14 inserting in lieu thereof “subsections (a) and
15 (b)”; and

16 (2) by striking out subsection (b) and inserting
17 in lieu thereof the following new subsection:

18 “(b)(1) Not later than September 30, 1998, the Sec-
19 retary of Defense shall close the University. To achieve
20 the closure of the University by that date, the Secretary
21 shall begin to terminate the operations of the University
22 beginning in fiscal year 1995. On account of the required
23 closure of the University under this subsection, no stu-
24 dents may be admitted to begin studies in the University
25 after September 30, 1994.

1 “(2) Section 2687 of this title and any other provi-
2 sion of law establishing preconditions to the closure of any
3 activity of the Department of Defense shall not apply with
4 regard to the termination of the operations of the Univer-
5 sity or to the closure of the University pursuant to this
6 subsection.”.

7 (b) FINAL GRADUATION OF STUDENTS.—Section
8 2112(a) of such title is amended—

9 (1) in the second sentence, by striking out “,
10 with the first class graduating not later than Sep-
11 tember 21, 1982.” and inserting in lieu thereof “,
12 except that no students may be awarded degrees by
13 the University after September 30, 1998.”; and

14 (2) by adding at the end the following new sen-
15 tence: “On a case-by-case basis, the Secretary of De-
16 fense may provide for the continued education of a
17 person who, immediately before the closure of the
18 University under subsection (b), was a student in
19 the University and completed substantially all re-
20 quirements necessary to graduate from the Univer-
21 sity.”.

22 (c) TERMINATION OF UNIVERSITY BOARD OF RE-
23 GENTS.—Section 2113 of such title is amended by adding
24 at the end the following new subsection:

1 “(k) The Board shall terminate on September 30,
2 1998, except that the Secretary of Defense may terminate
3 the Board before that date as part of the termination of
4 the operations of the University under section 2112(b) of
5 this title.”.

6 (d) PROHIBITION ON RECIPROCAL AGREEMENTS.—
7 Section 2114(e)(1) of such title is amended by adding at
8 the end the following new sentence: “No agreement may
9 be entered into under this subsection after September 30,
10 1994, and all such agreements shall terminate not later
11 than September 30, 1998.”.

12 (e) CONFORMING AMENDMENTS.—(1) Section 178 of
13 such title, relating to the Henry M. Jackson Foundation
14 for the Advancement of Military Medicine, is amended—

15 (A) in subsection (b), by inserting after “Uni-
16 formed Services University of the Health Sciences,”
17 the following: “or after the closure of the University,
18 with the Department of Defense,”;

19 (B) in subsection (c)(1)(B), by striking out
20 “the Dean of the Uniformed Services University of
21 the Health Sciences” and inserting in lieu thereof “a
22 person designated by the Secretary of Defense”; and

23 (C) in subsection (g)(1), by inserting after
24 “Uniformed Services University of the Health

1 Sciences,” the following: “or after the closure of the
2 University, the Secretary of Defense”.

3 (2) Section 466(a)(1)(B) of the Public Health Service
4 Act (42 U.S.C. 286a(a)(1)(B)), relating to the Board of
5 Regents of the National Library of Medicine, is amended
6 by striking out “the Dean of the Uniformed Services Uni-
7 versity of the Health Sciences,”.

8 (f) CLERICAL AMENDMENTS.—(1) The heading of
9 section 2112 of title 10, United States Code, is amended
10 to read to read as follows:

11 **“§ 2112. Establishment and closure of University”.**

12 (2) The item relating to such section in the table of
13 sections at the beginning of chapter 104 of such title is
14 amended to read as follows:

“2112. Establishment and closure of University.”.

15 **SEC. 3003. STREAMLINING AND REORGANIZATION OF**
16 **CORPS OF ENGINEERS.**

17 (a) DEVELOPMENT OF PLAN.—The Secretary of the
18 Army shall develop a plan to reorganize the United States
19 Army Corps of Engineers by reorganizing the head-
20 quarters offices, reducing the number of division offices,
21 and restructuring the district functions so as to increase
22 the efficiency of the United States Army Corps of Engi-
23 neers and reduce staff and costs, with the goal of achiev-
24 ing approximately \$50 million in net annual savings by
25 fiscal year 1998.

1 (b) TRANSMITTAL AND APPROVAL OF PLAN.—The
2 Secretary of the Army shall transmit to Congress the plan
3 developed under subsection (a) for approval. The Sec-
4 retary shall not implement such plan until it is approved
5 by Congress.

6 **TITLE IV—DEPARTMENT OF**
7 **ENERGY**
8 **Subtitle A—Alaska Power**
9 **Administration Sale Authorization**

10 **SEC. 4001. SHORT TITLE.**

11 This subtitle may be cited as the “Alaska Power Ad-
12 ministration Sale Authorization Act”.

13 **SEC. 4002. SALE OF SNETTISHAM AND EKLUTNA HYDRO-**
14 **ELECTRIC PROJECTS.**

15 (a) The Secretary of Energy may sell the Snettisham
16 Hydroelectric Project (referred to in this subtitle as
17 “Snettisham”) to the State of Alaska Power Authority
18 (now known as the Alaska Industrial Development and
19 Export Authority, and referred to in this subtitle as the
20 “Authority”), or its successor, in accordance with the Feb-
21 ruary 10, 1989, Snettisham Purchase Agreement between
22 the Alaska Power Administration of the United States De-
23 partment of Energy and the Authority.

24 (b) The Secretary of Energy may sell the Eklutna
25 Hydroelectric Project (referred to in this subtitle as

1 “Eklutna”) to the Municipality of Anchorage doing busi-
2 ness as Municipal Light and Power, the Chugach Electric
3 Association, Inc., and the Matanuska Electric Association,
4 Inc. (referred to in this subtitle as “Eklutna Purchasers”)
5 in accordance with the August 2, 1989, Eklutna Purchase
6 Agreement between the United States Department of En-
7 ergy and the Eklutna Purchasers.

8 (c) The heads of other affected Federal departments
9 and agencies, including the Secretary of the Interior, shall
10 assist the Secretary of Energy in implementing the sales
11 authorized by this Act.

12 (d) The Secretary of Energy shall deposit sale pro-
13 ceeds in the Treasury of the United States to the credit
14 of miscellaneous receipts.

15 (e) There are authorized to be appropriated such
16 sums as are necessary to prepare or acquire Eklutna and
17 Snettisham assets for sale and conveyance, such prepara-
18 tions to provide sufficient title to ensure the beneficial use,
19 enjoyment, and occupancy to the purchasers of the assets
20 to be sold.

21 (f) No later than one year after both of the sales au-
22 thorized in section 4002 have occurred, as measured by
23 the Transaction Dates stipulated in the Purchase Agree-
24 ments, the Secretary of Energy shall—

1 (1) complete the business of, and close out, the
2 Alaska Power Administration; and

3 (2) prepare and submit to Congress a report
4 documenting the sales.

5 **SEC. 4003. ASSESSMENT OF ALTERNATIVE OPTIONS.**

6 Before taking any action authorized in section 4002,
7 the Secretary shall assess the feasibility of alternative op-
8 tions for maximizing the return to the Treasury from the
9 sale of the Alaska Power Marketing Administration.

10 **Subtitle B—Federal-Private**
11 **Cogeneration of Electricity**

12 **SEC. 4101. FEDERAL-PRIVATE COGENERATION OF ELEC-**
13 **TRICITY.**

14 Section 804(2)(B) of the National Energy Conserva-
15 tion Policy Act (42 U.S.C. 8287c(2)(B)) is amended by
16 striking “, excluding any cogeneration process for other
17 than a federally owned building or buildings or other fed-
18 erally owned facilities.”.

19 **Subtitle C—Power Marketing**
20 **Administrations**

21 **SEC. 4201. POWER MARKETING ADMINISTRATIONS REFI-**
22 **NANCING STUDY.**

23 The Administrators of the Southeastern, Southwest-
24 ern and Western Area Power Administrations, in consulta-
25 tion with their respective firm power contractors and other

1 interested parties (including, where applicable, the Bureau
2 of Reclamation), shall study refinancing options, including
3 modifications to existing financial and accounting prac-
4 tices that may be required to effectively and efficiently
5 issue and manage revenue bonds. Such refinancing options
6 shall, for each of the power systems they administer, sat-
7 isfy their respective repayment obligations to the United
8 States Treasury without causing any increase in their re-
9 spective firm power rates beyond the rates that would oth-
10 erwise result under rate-setting policies and practices in
11 effect on October 1, 1993. The results of such studies shall
12 be submitted no later than May 1, 1994, to the Speaker
13 of the House of Representatives and the President of the
14 Senate. Such studies shall be made within the limits of
15 existing funding, or, if necessary, with funds contributed
16 by firm power contractors.

17 **SEC. 4202. BONNEVILLE POWER ADMINISTRATION REFI-**
18 **NANCING STUDY.**

19 The Administrator of the Bonneville Power Adminis-
20 tration, in consultation with his customers and constitu-
21 ents, shall study options, including an open market
22 buyout, a Treasury buyout, or any other reasonable alter-
23 native that would lead to a permanent resolution of the
24 repayment reform initiative directed at Bonneville's appro-
25 priation investment repayment obligation. Such refinanc-

1 ing options shall satisfy the outstanding appropriated in-
2 vestment repayment obligation, without increasing rates
3 beyond the rates that would otherwise result under rate-
4 setting policies and practices in effect on October 1, 1993.
5 The result of this study shall be submitted to the Speaker
6 of the House of Representatives and the President of the
7 Senate no later than March 1, 1994.

8 **Subtitle D—Termination of Ad-**
9 **vanced Liquid Metal Reactor**
10 **Program**

11 **SEC. 4301. TERMINATION OF ADVANCED LIQUID METAL RE-**
12 **ACTOR PROGRAM.**

13 (a) IN GENERAL.—No amount of funds provided for
14 any fiscal year may be obligated by the Secretary of En-
15 ergy after the date of the enactment of this Act for the
16 civilian portion of the advanced liquid metal reactor pro-
17 gram, including—

18 (1) the program's promotion of the use of such
19 reactors for the disposal of high-level radioactive
20 waste; and

21 (2) Department of Energy support for regu-
22 latory applications to the Nuclear Regulatory Com-
23 mission for design certification for advanced liquid
24 metal reactors or related licensed facilities.

1 (b) PROHIBITION OF OTHER USES.—The amount of
2 funds available on the date of the enactment of this Act
3 for obligation for the program described in subsection (a)
4 shall not be available for obligation by the Secretary of
5 Energy after such date for any other purpose.

6 (c) EXCEPTION.—Subsections (a) and (b) shall not
7 apply to obligations required to be incurred in terminating
8 the program described in subsection (a).

9 **TITLE V—DEPARTMENT OF**
10 **HEALTH AND HUMAN SERVICES**

11 **SEC. 5001. STUDY OF METHODS TO INCREASE FLEXIBILITY**
12 **IN CONTRACTING FOR MEDICARE CLAIMS**
13 **PROCESSING.**

14 (a) STUDY.—The Secretary of Health and Human
15 Services shall conduct a study of methods to increase flexi-
16 bility in contracting for claims processing under the medi-
17 care program and to otherwise simplify the administration
18 of program, and shall include in the study an analysis of
19 the feasibility and desirability of carrying out the following
20 changes to the program:

21 (1) Permitting entities other than insurance
22 companies to serve as carriers under part B of the
23 program.

24 (2) Eliminating the requirement that fiscal
25 intermediaries under part A of the program be nom-

1 inated by a group or association of providers of serv-
2 ices under such part.

3 (3) Increasing the Secretary's flexibility in as-
4 signing particular functions to fiscal intermediaries
5 and carriers.

6 (4) Expanding the circumstances and standards
7 under which the Secretary may terminate a contract
8 with a fiscal intermediary or a carrier.

9 (5) Permitting the Secretary to require that a
10 fiscal intermediary or a carrier meet data matching
11 requirements for purposes of identifying situations
12 in which medicare is a secondary payer.

13 (6) Eliminating the requirements that the Sec-
14 retary make an additional payment to fiscal
15 intermediaries and carriers for administrative costs.

16 (7) Eliminating the requirement that the Sec-
17 retary enter into an agreement with a separate car-
18 rier for purposes of administering part B with re-
19 spect to individuals entitled to benefits as qualified
20 railroad retirement beneficiaries.

21 (b) REPORT.—Not later than April 30, 1994, the
22 Secretary shall submit a report to the Committees on En-
23 ergy and Commerce and Ways and Means of the House
24 of Representatives and the Committee on Finance of the
25 Senate on the study conducted under subsection (a), to-

1 gether with any recommendations of the Secretary for
2 statutory revisions to increase flexibility and reduce costs
3 in the administration of the medicare program.

4 **SEC. 5002. WORKERS' COMPENSATION DATA EXCHANGE**
5 **PILOT PROJECTS.**

6 (a) IN GENERAL.—The Secretary is authorized to
7 conduct pilot projects with not more than three States for
8 the purpose of studying various means of obtaining on a
9 timely and accurate basis such information relating to
10 benefits paid on account of total or partial disability under
11 the States' workers' compensation plan as the Secretary
12 may require for the purpose of carrying out section 224
13 of the Social Security Act.

14 (b) REIMBURSEMENT OF STATE COSTS.—A State
15 that participates in a project conducted pursuant to sub-
16 section (a) may be paid by the Secretary, from amounts
17 available pursuant to subsection (e), the reasonable costs
18 of such participation.

19 (c) EVALUATION.—The Secretary shall evaluate each
20 project conducted pursuant to subsection (a) and shall
21 apply the findings, as appropriate, to agreements nego-
22 tiated pursuant to subsection (h)(2) of such section 224.

23 (d) DEADLINE FOR COMMENCEMENT OF
24 PROJECTS.—No pilot project authorized by subsection (a)

1 may be commenced after the expiration of the 5-year pe-
 2 riod beginning on the date of enactment of this section.

3 (e) FUNDING.—Expenditures for pilot projects con-
 4 ducted pursuant to subsection (a) may be made from the
 5 Federal Disability Insurance Trust Fund and the Old-Age
 6 and Survivors Insurance Trust Fund, as determined ap-
 7 propriate by the Secretary.

8 (f) EFFECTIVE DATE.—This section shall be effective
 9 upon enactment.

10 **SEC. 5003. FEDERAL CLEARINGHOUSE ON DEATH INFOR-**
 11 **MATION.**

12 (a) CLEARINGHOUSE DESIGNATION.—The heading
 13 for section 205(r) of the Social Security Act is amended
 14 to read as follows: “Clearinghouse on Death Information”.

15 (b) ACQUISITION OF DISCLOSABLE DEATH INFORMA-
 16 TION FROM STATES.—

17 (1) Section 205(r)(1)(A) of the Social Security
 18 Act is amended by striking “to furnish the Secretary
 19 periodically with” and inserting “to furnish periodi-
 20 cally to the Secretary, for use in carrying out sub-
 21 paragraph (B) and paragraphs (3) and (4),”.

22 (2)(A) Notwithstanding clause (ii) of section
 23 6103(d)(4)(B) of the Internal Revenue Code of 1986
 24 (as added by section 13444(a) of the Omnibus
 25 Budget Reconciliation Act of 1993 (Public Law

1 103–66)), in order for a contract requiring a State
2 to furnish the Secretary of Health and Human Serv-
3 ices information concerning individuals with respect
4 to whom death certificates (or equivalent documents
5 maintained by the State or any subdivision thereof)
6 have been officially filed with it to meet the require-
7 ments of such section 6103(d)(4)(B), such contract
8 shall authorize the Secretary to use such information
9 and to redisclose such information to any Federal
10 agency or any agency of a State or political subdivi-
11 sion in accordance with section 205(r) of the Social
12 Security Act.

13 (B) The provisions of subparagraph (A) of this
14 paragraph and, notwithstanding subparagraph (C)
15 of section 6103(d)(4) of the Internal Revenue Code
16 of 1986 (as added by section 13444(a) of the Omni-
17 bus Budget Reconciliation Act of 1993 (Public Law
18 103–66)), the provisions of subparagraphs (A) and
19 (B) of such section 6103(d)(4) shall apply to all
20 States, regardless of whether they were, on July 1,
21 1993, pursuant to a contract, furnishing the Sec-
22 retary of Health and Human Services information
23 concerning individuals with respect to whom death
24 certificates (or equivalent documents maintained by

1 the State or any subdivision thereof) have been offi-
2 cially filed with it.

3 (C) Subparagraphs (A) and (B) of this para-
4 graph shall take effect at the same time as the
5 amendment made by section 13444(a) of the Omni-
6 bus Budget Reconciliation Act of 1993 takes effect.

7 (D) For the purpose of applying the special rule
8 contained in section 13444(b)(2) of the Omnibus
9 Budget Reconciliation Act of 1993, the reference in
10 such section to section 6103(d)(4)(B) of the Internal
11 Revenue Code of 1986 shall be deemed to include a
12 reference to subparagraph (A) of this paragraph.

13 (c) PAYMENT TO STATES FOR DEATH INFORMA-
14 TION.—Section 205(r)(2) of the Social Security Act is
15 amended—

16 (1) by striking “the reasonable costs” and in-
17 serting “a reasonable amount”; and

18 (2) by striking “transcribing and transmitting”
19 and inserting “furnishing”.

20 (d) FEE FOR CLEARINGHOUSE INFORMATION.—

21 (1) Section 205(r)(3) of the Social Security Act
22 is amended by striking out “if” and all that follows,
23 and inserting “, provided that such agency agrees to
24 pay the fees set by the Secretary pursuant to para-
25 graph (8).”.

1 (2) Section 205(r)(4) of the Social Security Act
2 is amended—

3 (A) by inserting “and political subdivi-
4 sions” after “States” the first place such term
5 appears;

6 (B) by striking “the States” and inserting
7 “any State, political subdivision, or combination
8 thereof”; and

9 (C) by striking “if” and all that follows
10 and inserting “provided such States and politi-
11 cal subdivisions agree to pay the fees set by the
12 Secretary pursuant to paragraph (8).”.

13 (3) Section 205(r) of the Social Security Act is
14 amended by adding at the end a new paragraph as
15 follows: “(8) The Secretary shall establish fees for
16 the disclosure of information pursuant to this sub-
17 section. Such fees shall be in amounts sufficient to
18 cover all costs (including indirect costs) associated
19 with the Secretary’s responsibilities under this sub-
20 section. Fees collected pursuant to this paragraph
21 shall remain available, without fiscal year limitation,
22 to the Secretary to cover the administrative costs of
23 carrying out this subsection.”.

24 (e) TECHNICAL ASSISTANCE.—Section 205(r) of the
25 Social Security Act is amended by adding at the end (after

1 the paragraph added by subsection (d)(3)) the following
2 new paragraph:

3 “(9) The Secretary may provide to any Federal or
4 State agency that provides Federally funded benefits,
5 upon the request of such agency, technical assistance on
6 the effective collection, dissemination, and use of death in-
7 formation available under this subsection for the purpose
8 of ensuring that such benefits are not erroneously paid
9 to deceased individuals.”.

10 (f) TECHNICAL AMENDMENT.—Section 205(r) of the
11 Social Security Act is amended by adding at the end (after
12 the paragraph added by subsection (e)) the following new
13 paragraph:

14 “(10) For purposes of this subsection, the term ‘Fed-
15 erally funded benefit’ means any payment funded in whole
16 or in part by the Federal Government.”.

17 (g) EFFECTIVE DATE.—Except as otherwise pro-
18 vided, the amendments made by this section shall take ef-
19 fect upon their enactment.

20 **SEC. 5004. CONTINUING DISABILITY REVIEWS.**

21 Section 201(g)(1)(A) of the Social Security Act is
22 amended by adding at the end of the paragraph the follow-
23 ing sentence: “From funds provided pursuant to this sub-
24 paragraph for the following fiscal years, not less than the
25 following amounts shall be available only for conducting

1 continuing disability reviews and related workloads: for
2 fiscal year 1994, \$46 million; for fiscal year 1995,
3 \$47,200,000; for fiscal year 1996, \$48,500,000; for fiscal
4 year 1997, \$49,800,000; for fiscal year 1998,
5 \$51,100,000; and for fiscal year 1999, \$52,500,000.”.

6 **TITLE VI—DEPARTMENT OF**
7 **HOUSING AND URBAN DEVEL-**
8 **OPMENT**

9 **SEC. 6001. MULTIFAMILY PROPERTY DISPOSITION.**

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

11 (1) the portfolio of multifamily housing project
12 mortgages insured by the FHA is severely troubled
13 and at risk of default, requiring the Secretary to in-
14 crease loss reserves from \$5,500,000,000 in 1991 to
15 \$11,900,000,000 in 1992 to cover estimated future
16 losses;

17 (2) the inventory of multifamily housing
18 projects owned by the Secretary has more than tri-
19 pled since 1989, and, by the end of 1993, may ex-
20 ceed 75,000 units;

21 (3) the cost to the Federal Government of own-
22 ing and maintaining multifamily housing projects es-
23 calated to approximately \$250,000,000 in fiscal year
24 1992;

1 (4) the inventory of multifamily housing
2 projects subject to mortgages held by the Secretary
3 has increased dramatically, to more than 2,400
4 mortgages, and approximately half of these mort-
5 gages, with over 230,000 units, are delinquent;

6 (5) the inventory of insured and formerly in-
7 sured multifamily housing projects is rapidly deterio-
8 rating, endangering tenants and neighborhoods;

9 (6) over 5 million families today have a critical
10 need for housing that is affordable and habitable;
11 and

12 (7) the current statutory framework governing
13 the disposition of multifamily housing projects effec-
14 tively impedes the Government's ability to dispose of
15 properties, protect tenants, and ensure that projects
16 are maintained over time.

17 (b) MANAGEMENT AND DISPOSITION OF MULTIFAM-
18 ILY HOUSING PROJECTS.—Section 203 of the Housing
19 and Community Development Amendments of 1978 (12
20 U.S.C. 1701z–11) is amended to read as follows:

21 **“SEC. 203. MANAGEMENT AND DISPOSITION OF MULTIFAM-**
22 **ILY HOUSING PROJECTS.**

23 “(a) GOALS.—The Secretary of Housing and Urban
24 Development shall manage or dispose of multifamily hous-
25 ing projects that are owned by the Secretary or that are

1 subject to a mortgage held by the Secretary in a manner
2 that—

3 “(1) is consistent with the National Housing
4 Act and this section;

5 “(2) will protect the financial interests of the
6 Federal Government; and

7 “(3) will, in the least costly fashion among rea-
8 sonable available alternatives, further the goals of—

9 “(A) preserving housing so that it can re-
10 main available to and affordable by low-income
11 persons;

12 “(B) preserving and revitalizing residential
13 neighborhoods;

14 “(C) maintaining existing housing stock in
15 a decent, safe, and sanitary condition;

16 “(D) minimizing the involuntary displace-
17 ment of tenants;

18 “(E) maintaining housing for the purpose
19 of providing rental housing, cooperative hous-
20 ing, and homeownership opportunities for low-
21 income persons; and

22 “(F) minimizing the need to demolish mul-
23 tifamily housing projects.

24 The Secretary, in determining the manner in which a
25 project is to be managed or disposed of, may balance com-

1 peting goals relating to individual projects in a manner
2 that will further the purposes of this section.

3 “(b) DEFINITIONS.—For purposes of this section:

4 “(1) MULTIFAMILY HOUSING PROJECT.—The
5 term ‘multifamily housing project’ means any multi-
6 family rental housing project which is, or prior to
7 acquisition by the Secretary was, assisted or insured
8 under the National Housing Act, or was subject to
9 a loan under section 202 of the Housing Act of
10 1959.

11 “(2) SUBSIDIZED PROJECT.—The term ‘sub-
12 sidized project’ means a multifamily housing project
13 that, immediately prior to the assignment of the
14 mortgage on such project to, or the acquisition of
15 such mortgage by, the Secretary, was receiving any
16 of the following types of assistance:

17 “(A) Below market interest rate mortgage
18 insurance under the proviso of section
19 221(d)(5) of the National Housing Act.

20 “(B) Interest reduction payments made in
21 connection with mortgages insured under sec-
22 tion 236 of the National Housing Act.

23 “(C) Direct loans made under section 202
24 of the Housing Act of 1959.

25 “(D) Assistance in the form of—

1 “(i) rent supplement payments under
2 section 101 of the Housing and Urban De-
3 velopment Act of 1965,

4 “(ii) additional assistance payments
5 under section 236(f)(2) of the National
6 Housing Act,

7 “(iii) housing assistance payments
8 made under section 23 of the United
9 States Housing Act of 1937 (as in effect
10 before January 1, 1975), or

11 “(iv) housing assistance payments
12 made under section 8 of the United States
13 Housing Act of 1937 (excluding payments
14 made for tenant-based assistance under
15 section 8),

16 if (except for purposes of section 183(c) of the
17 Housing and Community Development Act of
18 1987) such assistance payments are made to
19 more than 50 percent of the units in the
20 project.

21 “(3) FORMERLY SUBSIDIZED PROJECT.—The
22 term ‘formerly subsidized project’ means a multi-
23 family housing project owned by the Secretary that
24 was a subsidized project immediately prior to its ac-
25 quisition by the Secretary.

1 “(4) UNSUBSIDIZED PROJECT.—The term
2 ‘unsubsidized project’ means a multifamily housing
3 project owned by the Secretary that is not a sub-
4 sidized project or a formerly subsidized project.

5 “(5) AFFORDABLE.—A unit shall be considered
6 affordable if—

7 “(A) for units occupied—

8 “(i) by very low-income families, the
9 rent does not exceed 30 percent of 50 per-
10 cent of the area median income, as deter-
11 mined by the Secretary, with adjustments
12 for smaller and larger families, except that
13 the Secretary may establish the rent based
14 on an amount higher or lower than 50 per-
15 cent of the median for the area on the
16 basis of the Secretary’s findings that such
17 variation is necessary because of prevailing
18 levels of construction costs or fair market
19 rents, or unusually high or low family in-
20 comes; and

21 “(ii) by low-income families other
22 than very low-income families, the rent
23 does not exceed 30 percent of 80 percent
24 of the area median income, as determined
25 by the Secretary, except that the Secretary

1 may establish the rent based on an amount
2 higher or lower than 80 percent of the me-
3 dian for the area on the basis of the Sec-
4 retary’s findings that such variation is nec-
5 essary because of prevailing levels of con-
6 struction costs or fair market rents, or un-
7 usually high or low family incomes; or

8 “(B) the unit, or the family residing in the
9 unit, is receiving assistance under section 8 of
10 the United States Housing Act of 1937.

11 “(6) LOW-INCOME FAMILIES AND VERY LOW-IN-
12 COME FAMILIES.—The terms ‘low-income families’
13 and ‘very low-income families’ shall have the mean-
14 ings given the terms in section 3(b) of the United
15 States Housing Act of 1937.

16 “(7) PREEXISTING TENANT.—The term ‘pre-
17 existing tenant’ means, with respect to a multifamily
18 housing project, a family that—

19 “(A) resides in a unit in the project; and

20 “(B) immediately before foreclosure or ac-
21 quisition of the project by the Secretary, was
22 residing in a unit in the project.

23 “(8) MARKET AREA.—The term ‘market area’
24 means a market area determined by the Secretary
25 for purposes of establishing fair market rentals

1 under section 8(c) of the United States Housing Act
2 of 1937.

3 “(9) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Housing and Urban Development.

5 “(C) MANAGEMENT OR DISPOSITION OF PROP-
6 ERTY.—

7 “(1) DISPOSITION TO PURCHASERS.—The Sec-
8 retary may, in carrying out this section, dispose of
9 a multifamily housing project owned by the Sec-
10 retary on a negotiated, competitive bid, or other
11 basis, on such terms as the Secretary deems appro-
12 priate considering the low-income character of the
13 project and the market area in which the project is
14 located and the requirements of subsection (a), to a
15 purchaser determined by the Secretary to be capable
16 of—

17 “(A) satisfying the conditions of the dis-
18 position;

19 “(B) implementing a sound financial and
20 physical management program that is designed
21 to enable the project to meet anticipated oper-
22 ating and repair expenses to ensure that the
23 project will remain in decent, safe, and sanitary
24 condition;

1 “(C) responding to the needs of the ten-
2 ants and working cooperatively with tenant or-
3 ganizations;

4 “(D) providing adequate organizational,
5 staff, and financial resources to the project; and

6 “(E) meeting such other requirements as
7 the Secretary may determine.

8 “(2) CONTRACTING FOR MANAGEMENT SERV-
9 ICES.—The Secretary may, in carrying out this sec-
10 tion—

11 “(A) contract for management services for
12 a multifamily housing project that is owned by
13 the Secretary (or for which the Secretary is
14 mortgagee in possession), on a negotiated, com-
15 petitive bid, or other basis at a price deter-
16 mined by the Secretary to be reasonable, with
17 a manager the Secretary has determined is ca-
18 pable of—

19 “(i) implementing a sound financial
20 and physical management program that is
21 designed to enable the project to meet an-
22 ticipated operating and maintenance ex-
23 penses to ensure that the project will re-
24 main in decent, safe, and sanitary condi-
25 tion;

1 “(ii) responding to the needs of the
2 tenants and working cooperatively with
3 tenant organizations;

4 “(iii) providing adequate organiza-
5 tional, staff, and other resources to imple-
6 ment a management program determined
7 by the Secretary; and

8 “(iv) meeting such other requirements
9 as the Secretary may determine;

10 “(B) require the owner of a multifamily
11 housing project that is subject to a mortgage
12 held by the Secretary to contract for manage-
13 ment services for the project in the manner de-
14 scribed in subparagraph (A); and

15 “(C) contract for management of such
16 properties with nonprofit organizations and
17 public agencies, including public housing au-
18 thorities.

19 “(d) MAINTENANCE OF HOUSING PROJECTS.—

20 “(1) HOUSING PROJECTS OWNED BY THE SEC-
21 RETARY.—In the case of multifamily housing
22 projects that are owned by the Secretary (or for
23 which the Secretary is mortgagee in possession), the
24 Secretary shall—

1 “(A) to the greatest extent possible, main-
2 tain all such occupied projects in a decent, safe,
3 and sanitary condition;

4 “(B) to the greatest extent possible, main-
5 tain full occupancy in all such projects; and

6 “(C) maintain all such projects for pur-
7 poses of providing rental or cooperative hous-
8 ing.

9 “(2) HOUSING PROJECTS SUBJECT TO A MORT-
10 GAGE HELD BY SECRETARY.—In the case of any
11 multifamily housing project that is subject to a
12 mortgage held by the Secretary, the Secretary shall
13 require the owner of the project to carry out the re-
14 quirements of paragraph (1).

15 “(3) HOUSING STANDARDS.—In disposing of
16 any multifamily housing project under this section,
17 the Secretary shall enter into an agreement with the
18 purchaser under which the purchaser agrees that the
19 project will be rehabilitated so that it is in compli-
20 ance with, and will be maintained in compliance
21 with, any standards under applicable State or local
22 laws, rules, ordinances, or regulations relating to the
23 physical condition of the housing and any such
24 standards established by the Secretary.

1 “(e) REQUIRED ASSISTANCE.—In disposing of any
2 multifamily housing property under this section, the Sec-
3 retary shall take, separately or in combination, one or
4 more of the following actions:

5 “(1) CONTRACT WITH OWNER FOR PROJECT-
6 BASED ASSISTANCE.—In the case of multifamily
7 housing projects that are acquired by a purchaser
8 other than the Secretary at foreclosure or after sale
9 by the Secretary, the Secretary may enter into con-
10 tracts under section 8 of the United States Housing
11 Act of 1937 (to the extent budget authority is avail-
12 able) with owners of the projects, subject to the fol-
13 lowing requirements:

14 “(A) SUBSIDIZED OR FORMERLY SUB-
15 SIDIZED PROJECTS RECEIVING MORTGAGE-RE-
16 LATED ASSISTANCE.—In the case of a sub-
17 sidized or formerly subsidized project referred
18 to in subparagraphs (A) through (C) of sub-
19 section (b)(2)—

20 “(i) the contract shall be sufficient to
21 assist at least all units covered by an as-
22 sistance contract under any of the authori-
23 ties referred to in subsection (b)(2)(D) be-
24 fore acquisition, unless the Secretary acts

1 pursuant to the provisions of subparagraph
2 (C);

3 “(ii) the contract shall provide that,
4 when a vacancy occurs in any unit in the
5 project requiring project-based rental as-
6 sistance pursuant to this subparagraph
7 that is occupied by a family who is not eli-
8 gible for assistance under such section 8,
9 the owner shall lease the available unit to
10 a family eligible for assistance under such
11 section 8; and

12 “(iii) the Secretary shall take actions
13 to ensure that any unit in any such project
14 that does not otherwise receive project-
15 based assistance under this subparagraph
16 remains available and affordable for the re-
17 maining useful life of the project, as de-
18 fined by the Secretary; to carry out this
19 clause, the Secretary may require pur-
20 chasers to establish use or rent restrictions
21 maintaining the affordability of such units.

22 “(B) SUBSIDIZED OR FORMERLY SUB-
23 SIDIZED PROJECTS RECEIVING RENTAL ASSIST-
24 ANCE.—In the case of a subsidized or formerly
25 subsidized project referred to in subsection

1 (b)(2)(D) that is not subject to subparagraph
2 (A)—

3 “(i) the contract shall be sufficient to
4 assist at least all units in the project that
5 are covered, or were covered immediately
6 before foreclosure on or acquisition of the
7 project by the Secretary, by an assistance
8 contract under any of the provisions re-
9 ferred to in such subsection, unless the
10 Secretary acts pursuant to provisions of
11 subparagraph (C); and

12 “(ii) the contract shall provide that,
13 when a vacancy occurs in any unit in the
14 project requiring project-based rental as-
15 sistance pursuant to this subparagraph
16 that is occupied by a family who is not eli-
17 gible for assistance under such section 8,
18 the owner shall lease the available unit to
19 a family eligible for assistance under such
20 section 8.

21 “(C) EXCEPTIONS.—In lieu of providing
22 project-based assistance under subparagraph
23 (A)(i) or (B)(i) for a project, the Secretary may
24 require certain units in unsubsidized projects to
25 contain use restrictions providing that such

1 units will be available to and affordable by very
2 low-income families for the remaining useful life
3 of the project, as defined by the Secretary, if—

4 “(i) the Secretary provides an in-
5 crease in project-based assistance for very
6 low-income persons for units within
7 unsubsidized projects located within the
8 same market area as the project otherwise
9 required to be assisted with project-based
10 assistance under subparagraph (A) or (B)
11 that is at least equivalent to the units oth-
12 erwise required to be so assisted; and

13 “(ii) upon disposition of the project,
14 low-income families residing in units other-
15 wise required to be assisted with project-
16 based assistance under subparagraph (A)
17 or (B) receive tenant-based assistance
18 under such section 8.

19 “(D) UNSUBSIDIZED PROJECTS.—Notwith-
20 standing actions taken pursuant to subpara-
21 graph (C), in the case of unsubsidized projects,
22 the contract shall be sufficient to provide—

23 “(i) project-based rental assistance for
24 all units that are covered, or were covered

1 immediately before foreclosure or acquisi-
2 tion, by an assistance contract under—

3 “(I) the new construction and
4 substantial rehabilitation program
5 under section 8(b)(2) of the United
6 States Housing Act of 1937 (as in ef-
7 fect before October 1, 1983);

8 “(II) the property disposition
9 program under section 8(b) of such
10 Act;

11 “(III) the project-based certifi-
12 cate program under section 8 of such
13 Act;

14 “(IV) the moderate rehabilitation
15 program under section 8(e)(2) of such
16 Act;

17 “(V) section 23 of such Act (as
18 in effect before January 1, 1975);

19 “(VI) the rent supplement pro-
20 gram under section 101 of the Hous-
21 ing and Urban Development Act of
22 1965; or

23 “(VII) section 8 of the United
24 States Housing Act of 1937, following
25 conversion from assistance under sec-

1 tion 101 of the Housing and Urban
2 Development Act of 1965; and

3 “(ii) tenant-based assistance under
4 section 8 of the United States Housing Act
5 of 1937 for families that are preexisting
6 tenants of the project in units that, imme-
7 diately before foreclosure or acquisition of
8 the project by the Secretary, were covered
9 by an assistance contract under the loan
10 management set-aside program under sec-
11 tion 8(b) of the United States Housing Act
12 of 1937 at such time.

13 “(2) ANNUAL CONTRIBUTION CONTRACTS FOR
14 TENANT-BASED ASSISTANCE.—In the case of multi-
15 family housing projects that are acquired by a pur-
16 chaser other than the Secretary at foreclosure or
17 after sale by the Secretary, the Secretary may enter
18 into annual contribution contracts with public hous-
19 ing agencies to provide tenant-based assistance
20 under section 8 of the United States Housing Act of
21 1937 on behalf of all low-income families who, on
22 the date that the project is acquired by the pur-
23 chaser, reside in the project and are eligible for such
24 assistance, subject to the following requirements:

1 “(A) REQUIREMENT OF SUFFICIENT AF-
2 FORDABLE HOUSING IN AREA.—The Secretary
3 may not take action under this paragraph un-
4 less the Secretary determines that there is
5 available in the area an adequate supply of hab-
6 itable, affordable housing for very low-income
7 families and other low-income families.

8 “(B) LIMITATION FOR SUBSIDIZED AND
9 FORMERLY SUBSIDIZED PROJECTS.—The Sec-
10 retary may not take actions under this para-
11 graph in connection with units in subsidized or
12 formerly subsidized projects for more than 10
13 percent of the aggregate number of units in
14 such projects disposed of by the Secretary an-
15 nually.

16 “(C) PROVISION OF PROJECT-BASED AS-
17 SISTANCE UNDER CHANGED CIRCUMSTANCES.—
18 The Secretary shall, to the extent such amounts
19 are available, provide project-based assistance
20 under section 8 of the United States Housing
21 Act of 1937 for any units in a project for which
22 the Secretary has provided tenant-based assist-
23 ance under this paragraph if, and only to the
24 extent that, the owner demonstrates to the sat-
25 isfaction of the Secretary within 24 months

1 after the date of acquisition by the owner
2 that—

3 “(i) the provision of such project-
4 based assistance (I) is necessary to main-
5 tain the financial viability of the project
6 because of changes occurring after such
7 acquisition that are beyond the control of
8 the owner, and (II) may reasonably be ex-
9 pected to maintain such financial viability;
10 or

11 “(ii) sufficient habitable, affordable
12 housing for very low-income families and
13 other low-income families is not available
14 in the market area in which the project is
15 located.

16 Assistance provided pursuant to this subpara-
17 graph shall have a term of not more than 5
18 years.

19 “(3) OTHER ASSISTANCE.—

20 “(A) IN GENERAL.—In accordance with
21 the authority provided under the National
22 Housing Act, the Secretary may reduce the sell-
23 ing price, apply use or rent restrictions on cer-
24 tain units, or provide other financial assistance
25 to the owners of multifamily housing projects

1 that are acquired by a purchaser other than the
2 Secretary at foreclosure, or after sale by the
3 Secretary, on terms that ensure that—

4 “(i) at least the units in the project
5 otherwise required to receive project-based
6 assistance pursuant to subparagraphs (A),
7 (B), or (D) of paragraph (1) are available
8 to and affordable by low-income persons;
9 and

10 “(ii) for the remaining useful life of
11 the project, as defined by the Secretary,
12 there shall be in force such use or rent re-
13 strictions as the Secretary may prescribe.

14 “(B) VERY LOW-INCOME TENANTS.—If, as
15 a result of actions taken pursuant to this para-
16 graph, the rents charged to any very low-income
17 families residing in the project who are other-
18 wise required (pursuant to subparagraph (A),
19 (B), or (D) of paragraph (1)) to receive project-
20 based assistance under section 8 of the United
21 States Housing Act of 1937 exceed the amount
22 payable as rent under section 3(a) of the Unit-
23 ed States Housing Act of 1937, the Secretary
24 shall provide assistance under section 8 of such
25 Act to such families.

1 “(4) TRANSFER FOR USE UNDER OTHER PRO-
2 GRAMS OF SECRETARY.—

3 “(A) IN GENERAL.—The Secretary may
4 transfer a multifamily housing project—

5 “(i) to a public housing agency for use
6 of the project as public housing; or

7 “(ii) to an entity eligible to own or op-
8 erate housing under assisted section 202 of
9 the Housing Act of 1959 or under section
10 811 of the Cranston-Gonzalez National Af-
11 fordable Housing Act for use as supportive
12 housing under either of such sections.

13 “(B) REQUIREMENTS FOR AGREEMENT.—
14 An agreement providing for the transfer of a
15 project described in subparagraph (A) shall—

16 “(i) contain such terms, conditions,
17 and limitations as the Secretary deter-
18 mines appropriate, including requirements
19 to ensure use of the project as public hous-
20 ing, supportive housing under section 202
21 of the Housing Act of 1959, or supportive
22 housing under section 811 of the Cran-
23 ston-Gonzalez National Affordable Housing
24 Act, as applicable; and

1 “(ii) ensure that no tenant of the
2 project will be displaced as a result of ac-
3 tions taken under this paragraph.

4 “(f) DISCRETIONARY ASSISTANCE.—In addition to
5 the actions taken under subsection (e) for a multifamily
6 housing project, the Secretary may take any of the follow-
7 ing actions:

8 “(1) SHORT-TERM LOANS.—The Secretary may
9 provide a short-term loan to facilitate the sale of a
10 multifamily housing project to a nonprofit organiza-
11 tion or a public agency if—

12 “(A) authority for such loans is provided
13 in advance in an appropriation Act;

14 “(B) such loan has a term of not more
15 than 5 years;

16 “(C) the Secretary determines, based upon
17 documentation provided to the Secretary, that
18 the borrower has obtained a commitment of
19 permanent financing to replace the short-term
20 loan from a lender who meets standards estab-
21 lished by the Secretary; and

22 “(D) the terms of such loan is consistent
23 with prevailing practices in the marketplace or
24 the provision of such loan results in no cost to

1 the Government, as defined in section 502 of
2 the Congressional Budget Act of 1974.

3 “(2) TENANT-BASED ASSISTANCE.—The Sec-
4 retary may make available tenant-based assistance
5 under section 8 of the United States Housing Act of
6 1937 to very low-income families residing in a multi-
7 family housing project that do not otherwise qualify
8 for project-based assistance.

9 “(3) ALTERNATIVE USES.—

10 “(A) IN GENERAL.—Notwithstanding any
11 other provision of law, after providing notice to
12 and an opportunity to comment by existing ten-
13 ants, the Secretary may allow not more than—

14 “(i) 10 percent of the total number of
15 units in multifamily housing projects that
16 are disposed of by the Secretary during
17 any 1-year period to be made available for
18 uses other than rental or cooperative uses,
19 including low-income homeownership op-
20 portunities, or in any particular project,
21 community space, office space for tenant
22 or housing-related service providers or se-
23 curity programs, or small business uses, if
24 such uses benefit the tenants of the
25 project; and

1 “(ii) 5 percent of the total number of
2 units in multifamily housing projects that
3 are disposed of by the Secretary during
4 any 1-year period to be used in any man-
5 ner, if the Secretary and the unit of gen-
6 eral local government or area-wide govern-
7 ing body determine that such use will fur-
8 ther fair housing, community development,
9 or neighborhood revitalization goals.

10 “(B) DISPLACEMENT PROTECTION.—The
11 Secretary may take actions under subparagraph
12 (A) only if—

13 “(i) tenant-based rental assistance
14 under section 8 of the United States Hous-
15 ing Act of 1937 is made available to each
16 eligible family residing in the project that
17 is displaced as a result of such actions; and

18 “(ii) the Secretary determines that
19 sufficient habitable, affordable rental hous-
20 ing is available in the market area in which
21 the project is located to allow use of such
22 assistance.

23 “(g) REQUIRED ASSISTANCE FOR CERTAIN
24 PROJECTS.—In disposing under this section of multifam-

1 ily housing projects, the Secretary shall, to the extent that
2 such assistance is available—

3 “(1) in the case of any project located in a mar-
4 ket area in which habitable, affordable rental hous-
5 ing for very low-income families is not sufficiently
6 available, provide tenant-based or project-based rent-
7 al assistance under section 8 of the United States
8 Housing Act of 1937 (depending on the cir-
9 cumstances of the family) to very low-income fami-
10 lies who are preexisting tenants of the project and
11 do not otherwise qualify for project-based assistance;
12 and

13 “(2) provide project-based assistance for very
14 low-income families who are preexisting tenants of
15 the project to the extent that such assistance is nec-
16 essary to maintain the financial viability of the
17 project and is reasonably expected to maintain such
18 financial viability.

19 “(h) RENT RESTRICTIONS.—

20 “(1) AUTHORITY FOR USE IN UNSUBSIDIZED
21 PROJECTS.—In carrying out the goals specified in
22 subsection (a), the Secretary may require certain
23 units in unsubsidized projects to be subject to use or
24 rent restrictions providing that such units will be
25 available to and affordable by very low-income per-

1 sons for the remaining useful life of the property, as
2 defined by the Secretary.

3 “(2) REQUIREMENT REGARDING SUBSIDIZED
4 AND FORMERLY SUBSIDIZED PROJECTS.—In dispos-
5 ing under this section of any subsidized or formerly
6 subsidized multifamily housing project, the Secretary
7 shall require rent restrictions providing that any un-
8 assisted very low-income family who resides in a unit
9 in the project on the date of disposition may not pay
10 as rent for the unit an amount in excess of 30 per-
11 cent of the adjusted income of the family at any
12 time during the period beginning upon such disposi-
13 tion and ending upon the earlier of—

14 “(A) 15 years after such disposition; or

15 “(B) the time at which the family first
16 fails to qualify as a very low-income family.

17 “(3) REQUIREMENT REGARDING UNSUBSIDIZED
18 PROJECTS.—Unless the Secretary determines that
19 the applicability of rent restrictions under this para-
20 graph to a project would unreasonably impede the
21 disposition of the project, in disposing under this
22 section of any unsubsidized multifamily housing
23 project the Secretary shall require rent restrictions
24 providing that any unassisted very low-income family
25 who resides in a unit in the project on the date of

1 disposition may not pay as rent for the unit an
2 amount in excess of 30 percent of the adjusted in-
3 come of the family at any time during the period be-
4 ginning upon such disposition and ending upon the
5 earlier of—

6 “(A) 15 years after such disposition; or

7 “(B) the time at which the family first
8 fails to qualify as a very low-income family.

9 “(4) PHASE-IN OF RENT INCREASES.—If the
10 disposition under this section of any multifamily
11 housing project results in any rent increases for any
12 very low-income families who are preexisting tenants
13 of the project and are paying less than 30 percent
14 of the adjusted income of the family for rent, the
15 Secretary shall provide that such rent increases shall
16 be phased in equally over a period of not less than
17 3 years.

18 “(5) DEFINITION OF ‘UNASSISTED VERY LOW-
19 INCOME FAMILY’.—For purposes of this subsection,
20 the term ‘unassisted very low-income family’ means
21 a very low-income family who resides in a unit that
22 is not assisted with project-based assistance under
23 section 8 of the United States Housing Act of 1937
24 and on whose behalf tenant-based assistance under
25 such section is not provided.

1 “(i) CONTRACT REQUIREMENTS.—Contracts for
2 project-based rental assistance under section 8 of the
3 United States Housing Act of 1937 provided pursuant to
4 this section shall be subject to the following requirements:

5 “(1) CONTRACT TERM.—The contract shall
6 have a term of 15 years, except that—

7 “(A) the term may be less than 15 years
8 to the extent that the Secretary finds that,
9 based on the rental charges and financing for
10 the multifamily housing project to which the
11 contract relates, the financial viability of the
12 project can be maintained under a contract hav-
13 ing such a term;

14 “(B) to the extent that units receive
15 project-based assistance for a contract term of
16 less than 15 years, the Secretary shall require
17 that the mount of rent payable by tenants of
18 the project for such units shall not exceed the
19 amount payable for rent under section 3(a) of
20 the United States Housing Act of 1937 for a
21 period of at least 15 years; and

22 “(C) the term may be less than 15 years
23 if such assistance is provided—

1 “(i) under a contract authorized
2 under section 6 of the HUD Demonstra-
3 tion Act of 1993; and

4 “(ii) pursuant to a disposition plan
5 under this section for a project that is de-
6 termined by the Secretary to be otherwise
7 in compliance with this section.

8 “(2) CONTRACT RENT.—

9 “(A) IN GENERAL.—The Secretary shall
10 establish contract rents for section 8 project-
11 based rental contracts issued under this section
12 at levels that provide sufficient amounts for the
13 necessary costs of rehabilitating and operating
14 the multifamily housing project and do not ex-
15 ceed 144 percent of the existing housing fair
16 market rentals for the market area in which the
17 project assisted under the contract is located.

18 “(B) UP-FRONT GRANTS AND LOANS.—If
19 the Secretary determines that action under this
20 subparagraph is more cost-effective, the Sec-
21 retary may utilize the budget authority provided
22 for contracts issued under this section for
23 project-based assistance under section 8 of the
24 United States Housing Act of 1937 to (in addi-

1 tion to providing project-based section 8 rental
2 assistance)—

3 “(i) provide up-front grants to non-
4 profit organizations or public housing
5 agencies for the necessary cost of rehabili-
6 tation; or

7 “(ii) pay any cost to the Government,
8 as defined in section 502 of the Congres-
9 sional Budget Act of 1974, for loans made
10 pursuant to subsection (f)(1).

11 “(j) DISPOSITION PLAN.—

12 “(1) IN GENERAL.—Prior to the sale of a mul-
13 tifamily housing project that is owned by the Sec-
14 retary, the Secretary shall develop an initial dispo-
15 sition plan for the project that specifies the minimum
16 terms and conditions of the Secretary for disposition
17 of the project, the initial sales price that is accept-
18 able to the Secretary, and the assistance that the
19 Secretary plans to make available to a prospective
20 purchaser in accordance with this section. The initial
21 sales price shall be reasonably related to the in-
22 tended use of the property after sale, any rehabilita-
23 tion requirements for the project, the rents for units
24 in the project that can be supported by the market,
25 the amount of rental assistance available for the

1 project under section 8 of the United States Hous-
2 ing Act of 1937, and the occupancy profile of the
3 project.

4 “(2) COMMUNITY AND TENANT INPUT.—In car-
5 rying out this section, the Secretary shall develop
6 procedures—

7 “(A) to obtain appropriate and timely
8 input into disposition plans from officials of the
9 unit of general local government affected, the
10 community in which the project is situated, and
11 the tenants of the project; and

12 “(B) to facilitate, where feasible and ap-
13 propriate, the sale of multifamily housing
14 projects to existing tenant organizations with
15 demonstrated capacity, to public or nonprofit
16 entities that represent or are affiliated with ex-
17 isting tenant organizations, or to other public
18 or nonprofit entities.

19 “(3) TECHNICAL ASSISTANCE.—To carry out
20 the procedures developed under paragraph (2), the
21 Secretary may provide technical assistance, directly
22 or indirectly, and may use amounts available for
23 technical assistance under the Emergency Low In-
24 come Housing Preservation Act of 1987, subtitle C
25 of the Low-Income Housing Preservation and Resi-

1 dent Homeownership Act of 1990, subtitle B of title
2 IV of the Cranston-Gonzalez National Affordable
3 Housing Act, or this section, for the provision of
4 technical assistance under this paragraph. Recipients
5 of technical assistance funding under the provisions
6 referred to in this paragraph shall be permitted to
7 provide technical assistance to the extent of such
8 funding under any of such provisions or under this
9 paragraph, notwithstanding the source of the fund-
10 ing.

11 “(k) RIGHT OF FIRST REFUSAL FOR LOCAL AND
12 STATE GOVERNMENT AGENCIES.—

13 “(1) NOTIFICATION OF ACQUISITION OF
14 TITLE.—Not later than 30 days after acquiring title
15 to a multifamily housing project, the Secretary shall
16 notify the unit of general local government (which,
17 for purposes of this subsection, shall include any
18 public housing agency) for the area in which the
19 project is located and the State agency or agencies
20 designated by the Governor of the State in which the
21 project is located of such acquisition.

22 “(2) RIGHT OF FIRST REFUSAL.—During the
23 period beginning upon acquisition of title to a multi-
24 family housing project and ending 45 days after
25 completion of notification under paragraph (1), the

1 Secretary may offer to sell and may sell the project
2 only to the unit of general local government or the
3 designated State agency.

4 “(3) EXPRESSION OF INTEREST.—The unit of
5 general local government or designated State agency
6 may submit to the Secretary a preliminary expres-
7 sion of interest in a project not later than 45 days
8 after receiving notification from the Secretary under
9 paragraph (1) regarding the project. The Secretary
10 may take such actions as may be necessary to re-
11 quire the unit of general local government or des-
12 ignated State agency to substantiate such interest.

13 “(4) TIMELY EXPRESSION OF INTEREST.—If
14 the unit of general local government or designated
15 State agency has submitted an expression of interest
16 in a project before the expiration of the 45-day pe-
17 riod referred to in paragraph (3) and has substan-
18 tiated such interest if requested, the Secretary, upon
19 approval of a disposition plan for the project, shall—

20 “(A) notify the unit of general local gov-
21 ernment and designated State agency of the
22 terms and conditions of the disposition plan;
23 and

24 “(B) provide that, for 90 days after the
25 date of such notification, only the unit of gen-

1 eral local government or designated State agen-
2 cy may make an offer to purchase the project.

3 “(5) FAILURE TO TIMELY EXPRESS INTER-
4 EST.—If the unit of general local government or des-
5 ignated State agency does not timely express and, if
6 requested, substantiate interest in a project as pro-
7 vided in paragraph (4), the Secretary may offer the
8 project for sale to any interested person or entity
9 upon approval of the disposition plan for the project.

10 “(6) ACCEPTANCE OF OFFERS.—If the unit of
11 general local government or designated State agency
12 timely expresses and, if requested, substantiates in-
13 terest in a project as provided in paragraph (4), the
14 Secretary shall accept an offer made by the unit of
15 general local government or designated State agency
16 during the 90-day period for the project under para-
17 graph (4)(B) that complies with the terms and con-
18 ditions of the disposition plan for the project. The
19 Secretary may accept an offer that does not comply
20 with the terms and conditions of the disposition plan
21 if the Secretary determines that the offer will fur-
22 ther the goals specified in subsection (a) by actions
23 that include extension of the duration of low-income
24 affordability restrictions or otherwise restructuring
25 the transaction in a manner that enhances the long-

1 term affordability for low-income persons. The Sec-
2 retary may reduce the initial sales price in exchange
3 for the extension of low-income affordability restric-
4 tions beyond the period of assistance contemplated
5 by the attachment of assistance pursuant to sub-
6 section (i)(1) and in order to facilitate affordable
7 rents.

8 “(7) FAILURE TO SELL TO LOCAL OR STATE
9 GOVERNMENT AGENCY.—If the Secretary and the
10 unit of general local government or designated State
11 agency cannot reach agreement on an offer for pur-
12 chase of a project within the 90-day period for the
13 project under paragraph (4)(B), the Secretary may
14 offer the project for sale to the general public.

15 “(8) PURCHASE BY UNIT OF GENERAL LOCAL
16 GOVERNMENT OR DESIGNATED STATE AGENCY.—
17 Notwithstanding any other provision of law, a unit
18 of general local government (including a public hous-
19 ing agency) or designated State agency may pur-
20 chase a subsidized or formerly subsidized project in
21 accordance with this subsection.

22 “(9) APPLICABILITY.—This subsection shall
23 apply to projects that are acquired on or after the
24 effective date of this subsection. With respect to

1 projects acquired before such effective date, the Sec-
2 retary may apply—

3 “(A) the requirements of paragraphs (2)
4 and (3) of section 203(e) (as in effect imme-
5 diately before the effective date of this sub-
6 section); or

7 “(B) the requirements of paragraphs (1)
8 through (7) of this subsection, if—

9 “(i) the Secretary gives the unit of
10 general local government or designated
11 State agency 45 days to express interest in
12 the project; and

13 “(ii) the unit of general local govern-
14 ment or designated State agency expresses
15 interest in the project before the expiration
16 of the 45-day period, and substantiates
17 such interest if requested, within 90 days
18 from the date of notification of the terms
19 and conditions of the disposition plan to
20 make an offer to purchase the project.

21 “(10) TRANSFER BY LOCAL OR STATE GOVERN-
22 MENT AGENCY PURCHASERS.—The Secretary shall
23 permit units of general local government and des-
24 ignated State agencies to transfer multifamily hous-
25 ing projects acquired under the right of first refusal

1 under this subsection to a private entity, but only if
2 the local government or State agency clearly identi-
3 fies its intention to transfer the project in the offer
4 to purchase the property accepted by the Secretary
5 under this subsection.

6 “(I) DISPLACEMENT OF TENANTS AND RELOCATION
7 ASSISTANCE.—

8 “(1) IN GENERAL.—Whenever tenants will be
9 displaced as a result of the disposition of, or repairs
10 to, a multifamily housing project that is owned by
11 the Secretary (or for which the Secretary is mortga-
12 gee in possession), the Secretary shall identify ten-
13 ants who will be displaced and shall notify all such
14 tenants of their pending displacement and of any re-
15 location assistance that may be available. In the case
16 of the disposition of tenants of a multifamily hous-
17 ing project that is not owned by the Secretary (and
18 for which the Secretary is not mortgagee in posses-
19 sion), the Secretary shall require the owner of the
20 project to carry out the requirements of this para-
21 graph.

22 “(2) RIGHTS OF DISPLACED TENANTS.—The
23 Secretary shall ensure for any such tenant (who con-
24 tinues to meet applicable qualification standards)
25 the right—

1 “(A) to return, whenever possible, to a re-
2 paired unit;

3 “(B) to occupy a unit in another multifam-
4 ily housing project owned by the Secretary;

5 “(C) to obtain housing assistance under
6 the United States Housing Act of 1937; or

7 “(D) to receive any other available reloca-
8 tion assistance as the Secretary determines to
9 be appropriate.

10 “(m) MORTGAGE AND PROJECT SALES.—

11 “(1) IN GENERAL.—The Secretary may not ap-
12 prove the sale of any loan or mortgage held by the
13 Secretary (including any loan or mortgage owned by
14 the Government National Mortgage Association) on
15 any subsidized project or formerly subsidized
16 project, unless such sale is made as part of a trans-
17 action that will ensure that such project will con-
18 tinue to operate at least until the maturity date of
19 such loan or mortgage, in a manner that will provide
20 rental housing on terms at least as advantageous to
21 existing and future tenants as the terms required by
22 the program under which the loan or mortgage was
23 made or insured prior to the assignment of the loan
24 or mortgage on such project to the Secretary.

1 “(2) SALE OF CERTAIN PROJECTS.—The Sec-
2 retary may not approve the sale of any subsidized
3 project—

4 “(A) that is subject to a mortgage held by
5 the Secretary, or

6 “(B) if the sale transaction involves the
7 provision of any additional subsidy funds by the
8 Secretary or a recasting of the mortgage,
9 unless such sale is made as part of a transaction
10 that will ensure that the project will continue to op-
11 erate, at least until the maturity date of the loan or
12 mortgage, in a manner that will provide rental hous-
13 ing on terms at least as advantageous to existing
14 and future tenants as the terms required by the pro-
15 gram under which the loan or mortgage was made
16 or insured prior to the proposed sale of the project.

17 “(3) MORTGAGE SALES TO STATE AND LOCAL
18 GOVERNMENTS.—Notwithstanding any provision of
19 law that requires competitive sales or bidding, the
20 Secretary may carry out negotiated sales of sub-
21 sidized or formerly subsidized mortgages held by the
22 Secretary, without the competitive selection of pur-
23 chasers or intermediaries, to units of general local
24 government or State agencies, or groups of investors
25 that include at least one such unit of general local

1 government or State agency, if the negotiations are
2 conducted with such agencies, except that—

3 “(A) the terms of any such sale shall in-
4 clude the agreement of the purchasing agency
5 or unit of local government or State agency to
6 act as mortgagee or owner of a beneficial inter-
7 est in such mortgages, in a manner consistent
8 with maintaining the projects that are subject
9 to such mortgages for occupancy by the general
10 tenant group intended to be served by the appli-
11 cable mortgage insurance program, including,
12 to the extent the Secretary determines appro-
13 priate, authorizing such unit of local govern-
14 ment or State agency to enforce the provisions
15 of any regulatory agreement or other program
16 requirements applicable to the related projects;
17 and

18 “(B) the sales prices for such mortgages
19 shall be, in the determination of the Secretary,
20 the best prices that may be obtained for such
21 mortgages from a unit of general local govern-
22 ment or State agency, consistent with the ex-
23 pectation and intention that the projects fi-
24 nanced will be retained for use under the appli-

1 cable mortgage insurance program for the life
2 of the initial mortgage insurance contract.

3 “(4) SALE OF MORTGAGES COVERING
4 UNSUBSIDIZED PROJECTS.—Notwithstanding any
5 other provision of law, the Secretary may sell mort-
6 gages held on unsubsidized projects on such terms
7 and conditions as the Secretary may prescribe.

8 “(n) REPORT TO CONGRESS.—Not later than June
9 1 of each year, the Secretary shall submit to the Congress
10 a report describing the status of multifamily housing
11 projects owned by or subject to mortgages held by the Sec-
12 retary. The report shall include—

13 “(1) the name, address, and size of each
14 project;

15 “(2) the nature and date of assignment of each
16 project;

17 “(3) the status of the mortgage for each
18 project;

19 “(4) the physical condition of each project;

20 “(5) for each subsidized or formerly subsidized
21 project, an occupancy profile of the project, stating
22 the income, family size, race, and ethnic origin of
23 current residents and the rents paid by such resi-
24 dents;

1 “(6) the proportion of units in each project that
2 are vacant;

3 “(7) the date on which the Secretary became
4 mortgagee in possession of each project, if applica-
5 ble;

6 “(8) the date and conditions of any foreclosure
7 sale for a project;

8 “(9) the date of acquisition of each project by
9 the Secretary, if applicable;

10 “(10) the date and conditions of any property
11 disposition sale for a project;

12 “(11) a description of actions undertaken pur-
13 suant to this section, including a description of the
14 effectiveness of such actions and any impediments to
15 the disposition or management of multifamily hous-
16 ing projects;

17 “(12) a description of any of the functions per-
18 formed in connection with this section that are con-
19 tracted out to public or private entities or to States;
20 and

21 “(13) a description of the activities carried out
22 under subsection (k) during the preceding year.”.

23 (c) CLARIFICATION OF FEDERAL PREFERENCES.—

24 (1) PUBLIC HOUSING TENANCY.—Section
25 6(c)(4)(A)(i) of the United States Housing Act of

7 (2) SECTION 8 ASSISTANCE.—Section
8 8(d)(1)(A)(i) of the United States Housing Act of
9 1937 (42 U.S.C. 1437f(d)(1)(A)(i)) is amended by
10 inserting after “displaced” the following: “(including
11 displacement because of disposition of a multifamily
12 housing project under section 203 of the Housing
13 and Community Development Amendments of
14 1978)’’.

(d) DEFINITION OF OWNER.—Section 8(f)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(f)(1)) is amended by inserting “an agency of the Federal Government,” after “cooperative,”.

(e) AMENDMENT TO NATIONAL HOUSING ACT.—
Title V of the National Housing Act (12 U.S.C. 1731a
et seq.) is amended by adding at the end the following
new section:

23 “PARTIAL PAYMENT OF CLAIMS ON MULTIFAMILY
24 HOUSING PROJECTS

25 “SEC. 541. (a) AUTHORITY.—Notwithstanding any
26 other provision of law, if the Secretary is requested to ac-

1 cept assignment of a mortgage insured by the Secretary
2 that covers a multifamily housing project (as such term
3 is defined in section 203(b) of the Housing and Commu-
4 nity Development Amendments of 1978) and the Sec-
5 retary determines that partial payment would be less cost-
6 ly to the Federal Government than other reasonable alter-
7 natives for maintaining the low-income character of the
8 project, the Secretary may request the mortgagee, in lieu
9 of assignment, to—

10 “(1) accept partial payment of the claim under
11 the mortgage insurance contract; and

12 “(2) recast the mortgage, under such terms and
13 conditions as the Secretary may determine.

14 “(b) REPAYMENT.—As a condition to a partial claim
15 payment under this section, the mortgagor shall agree to
16 repay to the Secretary the amount of such payment and
17 such obligation shall be secured by a second mortgage on
18 the property on such terms and conditions as the Sec-
19 retary may determine.”.

20 (f) EFFECTIVE DATE.—The Secretary shall issue in-
21 terim regulations necessary to implement the amendments
22 made by subsections (b) through (d) not later than 90
23 days after the date of the enactment of this Act. Such
24 interim regulations shall take effect upon issuance and in-
25 vite public comment on the interim regulations. The Sec-

1 retary shall issue final regulations to implement such
2 amendments after opportunity for such public comment,
3 but not later than 12 months after the date of issuance
4 of such interim regulations.

5 **SEC. 6002. SECTION 235 MORTGAGE REFINANCING.**

6 Section 235(r) of the National Housing Act is
7 amended—

8 (1) in paragraph (2)(C), by inserting after “re-
9 financed” the following: “, plus the costs incurred in
10 connection with the refinancing as described in para-
11 graph (4)(B) to the extent that the amount for those
12 costs is not otherwise included in the interest rate
13 as permitted by subparagraph (E) or paid by the
14 Secretary as authorized by paragraph (4)(B)”;

15 (2) in paragraph (4)—

16 (A) in the matter preceding subparagraph
17 (A), by inserting after “otherwise)” the follow-
18 ing: “and the mortgagee (with respect to the
19 amount described in subparagraph (A))”; and

20 (B) in subparagraph (A), by inserting after
21 “mortgagor” the following: “and the mortga-
22 gee”; and

23 (3) by amending paragraph (5) to read as fol-
24 lows:

1 “(5) The Secretary shall use amounts of budget au-
 2 thority recaptured from assistance payments contracts re-
 3 lating to mortgages that are being refinanced for assist-
 4 ance payments contracts with respect to mortgages in-
 5 sured under this subsection. The Secretary may also make
 6 such recaptured amounts available for incentives under
 7 paragraph (4)(A) and the costs incurred in connection
 8 with the refinancing under paragraph (4)(B). For pur-
 9 poses of subsection (c)(3)(A), the amount of recaptured
 10 budget authority that the Secretary commits for assist-
 11 ance payments contracts relating to mortgages insured
 12 under this subsection and for amounts paid under para-
 13 graph (4) shall not be construed as unused.”.

14 **SEC. 6003. USE OF EMERGENCY ASSISTANCE FUNDS FOR**
 15 **RESIDENCY IN MULTIFAMILY HOUSING DIS-**
 16 **POSITION PROJECTS.**

17 Section 203(f) of the Housing and Community Devel-
 18 opment Amendments of 1978 (12 U.S.C. 1701z–11), as
 19 amended by section 6001 of this Act, is further amended
 20 by adding at the end the following new paragraph:

21 “(4) EMERGENCY ASSISTANCE FUNDS.—The
 22 Secretary may make arrangements with State agen-
 23 cies and units of general local government of States
 24 receiving emergency assistance under part A of title
 25 IV of the Social Security Act for the provision of as-

1 sistance under such Act on behalf of eligible families
2 who would reside in any multifamily housing
3 projects.’’.

4 **SEC. 6004. ADDITIONAL EMPLOYEES TO FACILITATE DIS-**
5 **POSITION OF FHA INVENTORY PROPERTIES.**

6 Notwithstanding any other provision of law, during
7 fiscal years 1993, 1994, and 1995 amounts in the various
8 funds of the Federal Housing Administration otherwise
9 available to the Secretary of Housing and Urban Develop-
10 ment for non-overhead expenses associated with process-
11 ing, accounting, loan servicing, asset management, and
12 disposition services may be used by the Secretary for per-
13 sonnel compensation and benefits for temporary employees
14 of the Department of Housing and Urban Development
15 employed to manage, service, and dispose of single family
16 and multifamily properties insured by, assigned to, or
17 owned by the Secretary. The Secretary may employ not
18 more than 400 temporary employees at any one time using
19 amounts made available pursuant to this section, no such
20 employee may be employed in a temporary position pursu-
21 ant to this section for a period in excess of 2 years, and
22 such employees shall not be considered for purposes of any
23 personnel ceiling applicable to the Department of Housing
24 and Urban Development or any unit therein or any per-

1 sonnel ceiling applicable to temporary employees of the
2 Federal Government.

3 **SEC. 6005. HUD STREAMLINING.**

4 The Secretary of Housing and Urban Development
5 shall carry out the recommendation of the Report of the
6 National Performance Review, issued on September 7,
7 1993, that the Department streamline its headquarters,
8 regional, and field office structure and consolidate and re-
9 duce its size, without regard to the requirements of section
10 7(p) of the Department of Housing and Urban Develop-
11 ment Act.

12 **TITLE VII—DEPARTMENT OF**
13 **THE INTERIOR**

14 **SEC. 7001. IMPROVEMENT OF MINERALS MANAGEMENT**
15 **SERVICE ROYALTY COLLECTION.**

16 (a) The Secretary of the Interior shall, by fiscal year
17 1995, direct the Minerals Management Service, Royalty
18 Management Program, to develop and implement (1) an
19 automated business information system to provide to its
20 auditors a lease history that includes reference, royalty,
21 production, financial, compliance history, pricing and valu-
22 ation, and other information; (2) the optimum methods
23 to identify and resolve anomalies and to verify that royal-
24 ties are paid correctly; (3) a more efficient and cost-effec-
25 tive royalty collection process by instituting new compli-

1 ance and enforcement measures, including assessments
2 and penalties for erroneous reporting and underreporting;
3 (4) pilot projects under which a State may assume mineral
4 receipt collections on Federal lands within the State and
5 where the State assumes 50 percent of the cost of such
6 pilot project; and (5) such other actions as may be nec-
7 essary to reduce royalty underpayment and increase reve-
8 nue to the U.S. Treasury by an estimated total of \$28
9 million by fiscal year 1999.

10 (b) The Federal Oil and Gas Royalty Management
11 Act of 1982 (Public Law No. 97–451), 30 U.S.C. 1701
12 et seq.) is amended by adding a new subsection 111(h)
13 as follows:

14 “PENALTY ASSESSMENT FOR SUBSTANTIAL
15 UNDERREPORTING OF ROYALTY”

16 “SEC. 111. (h)(1) If there is any underreporting of
17 royalty owed on production from any lease issued or ad-
18 ministered by the Secretary for the production of oil, gas,
19 coal, any other mineral, or geothermal steam, from any
20 Federal or Indian lands or the Outer Continental Shelf,
21 for any production month, by any person who is respon-
22 sible for paying royalty, the Secretary may assess a pen-
23 alty of 10 percent of the amount of that underreporting.

24 “(2) If there is a substantial underreporting of roy-
25 alty owed on production from any lease issued or adminis-
26 tered by the Secretary for the production of oil, gas, coal,

1 any other mineral, or geothermal steam, from any Federal
2 or Indian lands or the Outer Continental Shelf, for any
3 production month, by any person who is responsible for
4 paying royalty, the Secretary may assess a penalty of 20
5 percent of the amount of that substantial underreporting.

6 “(3) For purposes of this section, the term
7 ‘underreporting’ means the difference between the royalty
8 on the value of the production which should have been re-
9 ported and the royalty on the value of the production
10 which was reported, if the value of the production which
11 should have been reported is greater than the value of the
12 production which was reported. An underreporting con-
13 stitutes a ‘substantial underreporting’ if such difference
14 exceeds 10 percent of the royalty on the value of the pro-
15 duction which should have been reported.

16 “(4) The Secretary shall not impose the assessment
17 provided in paragraphs (1) or (2) if the person corrects
18 the underreporting before the date the person receives no-
19 tice from the Secretary that an underreporting may have
20 occurred, or before 90 days after the date of enactment
21 of this section, whichever is later.

22 “(5) The Secretary shall waive any portion of an as-
23 sessment provided in paragraphs (1) or (2) attributable
24 to that portion of the underreporting for which the person
25 demonstrates that—

1 “(i) the person had written authorization from
2 the Secretary to report royalty on the value of the
3 production on the basis on which it was reported, or

4 “(ii) the person had substantial authority for
5 reporting royalty on the value of the production on
6 the basis on which it was reported, or

7 “(iii) the person previously had notified the
8 Secretary, in such manner as the Secretary may by
9 rule prescribe, of relevant reasons or facts affecting
10 the royalty treatment of specific production which
11 led to the underreporting, or

12 “(iv) the person meets any other exception
13 which the Secretary may, by rule, establish.

14 “(6) All penalties collected under this subsection shall
15 be deposited to the same accounts in the Treasury or paid
16 to the same recipients in the same manner as the royalty
17 with respect to which such penalty is paid.”.

18 **SEC. 7002. PHASE OUT OF MINERAL INSTITUTE PROGRAM.**

19 The Secretary of the Interior, beginning in fiscal year
20 1995, shall take action to phase out the Mining and Min-
21 eral Resources Research Institute Act of 1984, Public Law
22 98–409, as amended (98 Stat. 1536 through 1541 and
23 102 Stat. 2339 through 2341, 30 U.S.C. 1221 through
24 1230). There are hereby authorized to be appropriated
25 under the Act the following amounts: fiscal year 1995—

1 \$6.5 million; fiscal year 1996—\$5 million; fiscal year
2 1997—\$3 million; and fiscal year 1998—\$1.5 million. No
3 further appropriations for this Act are authorized after
4 September 30, 1998.

5 **SEC. 7003. REORGANIZATION STUDY OF BUREAU OF INDIAN**
6 **AFFAIRS.**

7 (a) GENERAL AUTHORITY.—The Secretary of the In-
8 terior, with the active participation of Indian tribes, shall
9 conduct a study of the reorganization of the Bureau of
10 Indian Affairs.

11 (b) CONTENT.—The study conducted under sub-
12 section (a) shall include (but shall not be limited to)—

13 (1) an examination of the current structure of
14 the Bureau of Indian Affairs and recommendations
15 for structural changes to improve the implementa-
16 tion of Federal trust responsibilities toward Indian
17 tribes;

18 (2) an examination of the current roles of the
19 Central, Area, and Agency offices of the Bureau of
20 Indian Affairs and recommendations to improve effi-
21 ciency of the Bureau through reorganization;

22 (3) an examination of the efficiency of the Bu-
23 reau of Indian Affairs in comparison with other Bu-
24 reaus of the Department of the Interior;

(c) REPORT.—The Secretary shall complete the study conducted pursuant to this section and shall submit such study, together with recommendations and draft legislation to implement such recommendations, to the Congress within one year after the date of enactment of this Act.

(a) TERMINATION.—Pursuant to section 704(d) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1681 note), the annual payments under section 702 of the Covenant shall terminate as of September 30, 1993.

(b) REPEAL.—Sections 3 and 4 of the Act of March 24, 1976 (Public Law 94–241; 48 U.S.C. 1681 note), as amended, are repealed, effective October 1, 1993.

1 **TITLE VIII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 8001. LIMITATION ON CERTAIN ANNUAL PAY ADJUST-**
4 **MENTS.**

5 Effective as of December 31, 1994—

6 (1) section 601(a)(2) of the Legislative Reorga-
7 nization Act of 1946 (2 U.S.C. 31(2)) is amended—

8 (A) by striking “(2) Effective” and insert-
9 ing “(2)(A) Subject to subparagraph (B), effec-
10 tive”; and

11 (B) by adding at the end the following:

12 “(B) In no event shall the percentage adjustment tak-
13 ing effect under subparagraph (A) in any calendar year
14 (before rounding), in any rate of pay, exceed the percent-
15 age adjustment taking effect in such calendar year under
16 section 5303 of title 5, United States Code, in the rates
17 of pay under the General Schedule.”;

18 (2) section 104 of title 3, United States Code,
19 is amended—

20 (A) in the first sentence by inserting “(a)”
21 before “The”;

22 (B) in the second sentence by striking “Ef-
23 fective” and inserting “Subject to subsection
24 (b), effective”; and

25 (C) by adding at the end the following:

1 “(b) In no event shall the percentage adjustment tak-
2 ing effect under the second and third sentences of sub-
3 section (a) in any calendar year (before rounding) exceed
4 the percentage adjustment taking effect in such calendar
5 year under section 5303 of title 5 in the rates of pay under
6 the General Schedule.”;

7 (3) section 5318 of title 5, United States Code,
8 is amended—

9 (A) in the first sentence by striking “Ef-
10 fective” and inserting “(a) Subject to sub-
11 section (b), effective”; and

12 (B) by adding at the end the following:

13 “(b) In no event shall the percentage adjustment tak-
14 ing effect under subsection (a) in any calendar year (be-
15 fore rounding), in any rate of pay, exceed the percentage
16 adjustment taking effect in such calendar year under sec-
17 tion 5303 in the rates of pay under the General Sched-
18 ule.”; and

19 (4) section 461(a) of title 28, United States
20 Code, is amended—

21 (A) by striking “(a) Effective” and insert-
22 ing “(a)(1) Subject to paragraph (2), effective”;
23 and

24 (B) by adding at the end the following:

1 “(2) In no event shall the percentage adjustment tak-
 2 ing effect under paragraph (1) in any calendar year (be-
 3 fore rounding), in any salary rate, exceed the percentage
 4 adjustment taking effect in such calendar year under sec-
 5 tion 5303 of title 5 in the rates of pay under the General
 6 Schedule.”.

7 **SEC. 8002. REDUCTION OF FEDERAL FULL-TIME EQUIVA-**
 8 **LENT POSITIONS.**

9 (a) DEFINITION.—For purposes of this section, the
 10 term “agency” means an Executive agency as defined
 11 under section 105 of title 5, United States Code, but does
 12 not include the General Accounting Office.

13 (b) LIMITATIONS ON FULL-TIME EQUIVALENT POSI-
 14 TIONS.—The President, through the Office of Manage-
 15 ment and Budget (in consultation with the Office of Per-
 16 sonnel Management), shall ensure that the total number
 17 of full-time equivalent positions in all agencies shall not
 18 exceed—

- 19 (1) 2,053,600 during fiscal year 1994;
- 20 (2) 1,999,600 during fiscal year 1995;
- 21 (3) 1,945,600 during fiscal year 1996;
- 22 (4) 1,895,600 during fiscal year 1997; and
- 23 (5) 1,851,600 during fiscal year 1998.

1 (c) MONITORING AND NOTIFICATION.—The Office of
2 Management and Budget, after consultation with the Of-
3 fice of Personnel Management, shall—

4 (1) continuously monitor all agencies and make
5 a determination on the first date of each quarter of
6 each applicable fiscal year of whether the require-
7 ments under subsection (b) are met; and

8 (2) notify the President and the Congress on
9 the first date of each quarter of each applicable fis-
10 cal year of any determination that any requirement
11 of subsection (b) is not met.

12 (d) COMPLIANCE.—If at any time during a fiscal
13 year, the Office of Management and Budget notifies the
14 President and the Congress that any requirement under
15 subsection (b) is not met, no agency may hire any em-
16 ployee for any position in such agency until the Office of
17 Management and Budget notifies the President and the
18 Congress that the total number of full-time equivalent po-
19 sitions for all agencies equals or is less than the applicable
20 number required under subsection (b).

21 (e) WAIVER.—

22 (1) EMERGENCIES.—Any provision of this sec-
23 tion may be waived upon a determination by the
24 President that—

1 (A) the existence of a state of war or other
2 national security concern so requires; or

3 (B) the existence of an extraordinary
4 emergency threatening life, health, safety, prop-
5 erty, or the environment so requires.

6 (2) AGENCY EFFICIENCY OR CRITICAL MIS-
7 SION.—

8 (A) Subsection (d) may be waived, in the
9 case of a particular position or category of posi-
10 tions in an agency, upon a determination of the
11 President that the efficiency of the agency or
12 the performance of a critical agency mission so
13 requires.

14 (B) Whenever the President grants a waiv-
15 er pursuant to subparagraph (A), the President
16 shall take all necessary actions to ensure that
17 the overall limitations set forth in subsection
18 (b) are not exceeded.

19 **TITLE IX—DEPARTMENT OF** 20 **LABOR**

21 **SEC. 9001. DETERRENCE OF FRAUD AND ABUSE IN FECA** 22 **PROGRAM.**

23 (a) Section 8102 of title 5, United States Code, is
24 amended to redesignate subsection (b) as subsection (c),
25 and to add the following new subsection (b):

1 “(b) An individual convicted of a violation of 18
2 U.S.C. 1920, as amended, or of any other fraud related
3 to the application for or receipt of benefits under sub-
4 chapter I or III of chapter 81 of title 5, shall forfeit, as
5 of the date of the conviction, all entitlement to any pro-
6 spective benefits provided by subchapter I or III for any
7 injury occurring on or before the date of the conviction.
8 Such a forfeiture of benefits shall be in addition to any
9 action the Secretary may take under section 8106 or 8129
10 of title 5, United States Code.”.

11 (b) Section 8116 of title 5, United States Code, is
12 amended by adding the following new subsection (e):

13 “(e) Notwithstanding any other provision of this title,
14 no benefits under sections 8105 or 8106 of this subchapter
15 shall be paid or provided to any individual during any pe-
16 riod during which such individual is confined in a jail,
17 prison, or other penal institution or correctional facility,
18 pursuant to that individual’s conviction of an offense that
19 constituted a felony under applicable law, except where
20 such individual has one or more dependents within the
21 meaning of section 8110 of this subchapter, in which case
22 the Secretary may, during the period of incarceration, pay
23 to such dependents a percentage of the benefits that would
24 have been payable to such individual computed according

1 to the percentages set forth in section 8133(a) (1)–(5) of
2 this subchapter.”.

3 (c) Section 8116 of title 5, United States Code, is
4 further amended by adding the following new subsection
5 (f):

6 “(f) Notwithstanding the provisions of section 552a
7 of this title, or any other provision of Federal or State
8 law, any agency of the United States Government or of
9 any State (or political subdivision thereof) shall make
10 available to the Secretary, upon written request, the
11 names and Social Security account numbers of individuals
12 who are confined in a jail, prison or other penal institution
13 or correctional facility under the jurisdiction of such agen-
14 cy, pursuant to such individuals’ conviction of an offense
15 that constituted a felony under applicable law, which the
16 Secretary may require to carry out the provisions of this
17 subsection.”.

18 (d) Section 1920 of title 18, United States Code, is
19 amended to read as follows: “Whoever knowingly and will-
20 fully falsifies, conceals, or covers up a material fact, or
21 makes a false, fictitious, or fraudulent statement or rep-
22 resentation, or makes or uses a false statement or report
23 knowing the same to contain any false, fictitious or fraud-
24 ulent statement or entry in connection with the application
25 for or receipt of compensation or other benefit or payment

1 under subchapter I or III of chapter 81 of title 5, United
2 States Code, shall be punished by a fine of not more than
3 \$250,000, or by imprisonment for not more than five
4 years, or both.”.

5 (e) Except as otherwise provided in this section, the
6 amendments made by this section shall be effective on the
7 date of enactment and shall apply to actions taken on or
8 after the date of enactment both with respect to claims
9 filed before the day of enactment and with respect to
10 claims filed after such date.

11 (f) The amendments made by subsections (a), (b),
12 and (c) of this section shall be effective on the date of
13 enactment and shall apply to any person convicted or im-
14 prisoned on or after the date of enactment.

15 (g) The amendment made by subsection (d) of this
16 section shall be effective on the date of enactment and
17 shall apply to any claim, statement, representation, report,
18 or other written document made or submitted in connec-
19 tion with a claim filed under subchapter I or III of chapter
20 81 of title 5, United States Code.

21 **SEC. 9002. ENHANCEMENT OF REEMPLOYMENT PROGRAMS**
22 **FOR FEDERAL EMPLOYEES DISABLED IN THE**
23 **PERFORMANCE OF DUTY.**

24 (a) Section 8104 of title 5, United States Code, is
25 amended—

1 (1) by striking the comma after “employment”
2 and by striking “other than employment undertaken
3 pursuant to such rehabilitation” from subsection (b);
4 and

5 (2) by adding the following new subsection (c):

6 “(c) The Secretary of Labor, as part of the vocational
7 rehabilitation effort, may assist permanently disabled indi-
8 viduals in seeking and/or obtaining employment. The Sec-
9 retary may reimburse an employer (including a Federal
10 employer), who was not the employer at the time of injury
11 and who agrees to employ a disabled beneficiary, for por-
12 tions of the salary paid by such employer to the reem-
13 ployed, disabled beneficiary. Any such sums shall be paid
14 from the Employees’ Compensation Fund.”.

15 (b) The Secretary of Labor is authorized to expand
16 the Federal Employees’ Compensation Act Periodic Roll
17 Management Project to all offices of the Office of Work-
18 ers’ Compensation Program of the Department of Labor.

19 (c) The provisions of, and amendments made by, sub-
20 sections (a) and (b) of this section shall be effective on
21 the date of enactment.

22 **SEC. 9003. WAGE DETERMINATIONS.**

23 (a) The McNamara-O’Hara Service Contract Act, as
24 amended (41 U.S.C. 351 et seq.) is amended by adding
25 at the end the following new section:

1 “SEC. 11. To more effectively implement wage deter-
2 mination procedures, the Secretary of Labor is authorized
3 to develop and implement an electronic data interchange
4 system to request and obtain wage determinations re-
5 quired under the Act.”.

6 (b) The Davis-Bacon Act, as amended (41 U.S.C.
7 276a et seq.) is amended by adding at the end the follow-
8 ing new section:

9 “SEC. 8. To more effectively implement wage deter-
10 mination procedures, the Secretary of Labor is authorized
11 to develop and implement an electronic data interchange
12 system to request and obtain wage determinations re-
13 quired under the Act.”.

14 (c) The amendments made by subsections (a) and (b)
15 of this section shall be effective on the date of enactment.

16 **SEC. 9004. ELIMINATION OF FILING REQUIREMENTS.**

17 (a) Section 101(b) of the Employee Retirement In-
18 come Security Act of 1974 (ERISA) (29 U.S.C. 1021(b))
19 is amended by striking paragraphs (1), (2) and (3) and
20 by redesignating paragraphs (4) and (5) as paragraphs
21 (1) and (2), respectively.

22 (b) Section 102 of ERISA (29 U.S.C. 1022) is
23 amended by striking paragraph (a)(2) and redesignating
24 paragraph (a)(1) as subsection (a).

1 (c) Section 104(a)(1) of ERISA (29 U.S.C.
2 1024(a)(1)) is amended to read as follows:

3 “SEC. 104. (a)(1) The administrator of any employee
4 benefit plan subject to this part shall file with the Sec-
5 retary the annual report for a plan year within 210 days
6 after the close of such year (or within such time as may
7 be required by regulations promulgated by the Secretary
8 in order to reduce duplicative filing). The Secretary shall
9 make copies of such annual reports available for inspection
10 in the public document room of the Department of Labor.
11 The administrator shall also furnish to the Secretary,
12 upon request, any documents relating to the employee ben-
13 efit plan including but not limited to the summary plan
14 description, description of material modifications to the
15 plan, bargaining agreement, trust agreement, contract, or
16 other instrument under which the plan is established or
17 operated.”.

18 (d) Section 104(b) of ERISA (29 U.S.C. 1024(b))
19 is amended by adding at the end the following new para-
20 graph:

21 “(5) The Secretary shall, upon written request
22 of any participant or beneficiary of a plan for a copy
23 of any documents described in paragraph (4), make
24 a written request to the plan administrator for cop-
25 ies of such documents. The plan administrator shall

1 comply with such request from the Secretary. Upon
2 obtaining such copies from the plan administrator,
3 the Secretary shall provide them to the requesting
4 participant or beneficiary. In making a request
5 under this paragraph to the plan administrator, the
6 Secretary shall not disclose to the plan administrator
7 the identity of the participant or beneficiary. The
8 administrator may make a reasonable charge to
9 cover the cost of furnishing such complete copies
10 consistent with any regulations issued by the Sec-
11 retary pursuant to paragraph (4). The Secretary
12 may require the participant or beneficiary to reim-
13 burse the Secretary for such charges before the par-
14 ticipant receives the requested copies.”.

15 (e) Section 106(a) of ERISA (29 U.S.C. 1026(a)) is
16 amended by striking “descriptions,”.

17 (f) Section 107 of ERISA (29 U.S.C. 1027) is
18 amended by striking “description or”.

19 (g) Section 108 of ERISA (29 U.S.C. 1028) is
20 amended by striking “(B) after publishing or filing the
21 plan description, annual reports,” and inserting “(B) after
22 publishing the plan description, or after publishing or fil-
23 ing the annual reports,”.

24 (h) Section 109(b) of ERISA (29 U.S.C. 1029(b))
25 is amended to read as follows:

1 “(b) The financial statement and opinion required to
2 be prepared by an independent qualified public accountant
3 pursuant to section 103(a)(3)(A) and the actuarial state-
4 ment required to be prepared by an enrolled actuary pur-
5 suant to section 103(a)(4)(A) shall not be required to be
6 submitted on forms.”.

7 (i) Section 502(c) of ERISA is amended by adding
8 at the end the following new paragraph:

9 “(4) The Secretary may assess a civil penalty
10 against any plan administrator of up to \$100 per
11 day from the date of such plan administrator’s fail-
12 ure or refusal to comply with a request for docu-
13 ments which such administrator is required to fur-
14 nish to the Secretary (unless such failure or refusal
15 results from matters reasonably beyond the control
16 of the administrator) pursuant to section 104(b)(5)
17 by mailing the material requested to the address
18 provided by the Secretary within 30 days after such
19 request.”.

20 (j) EFFECTIVE DATE.—The provisions of this section
21 shall take effect on the date of enactment of this Act.

1 **TITLE X—DEPARTMENT OF**
 2 **STATE AND UNITED STATES**
 3 **INFORMATION AGENCY**

4 **SEC. 10001. IMPROVEMENT OF EFFICIENCY OF STATE DE-**
 5 **PARTMENT ACTIVITIES.**

6 The Secretary of State shall take action to improve
 7 the efficiency of the activities of the Department of State
 8 and save a total of \$5,700,000 by the end of fiscal year
 9 1999.

10 **SEC. 10002. IMPROVEMENT OF EFFICIENCY OF USIA PUB-**
 11 **LIC DIPLOMACY ACTIVITIES.**

12 The Director of the United States Information Agen-
 13 cy (USIA) shall take action to improve the efficiency of
 14 USIA's public diplomacy activities and save a total of
 15 \$15,000,000 by the end of fiscal year 1999.

16 **TITLE XI—DEPARTMENT OF**
 17 **TRANSPORTATION**

18 **SEC. 11001. REEMPLOYMENT RIGHTS FOR CERTAIN MER-**
 19 **CHANT SEAMEN.**

20 (a) IN GENERAL.—Title III of the Merchant Marine
 21 Act, 1936 (46 App. U.S.C. 1131) is amended by inserting
 22 after section 301 the following new section:

23 “SEC. 302. (a) An individual who is certified by the
 24 Secretary of Transportation under subsection (c) shall be
 25 entitled to reemployment rights and other benefits sub-

1 stantially equivalent to the rights and benefits provided
2 for by chapter 43 of title 38, United States Code, for any
3 member of a Reserve component of the Armed Forces of
4 the United States who is ordered to active duty.

5 “(b) An individual may submit an application for cer-
6 tification under subsection (c) to the Secretary of Trans-
7 portation not later than 45 days after the date the individ-
8 ual completes a period of employment described in sub-
9 section (c)(1)(A) with respect to which the application is
10 submitted.

11 “(c) Not later than 20 days after the date the Sec-
12 retary of Transportation receives from an individual an
13 application for certification under this subsection, the Sec-
14 retary shall—

15 “(1) determine whether or not the individual—

16 “(A) was employed in the activation or op-
17 eration of a vessel—

18 “(i) in the National Defense Reserve
19 Fleet maintained under section 11 of the
20 Merchant Ship Sales Act of 1946, in a pe-
21 riod in which that vessel was in use or
22 being activated for use under subsection
23 (b) of that section;

24 “(ii) that is requisitioned or pur-
25 chased under section 902 of this Act; or

1 “(iii) that is owned, chartered, or con-
2 trolled by the United States and used by
3 the United States for a war, armed con-
4 flict, national emergency, or maritime mo-
5 bilization need (including for training pur-
6 poses or testing for readiness and suit-
7 ability for mission performance); and

8 “(B) during the period of that employ-
9 ment, possessed a valid license, certificate of
10 registry, or merchant mariner’s document is-
11 sued under chapter 71 or chapter 73 (as appli-
12 cable) of title 46, United States Code; and

13 “(2) if the Secretary makes affirmative deter-
14 minations under paragraph (1) (A) and (B), certify
15 that individual under this subsection.

16 “(d) For purposes of reemployment rights and bene-
17 fits provided by this section, a certification under sub-
18 section (c) shall be considered to be the equivalent of a
19 certificate referred to in clause (1) of section 4301(a) of
20 title 38, United States Code.”.

21 (b) APPLICATION.—The amendment made by sub-
22 section (a) shall apply to employment described in section
23 302(c)(1)(A) of the Merchant Marine Act, 1936, as
24 amended by subsection (a), occurring after August 2,
25 1990.

1 (c) EMPLOYMENT ENDING BEFORE ENACTMENT.—
2 Notwithstanding subsection (b) of section 302 of the Mer-
3 chant Marine Act, 1936, as amended by this Act, an indi-
4 vidual who, in the period beginning August 2, 1990, and
5 ending on the date of the enactment of this Act, completed
6 a period of employment described in subsection (c)(1)(A)
7 of that section may submit an application for certification
8 under subsection (c) of that section with respect to that
9 employment not later than 45 days after the date of the
10 enactment of this Act.

11 (d) REGULATIONS.—Not later than 120 days after
12 the date of the enactment of this Act, the Secretary of
13 Transportation shall issue regulations implementing this
14 section.

15 **SEC. 11102. REFORM OF ESSENTIAL AIR SERVICE PRO-**
16 **GRAM.**

17 Section 419 of the Federal Aviation Act of 1958 (49
18 App. U.S.C. 1389) is amended—

19 (1) in subsection (a) by striking paragraph (2)
20 and inserting the following:

21 “(2) RESTRICTIONS ON QUALIFICATIONS AS AN
22 ELIGIBLE POINT.—To qualify as an eligible point in
23 the 48 contiguous states, Hawaii, and Puerto Rico
24 for purposes of fiscal year 1995 and thereafter, a
25 point described in paragraph (1) must not require a

1 rate of subsidy per passenger in excess of \$200 un-
2 less such point is more than 210 miles from the
3 nearest large or medium hub airport and may not be
4 located fewer than 70 highway miles from the near-
5 est large or medium hub airport;” and

6 (2) in subsection (l) by striking paragraph (2)
7 and inserting the following:

8 “(2) AMOUNTS AVAILABLE.—There shall be
9 available to the Secretary from the Airport and Air-
10 way Trust Fund to incur obligations under this sec-
11 tion \$33,423,077 per fiscal year for each of fiscal
12 years 1994 through 1999. Such amounts shall re-
13 main available until expended. Unobligated balances
14 that remain available as of September 30, 1994, are
15 rescinded.”.

16 **SEC. 11003. AIRWAY SCIENCE PROGRAM.**

17 (a) REPEAL.—All authority for—

18 (1) the Secretary of Transportation to enter
19 into grant agreements with universities or colleges
20 having an airway science curriculum recognized by
21 the Federal Aviation Administration, to conduct
22 demonstration projects in the development, advance-
23 ment, or expansion of airway science programs; and

24 (2) the Federal Aviation Administration to
25 enter into competitive grant agreements with institu-

1 tions of higher education having airway science cur-
2 rricula, and all authorizations to appropriate for such
3 purposes, as enacted under the head, “Federal Avia-
4 tion Administration, Facilities and Equipment”, in
5 the Department of Transportation and Related
6 Agencies Appropriations Acts for fiscal years ending
7 before October 1, 1993;
8 is repealed.

9 (b) LIMITATION.—Subsection (a) shall not affect the
10 authority of the Secretary to enter into grant agreements
11 with universities, colleges, or institutions of higher edu-
12 cation to obligate funds appropriated for fiscal years end-
13 ing before October 1, 1993, which have not been re-
14 scinded.

15 **SEC. 11004. COLLEGIATE TRAINING INITIATIVE.**

16 (a) IN GENERAL.—Section 313(d) of the Federal
17 Aviation Act of 1958 (49 U.S.C. App. 1354(d)) is amend-
18 ed—

19 (1) by striking the subsection heading and all
20 that follows through “The Administrator” and in-
21 sserting the following:

22 “(d) TRAINING SCHOOLS.—

23 “(1) IN GENERAL.—The Administrator”;

24 (2) by moving the text of paragraph (1), as so
25 designated, 2 ems to the right; and

1 (3) by adding at the end the following:

2 “(2) COLLEGIATE TRAINING INITIATIVE.—

3 “(A) CONTINUATION.—The Administrator
4 of the Federal Aviation Administration may
5 continue the Collegiate Training Initiative pro-
6 gram, by entering into new agreements, with
7 post-secondary institutions, as defined by the
8 Administrator, whereby such institutions, with-
9 out cost to the Federal Aviation Administration,
10 prepare students for the position of air traffic
11 controller with the Department of Transpor-
12 tation, as defined in section 2109 of title 5,
13 United States Code.

14 “(B) STANDARDS.—The Administrator
15 may establish standards for the entry of institu-
16 tions into such program and for their continued
17 participation in it.

18 “(C) APPOINTMENT IN EXCEPTED SERV-
19 ICE.—The Administrator may appoint persons
20 who have successfully completed a course of
21 training in such program to the position of air
22 traffic controller noncompetitively in the ex-
23 cepted service, as defined in section 2103 of
24 title 5, United States Code. Persons so ap-
25 pointed shall serve at the pleasure of the Ad-

1 administrator, subject to section 7511 of such
2 title (pertaining to adverse actions). However,
3 an appointment under this subparagraph may
4 be converted from one in the excepted service to
5 a career conditional or career appointment in
6 the competitive civil service, as defined in sec-
7 tion 2102 of such title when the incumbent
8 achieves full performance level air traffic con-
9 troller status, as determined by the Adminis-
10 trator. The authority conferred by this subpara-
11 graph to make new appointments in the ex-
12 cepted service shall expire at the end of 5 years
13 from the date of the enactment of this subpara-
14 graph; except that the Administrator may de-
15 termine to extend such authority for 1 or more
16 successive 1-year periods thereafter.”.

17 (b) CONFORMING AMENDMENT.—Section 362 of the
18 Department of Transportation and Related Agencies Ap-
19 propriations Act, 1993 (106 Stat. 1560) is repealed.

20 (c) LIMITATION.—The repeal and the amendments
21 made by this section shall not prohibit the expenditure of
22 funds appropriated for fiscal years ending before October
23 1, 1994.

1 **TITLE XII—DEPARTMENT OF**
2 **VETERANS AFFAIRS**
3 **Subtitle A—Administrative**
4 **Improvements**

5 **SEC. 12001. ELIMINATION OF HOSPITAL AND NURSING**
6 **HOME BED CAPACITY REQUIREMENTS.**

7 (a) Section 8110(a)(1) of title 38, United States
8 Code, is amended—

9 (1) by striking “at not more than 125,000 and
10 not less than 100,000”; and

11 (2) by striking the third and fourth sentences.

12 (b) Section 8111(a) of such title is amended by strik-
13 ing out “result (1)” and all that follows through “main-
14 tained or”.

15 **SEC. 12002. ELIMINATION OF REQUIREMENT FOR MINIMUM**
16 **NUMBER OF PERSONNEL IN THE OFFICE OF**
17 **INSPECTOR GENERAL.**

18 Subsection (b) of section 312 of title 38, United
19 States Code, is amended to read as follows:

20 “(b) Whenever the Secretary proposes to reduce the
21 authorized number of full-time equivalent employees as-
22 signed to the Office of Inspector General, the Secretary
23 shall submit to the Committees on Veterans’ Affairs of
24 the Senate and House of Representatives a report provid-
25 ing notice of the proposed reduction and a detailed expla-

1 nation for the proposed reduction. No action to carry out
2 the proposed reduction may be taken after the submission
3 of such report until the end of a 45-day period of continu-
4 ous session of Congress (determined in the same manner
5 as specified in the last sentence of section 510(b) of this
6 title) following the date of the submission of the report.”.

7 **SEC. 12003. MODIFICATION OF ADMINISTRATIVE REORGA-**
8 **NIZATION AUTHORITY.**

9 (a) MODIFICATION OF REQUIREMENT TO REPORT TO
10 CONGRESS.—Section 510 of title 38, United States Code,
11 is amended by striking out “90-day” both places it ap-
12 pears in subsection (b) and inserting in lieu thereof “45-
13 day”.

14 (b) AUTHORITY TO REORGANIZE OFFICES IN EVENT
15 OF EMERGENCY.—Such section is further amended by
16 striking out subsection (d) and inserting the following:

17 “(d)(1) The limitation in subsection (b) does not
18 apply with respect to an administrative reorganization at
19 a medical facility if the Secretary determines that the reor-
20 ganization is necessary to respond to an emergency situa-
21 tion at that facility. The Secretary may determine that
22 there is an emergency situation at a medical facility for
23 purposes of this subsection only in a case in which there
24 would be an immediate danger to patients and employees
25 at that facility without the reorganization. In the case of

1 a facility at which officials of the Department are consid-
2 ering whether to implement an administrative reorganiza-
3 tion before the event or occurrence which leads to an ini-
4 tial finding that such an emergency exists, the Secretary
5 may not make such a determination.

6 “(2) Whenever the Secretary determines under para-
7 graph (1) that it is necessary to carry out an administra-
8 tive reorganization at a medical facility without regard to
9 the limitation in subsection (b), the Secretary shall submit
10 a report on that determination to the Committees on Vet-
11 erans’ Affairs of the Senate and House of Representatives.
12 The report shall provide the same information as is pro-
13 vided in a detailed plan and justification in the case of
14 an administrative reorganization subject to subsection (b).
15 The Secretary shall include in the report an explanation
16 of the alternatives to the proposed administrative reorga-
17 nization that were considered and each factor that was
18 considered in the decision to reject each such alternative.”.

19 **SEC. 12004. ELIMINATION OF REQUIREMENT FOR CERTAIN**
20 **SERVICES IN THE VETERANS HEALTH ADMIN-**
21 **ISTRATION.**

22 (a) Section 7305 of title 38, United States Code, is
23 repealed.

1 (b) The table of sections at the beginning of chapter
2 73 of such title is amended by striking the item relating
3 to section 7305.

4 **SEC. 12005. MODIFICATION OF PHYSICIAN REQUIREMENT**
5 **FOR CERTAIN SENIOR VETERANS HEALTH**
6 **ADMINISTRATION OFFICIALS.**

7 (a) UNDER SECRETARY.—Section 305 of title 38,
8 United States Code, is amended—

9 (1) in subsection (a)(2), by striking out “shall
10 be a doctor of medicine and shall be” and inserting
11 in lieu thereof “shall (except as provided in sub-
12 section (d)(1)) be a doctor of medicine. The Under
13 Secretary shall be”;

14 (2) in subsection (d)—

15 (A) by adding at the end of paragraph (1)
16 the following: “If at the time such a commission
17 is established both the position of Deputy
18 Under Secretary for Health and the position of
19 Associate Deputy Under Secretary for Health
20 are held by individuals who are doctors of medi-
21 cine, the individual appointed by the President
22 as Under Secretary for Health may be someone
23 who is not a doctor of medicine. In any case,
24 the Secretary shall develop, and shall furnish to
25 the commission, specific criteria which the com-

1 mission shall use in evaluating individuals for
2 recommendations under paragraph (3).”;

3 (B) by redesignating paragraph (4) as
4 paragraph (5);

5 (C) by inserting after the first sentence of
6 paragraph (3) the following: “In a case in
7 which, pursuant to paragraph (1), the individ-
8 ual to be appointed as Under Secretary does
9 not have to be a doctor of medicine, the com-
10 mission may make recommendations without re-
11 gard to the requirement in subsection (a)(2)(A)
12 that the Under Secretary be appointed on the
13 basis of demonstrated ability in the medical
14 profession, but in such a case the commission
15 shall accord a priority to the selection of a doc-
16 tor of medicine over an individual who is not a
17 doctor of medicine.”; and

18 (D) by designating the last two sentences
19 of paragraph (3) as paragraph (4).

20 (b) DEPUTY AND ASSOCIATE DEPUTY UNDER SEC-
21 RETARY.—Section 7306 of such title is amended—

22 (1) in subsection (a)—

23 (A) by striking out “of the following:” in
24 the matter preceding paragraph (1) and insert-
25 ing in lieu thereof “such personnel as may be

1 considered necessary for the purposes of this
2 chapter. In appointing persons to positions in
3 the Office, the Under Secretary shall consider
4 the different types of health care services pro-
5 vided to veterans by the Veterans Health Ad-
6 ministration and shall seek to ensure that ap-
7 pointments in the Office are made in such a
8 manner that the Office is staffed so as to pro-
9 vide the Under Secretary with appropriate ex-
10 pertise in those services. The Office shall in-
11 clude the following:”;

12 (B) by inserting “(except as provided in
13 subsection (c))” in paragraphs (1) and (2) after
14 “and who shall”;

15 (C) by striking out each paragraph after
16 paragraph (2);

17 (2) by striking out subsection (b);

18 (3) by redesignating subsection (c) as sub-
19 section (b) and striking out “In the case of” in the
20 second sentence and all that follows through “such
21 appointments” and inserting in lieu thereof “Such
22 appointments”; and

23 (4) by inserting after subsection (b), as so re-
24 designated, the following new subsection (c):

1 “(c)(1) If at the time of the appointment of the Dep-
2 uty Under Secretary for Health under subsection (a)(1),
3 both the position of Under Secretary for Health and the
4 position of Associate Deputy Under Secretary for Health
5 are held by individuals who are doctors of medicine, the
6 individual appointed as Deputy Under Secretary for
7 Health may be someone who is not a doctor of medicine.

8 “(2) If at the time of the appointment of the Associ-
9 ate Deputy Under Secretary for Health under subsection
10 (a)(2), both the position of Under Secretary for Health
11 and the position of Deputy Under Secretary for Health
12 are held by individuals who are doctors of medicine, the
13 individual appointed as Associate Deputy Under Secretary
14 for Health may be someone who is not a doctor of medi-
15 cine.”.

16 **SEC. 12006. USE OF FUNDS RECOVERED FROM THIRD PAR-**
17 **TIES.**

18 (a) **AUTHORIZED USES.**—Section 1729(g) of title 38,
19 United States Code, is amended by adding at the end of
20 paragraph (3) the following new subparagraph:

21 “(C) Payments for (i) the purchase of needed
22 medical equipment, and (ii) such other purposes as
23 may be specifically authorized by law.”.

1 (b) AVAILABILITY OF FUNDS.—Such section is fur-
2 ther amended by striking out paragraph (4) and inserting
3 the following:

4 “(4)(A) Not later than December 1 of each year,
5 there shall be set aside within the Fund a reserve to be
6 used for the purposes described in paragraph (3)(C). The
7 amount placed into the reserve each year shall be deter-
8 mined under subparagraph (B). No funds may be obli-
9 gated under paragraph (3)(C) in excess of the funds in
10 the reserve. The reserve shall remain available for obliga-
11 tion until expended.

12 “(B)(i) On December 1, 1993, the amount set aside
13 for the reserve under subparagraph (A) shall be the
14 amount by which—

15 “(I) the unobligated balance remaining in the
16 Fund at the close of business on September 30,
17 1993, minus any part of such balance that the Sec-
18 retary determines is necessary to defray, the ex-
19 penses, payments, and costs described in paragraph
20 (3), exceeds

21 “(II) \$538,600,000.

22 “(ii) On December 1, 1994, the amount set aside for
23 the reserve under subparagraph (A) shall be the amount
24 by which—

1 “(I) the unobligated balance remaining in the
2 Fund at the close of business on September 30,
3 1994, minus any part of such balance that the Sec-
4 retary determines is necessary to defray, the ex-
5 penses, payments, and costs described in paragraph
6 (3), exceeds

7 “(II) \$590,500,000.

8 “(iii) On December 1, 1995, the amount set aside for
9 the reserve under subparagraph (A) shall be the amount
10 by which—

11 “(I) the unobligated balance remaining in the
12 Fund at the close of business on September 30,
13 1995, minus any part of such balance that the Sec-
14 retary determines is necessary to defray, the ex-
15 penses, payments, and costs described in paragraph
16 (3), exceeds

17 “(II) \$646,000,000.

18 “(iv) On December 1, 1996, the amount set aside for
19 the reserve under subparagraph (A) shall be the amount
20 by which—

21 “(I) the unobligated balance remaining in the
22 Fund at the close of business on September 30,
23 1996, minus any part of such balance that the Sec-
24 retary determines is necessary to defray, the ex-

1 penses, payments, and costs described in paragraph
2 (3), exceeds

3 “(II) \$698,100,000.

4 “(v) On December 1, 1997, the amount set aside for
5 the reserve under subparagraph (A) shall be the amount
6 by which—

7 “(I) the unobligated balance remaining in the
8 Fund at the close of business on September 30,
9 1997, minus any part of such balance that the Sec-
10 retary determines is necessary to defray, the ex-
11 penses, payments, and costs described in paragraph
12 (3), exceeds

13 “(II) \$753,500,000.

14 “(C) If the amount to be set aside for the reserve
15 for any year, as calculated under subparagraph (B), is less
16 than zero, the amount added to the reserve for that year
17 shall be zero.

18 “(5) Not later than January 1 of each year, there
19 shall be deposited into the Treasury as miscellaneous re-
20 ceipts an amount equal to the amount of the unobligated
21 balance remaining in the Fund at the close of business
22 on September 30 of the preceding year minus any part
23 of such balance that the Secretary determines is necessary
24 in order to enable the Secretary to defray, during the fiscal
25 year in which the deposit is made, the expenses, payments,

1 and costs described in paragraph (3), and the amount in
2 the reserve described in paragraph (4).

3 “(6) The Secretary shall prescribe regulations for the
4 allocation of amounts in the reserve under paragraph (4)
5 to the medical centers of the Department for the purposes
6 stated in paragraph (3)(C). Those regulations shall be de-
7 signed to provide incentives to directors of medical centers
8 to increase the recoveries and collections under this section
9 by requiring that 20 percent of those amounts be made
10 available each year directly to the medical centers at which
11 such recoveries and collections have been at above average
12 levels. The remaining 80 percent of those funds shall be
13 allocated as the Secretary considers appropriate.”.

14 **Subtitle B—Closure of Certain**
15 **Facilities**

16 **SEC. 12101. CLOSURE OF SUPPLY DEPOTS.**

17 (a) IN GENERAL.—The Secretary of Veterans Affairs
18 shall close the Department of Veterans Affairs’ supply de-
19 pots specified in subsection (b).

20 (b) COVERED DEPOTS.—Subsection (a) applies to the
21 supply depots of the Department of Veterans Affairs at
22 the following locations:

- 23 (1) Somerville, New Jersey.
24 (2) Hines, Illinois.
25 (3) Bell, California.

1 (c) DEADLINE.—The Secretary shall complete the ac-
2 tions required by subsection (a) not later than September
3 30, 1995.

4 **SEC. 12102. WAIVER OF OTHER PROVISIONS.**

5 Sections 510(b) and 8121 of title 38, United States
6 Code, do not apply to the actions required under this sub-
7 title.

8 **Subtitle C—Provision of Informa-**
9 **tion From the Medicare and**
10 **Medicaid Coverage Data Bank**
11 **to the Department of Veterans**
12 **Affairs**

13 **SEC. 12201. PROVISION OF DATA BANK INFORMATION TO**
14 **DEPARTMENT OF VETERANS AFFAIRS.**

15 (a) ADDITIONAL PURPOSE OF DATA BANK.—

16 (1) The heading to section 1144 of the Social
17 Security Act is amended by striking “**MEDICARE**
18 **AND MEDICAID**” and inserting “**HEALTH CARE**”.

19 (2) Subsection (a) of that section is amended—

20 (A) in the matter preceding paragraph (1),
21 by striking “Medicare and Medicaid” and in-
22 serting “Health Care”;

23 (B) by striking “and” at the end of para-
24 graph (1);

1 (C) by substituting “, and” for the period
2 at the end of paragraph (2); and

3 (D) by adding at the end the following:

4 “(3) assist in the identification of, and the col-
5 lection from, third parties responsible for payment
6 for health care items and services furnished to veter-
7 ans under chapter 17 of title 38, United States
8 Code.”.

9 (b) DISCLOSURE OF DATA BANK INFORMATION TO
10 SECRETARY OF VETERANS AFFAIRS.—Subsection
11 (b)(2)(B) of that section is amended by inserting “to the
12 Secretary of Veterans Affairs and” after “Data Bank”.

13 **Subtitle D—Veterans’ Appeals**
14 **Improvements**

15 **SEC. 12301. BOARD OF VETERANS’ APPEALS.**

16 (a) BOARD MEMBERS AND PERSONNEL.—Section
17 7101(a) of title 38, United States Code, is amended to
18 read as follows:

19 “(a)(1) There is in the Department a Board of Veter-
20 ans’ Appeals (hereinafter in this chapter referred to as
21 the ‘Board’). The Board is under the administrative con-
22 trol and supervision of a Chairman directly responsible to
23 the Secretary.

24 “(2) The members of the Board shall be the Chair-
25 man, a Vice Chairman, such number of Deputy Vice

1 Chairmen as the Chairman may designate under sub-
2 section (b)(4), and such number of other members as may
3 be found necessary to conduct hearings and consider and
4 dispose of matters properly before the Board in a timely
5 manner. The Board shall have such other professional, ad-
6 ministrative, clerical, and stenographic personnel as are
7 necessary to conduct hearings and consider and dispose
8 of matters properly before the Board in a timely man-
9 ner.”.

10 (b) ETHICAL AND LEGAL LIMITATIONS ON CHAIR-
11 MAN.—Section 7101(b)(1) of such title is amended by in-
12 serting after the first sentence the following: “The Chair-
13 man shall be subject to the same ethical and legal limita-
14 tions and restrictions concerning involvement in partisan
15 political activities as apply to judges of the United States
16 Court of Veterans Appeals.”.

17 (c) APPOINTMENT AND REMOVAL OF BOARD MEM-
18 BERS.—Section 7101(b) of such title is further amend-
19 ed—

20 (1) in paragraph (2)(A) by striking “other
21 members of the Board (including the Vice Chair-
22 man)” and inserting “Board members other than
23 the Chairman”;

24 (2) in paragraph (2)(B) by striking “para-
25 graph” and inserting “subparagraph”; and

1 (3) by striking paragraph (4) and inserting the
2 following:

3 “(4) The Secretary shall designate one Board
4 member as Vice Chairman based upon recommenda-
5 tions of the Chairman. The Chairman may designate
6 one or more Board members as Deputy Vice Chair-
7 men. The Vice Chairman and any Deputy Vice
8 Chairman shall perform such functions as the Chair-
9 man may specify. The Vice Chairman shall serve as
10 Vice Chairman at the pleasure of the Secretary. Any
11 Deputy Vice Chairman shall serve as Deputy Vice
12 Chairman at the pleasure of the Chairman.”.

13 (d) ACTING BOARD MEMBERS.—Section 7101(c) of
14 such title is amended—

15 (1) by striking paragraph (1) and inserting the
16 following:

17 “(1) The Chairman may from time to time des-
18 ignate one or more employees of the Department to
19 serve as acting Board members.”;

20 (2) by striking paragraph (2); and

21 (3) by redesignating paragraph (3) as para-
22 graph (2) and in that paragraph by—

23 (A) striking “temporary Board members
24 designated under this subsection and the num-
25 ber of”; and

1 (B) striking “section 7102(a)(2)(A)(ii) of
2 this title” and inserting “paragraph (1)”.

3 (e) CHAIRMAN’S ANNUAL REPORT.—Section
4 7101(d)(2) of such title is amended—

5 (1) by striking out “and” at the end of sub-
6 paragraph (D);

7 (2) by striking out the period at the end of sub-
8 paragraph (E) and inserting in lieu thereof “; and”;
9 and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(F) the names of those employees of the De-
13 partment designated under subsection (c)(1) to serve
14 as acting Board members during that year and the
15 number of cases each such acting Board member
16 participated in during that year.”.

17 (e) CONFORMING AMENDMENTS.—Section 7101 of
18 such title is further amended—

19 (1) in subsection (d)(3)(B), by striking “section
20 7103(d)” and inserting “section 7101(a)(2)”; and

21 (2) in subsection (e), by striking “a temporary
22 or” and inserting “an”.

1 **SEC. 12302. DECISIONS BY THE BOARD.**

2 (a) ACTION BY BVA THROUGH SECTIONS.—Sections
3 7102 and 7103 of title 38, United States Code, are
4 amended to read as follows:

5 **“§ 7102. Decisions by the Board**

6 “A proceeding instituted before the Board shall be
7 assigned to an individual member or a panel of members
8 of the Board (other than the Chairman). A member or
9 panel of members who are assigned a proceeding shall
10 render a decision thereon, including any motion filed in
11 connection therewith. The member or panel of members
12 shall make a report under section 7104(d) of this title on
13 any such determination, which report shall constitute the
14 Board’s final disposition of the proceeding. Decisions by
15 a panel shall be made by a majority of the members of
16 the panel.

17 **“§ 7103. Reconsideration; correction of obvious errors**

18 “(a) The decision of a member or panel of the Board
19 under section 7102 of this title is final unless the Chair-
20 man orders reconsideration of the case. Such an order may
21 be made on the Chairman’s initiative or upon motion of
22 the claimant.

23 “(b)(1) If the Chairman orders reconsideration in a
24 case decided by a single member, the matter shall be re-
25 ferred to a panel of not less than three Board members,
26 not including the member who rendered the initial deci-

1 sion, which shall render its decision after reviewing the
2 entire record before the Board. Such decisions shall be
3 made by a majority vote of the members of the panel and
4 shall constitute the final decision of the Board.

5 “(2) If the Chairman orders reconsideration in a case
6 decided by a panel of members, the matter shall be re-
7 ferred to an enlarged panel, not including the members
8 of the panel which rendered the initial decision, which
9 shall render its decision after reviewing the entire record
10 before the Board. Such decisions shall be made by a ma-
11 jority vote of the members of the expanded panel and shall
12 constitute the final decision of the Board.

13 “(c) The Board on its own motion may correct an
14 obvious error in the record, without regard to whether
15 there has been a motion or order for reconsideration.”.

16 (b) CLERICAL AMENDMENT.—The items relating to
17 sections 7102 and 7103 in the table of sections at the be-
18 ginning of chapter 71 are amended to read as follows:

“7102. Decisions by the Board.

“7103. Reconsideration; correction of obvious errors.”.

19 **SEC. 12303. TECHNICAL CORRECTION.**

20 Section 7104(a) of title 38, United States Code, is
21 amended by striking out “211(a)” and inserting in lieu
22 thereof “511(a)”.

1 **SEC. 12304. HEARINGS.**

2 (a) IN GENERAL.—Section 7110 of title 38, United
3 States Code, is amended to read as follows:

4 **“§ 7110. Hearings**

5 “(a) The Board shall decide any appeal only after af-
6 fording the appellant an opportunity for a hearing.

7 “(b) A hearing docket shall be maintained and formal
8 recorded hearings shall be held by such member or mem-
9 bers of the Board as the Chairman may designate. Such
10 member or members designated by the Chairman to con-
11 duct the hearing will participate in making the final deter-
12 mination in the claim.

13 “(c)(1) An appellant may request a hearing before
14 the Board at either its principal location or at a regional
15 office of the Department. A hearing held at a regional of-
16 fice shall (except as provided in paragraph (2)) be sched-
17 uled for hearing in the order in which the requests for
18 hearing in that area are received by the Department at
19 the place specified by the Department for the filing of re-
20 quests for those hearings.

21 “(2) In a case in which the Secretary is aware that
22 the appellant is seriously ill or is under severe financial
23 hardship, a hearing may be scheduled at a time earlier
24 than would be provided under paragraph (1).

25 “(d) At the request of the Chairman, the Secretary
26 may provide suitable facilities and equipment to the Board

1 or other components of the Department to enable an ap-
2 pellant located at a facility within the area served by a
3 regional office to participate, through voice transmission,
4 or picture and voice transmission, by electronic or other
5 means, in a hearing with a Board member or members
6 sitting at the Board's principal location. When such facili-
7 ties and equipment are available, the Chairman may af-
8 ford the appellant an opportunity to participate in a hear-
9 ing before the Board through the use of such facilities and
10 equipment in lieu of a hearing held by personally appear-
11 ing before a Board member or members as provided in
12 subsection (c). Any such hearing shall be conducted in the
13 same manner as, and shall be considered the equivalent
14 of, a personal hearing. If the appellant declines to partici-
15 pate in a hearing through the use of such facilities and
16 equipment, the opportunity of the appellant to a hearing
17 as provided in subsection (c) shall not be affected.”.

18 (b) CLERICAL AMENDMENT.—The item relating to
19 section 7110 in the table of sections at the beginning of
20 chapter 71 of such title is amended to read as follows:

“7110. Hearings.”.

21 **SEC. 12305. ELIMINATION OF REQUIREMENT FOR ANNUAL**
22 **INCOME QUESTIONNAIRES.**

23 Section 1506 of title 38, United States Code, is
24 amended—

1 (1) in paragraph (2), by striking out “shall”
2 and inserting in lieu thereof “may”; and

3 (2) in paragraph (3), by striking out “file a re-
4 vised report” and inserting in lieu thereof “notify
5 the Secretary”.

6 **TITLE XIII—HUMAN RESOURCE**
7 **MANAGEMENT**

8 **SEC. 13001. FEDERAL WORKFORCE TRAINING.**

9 (a) IN GENERAL.—Chapter 41 of title 5, United
10 States Code, is amended—

11 (1) in section 4101(4) by striking “fields” and
12 all that follows through the semicolon and inserting
13 “fields which will improve individual and organiza-
14 tional performance and assist in achieving the agen-
15 cy’s mission and performance goals;”;

16 (2) in section 4103—

17 (A) in subsection (a)—

18 (i) by striking “In” and all that fol-
19 lows through “maintain” and inserting “In
20 order to assist in achieving an agency’s
21 mission and performance goals by improv-
22 ing employee and organizational perform-
23 ance, the head of each agency, in conform-
24 ity with this chapter, shall establish, oper-
25 ate, maintain, and evaluate”;

1 (ii) by striking “and” at the end of
2 paragraph (2);

3 (iii) by redesignating paragraph (3) as
4 paragraph (4); and

5 (iv) by inserting after paragraph (2)
6 the following:

7 “(3) provide that information concerning the
8 selection and assignment of employees for training
9 and the applicable training limitations and restric-
10 tions be made available to employees of the agency;
11 and”; and

12 (B) in subsection (b)—

13 (i) in paragraph (1) by striking “de-
14 termines” and all that follows through the
15 period and inserting “determines that such
16 training would be in the interests of the
17 Government.”; and

18 (ii) by striking paragraph (2) and re-
19 designating paragraph (3) as paragraph
20 (2);

21 (3) in section 4105—

22 (A) in subsection (a) by striking “(a)”;
23 and

24 (B) by striking subsections (b) and (c);

25 (4) by repealing section 4106;

1 (5) in section 4107—

2 (A) by amending the catchline to read as
3 follows:

4 **“§ 4107. Restriction on degree training”;**

5 (B) by striking subsections (a) and (b) and
6 redesignating subsections (c) and (d) as sub-
7 sections (a) and (b), respectively;

8 (C) by amending subsection (a) (as so re-
9 designated)—

10 (i) by striking “subsection (d)” and
11 inserting “subsection (b)”; and

12 (ii) by striking “by, in, or through a
13 non-Government facility”; and

14 (D) by amending paragraph (1) of sub-
15 section (b) (as so redesignated) by striking
16 “subsection (c)” and inserting “subsection (a)”;

17 (6) in section 4108(a) by striking “by, in, or
18 through a non-Government facility under this chap-
19 ter” and inserting “for more than a minimum period
20 prescribed by the head of the agency”;

21 (7) in section 4113(b)—

22 (A) in the first sentence by striking “annu-
23 ally to the Office,” and inserting “to the Office,
24 at least once every 3 years, and”; and

1 (B) by striking the matter following the
2 first sentence and inserting the following: “The
3 report shall set forth—

4 “(1) information needed to determine that
5 training is being provided in a manner which is in
6 compliance with applicable laws intended to protect
7 or promote equal employment opportunity; and

8 “(2) information concerning the expenditures of
9 the agency in connection with training and such
10 other information as the Office considers appro-
11 priate.”;

12 (8) by repealing section 4114; and

13 (9) in section 4118—

14 (A) in subsection (a)(7) by striking “by,
15 in, and through non-Government facilities”;

16 (B) by striking subsection (b); and

17 (C) by redesignating subsections (c) and
18 (d) as subsections (b) and (c), respectively.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
20 Title 5, United States Code, is amended—

21 (1) in section 3381(e) by striking “4105(a),”
22 and inserting “4105,”; and

23 (2) in the analysis for chapter 41—

24 (A) by repealing the items relating to sec-
25 tions 4106 and 4114; and

1 (B) by amending the item relating to sec-
2 tion 4107 to read as follows:

“4107. Restriction on degree training.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall become effective on the date of enact-
5 ment of this Act.

6 **SEC. 13002. SES ANNUAL LEAVE ACCUMULATION.**

7 (a) Effective on the last day of the last applicable
8 pay period beginning in calendar year 1993, subsection (f)
9 of section 6304 of title 5, United States Code, is amended
10 to read as follows:

11 “(f)(1) This subsection applies with respect to annual
12 leave accrued by an individual while serving in a position
13 in—

14 “(A) the Senior Executive Service;

15 “(B) the Senior Foreign Service;

16 “(C) the Defense Intelligence Senior Executive
17 Service;

18 “(D) the Senior Cryptologic Executive Service;

19 or

20 “(E) the Federal Bureau of Investigation and
21 Drug Enforcement Administration Senior Executive
22 Service.

23 “(2) For purposes of applying any limitation on accu-
24 mulation under this section with respect to any annual
25 leave described in paragraph (1)—

1 “(A) ‘30 days’ in subsection (a) shall be deemed
2 to read ‘90 days’; and

3 “(B) ‘45 days’ in subsection (b) shall be
4 deemed to read ‘90 days’.”.

5 (b) Notwithstanding the amendment made by sub-
6 section (a), in the case of an employee who, on the effec-
7 tive date of subsection (a), is subject to subsection (f) of
8 section 6304 of title 5, United States Code, and who has
9 to such employee’s credit annual leave in excess of the
10 maximum accumulation otherwise permitted by subsection
11 (a) or (b) of section 6304 (determined applying the
12 amendment made by subsection (a)), such excess annual
13 leave shall remain to the credit of the employee and be
14 subject to reduction, in the same manner as provided in
15 subsection (c) of section 6304.

16 **TITLE XIV—REINVENTING** 17 **SUPPORT SERVICES**

18 **SEC. 14001. SHORT TITLE.**

19 This title may be cited as the “Government Informa-
20 tion Dissemination and Printing Improvement Act of
21 1993”.

22 **SEC. 14002. TRANSFER OF FUNCTIONS.**

23 (a) SUPERINTENDENT OF DOCUMENTS.—The posi-
24 tion of Superintendent of Documents and all functions of
25 the position of Superintendent of Documents under title

1 44, United States Code, or any other provision of law are
2 transferred to the Library of Congress and shall be carried
3 out by the Superintendent of Documents under the direc-
4 tion of the Librarian of Congress. The Superintendent of
5 Documents shall be appointed by, and serve at the pleas-
6 ure of, the Librarian of Congress. Until otherwise provided
7 by law, on and after the effective date of the transfer
8 under this subsection, the employees under the Super-
9 intendent of Documents who are transferred shall be
10 treated, for purposes of the laws governing labor-manage-
11 ment relations, in the same manner as such employees
12 were treated before the effective date of such transfer.

13 (b) REVOCATION OF CHARTERS.—All printing plant
14 charters authorized under section 501 of title 44, United
15 States Code, are revoked.

16 (c) EFFECTIVE DATE.—The transfer under sub-
17 section (a) shall take effect one year after the date of the
18 enactment of this title. The revocation under subsection
19 (b) shall take effect 2 years after the date of the enact-
20 ment of this title.

21 **SEC. 14003. GOVERNMENT PUBLICATIONS TO BE AVAIL-**
22 **ABLE THROUGHOUT THE GOVERNMENT.**

23 All Government publications shall be available
24 throughout the Government to any department, agency,
25 or entity of the Government for use or redissemination.

1 **SEC. 14004. INVENTORY AND FURNISHING OF GOVERN-**
2 **MENT PUBLICATIONS.**

3 Each department, agency, and other entity of the
4 Government shall—

5 (1) establish and maintain a comprehensive in-
6 ventory of its Government publications;

7 (2) make such inventory available through the
8 electronic directory under chapter 41 of title 44,
9 United States Code; and

10 (3) in the form and manner prescribed by the
11 Superintendent of Documents, furnish its Govern-
12 ment publications to the Superintendent of Docu-
13 ments.

14 **SEC. 14005. ADDITIONAL RESPONSIBILITIES OF THE PUB-**
15 **LIC PRINTER.**

16 (a) IN GENERAL.—The Public Printer shall, with re-
17 spect to the executive branch of the Government and the
18 judicial branch of the Government—

19 (1) use all necessary measures to remedy ne-
20 glect, delay, duplication, and waste in the public
21 printing and binding of Government publications, in-
22 cluding the reduction and elimination of internal
23 printing and high-speed duplicating capacities of de-
24 partments, agencies, and entities;

25 (2) prescribe Government publishing standards,
26 which, to the greatest extent practicable, shall be

1 consistent with the United States Government Print-
2 ing Office Style Manual;

3 (3) prescribe Government procurement and
4 manufacturing requirements for printing paper and
5 writing paper, which, to the greatest extent prac-
6 ticable, shall be consistent with Government Paper
7 Specification Standards;

8 (4) authorize the acquisition and transfer of
9 equipment requisitioned by publishing facilities au-
10 thorized under section 501 of title 44, United States
11 Code;

12 (5) authorize the disposal of such equipment
13 pursuant to section 312 of title 44, United States
14 Code; and

15 (6) establish policy for the acquisition of print-
16 ing, which, to the greatest extent practicable, shall
17 be consistent with (A) Printing Procurement Regu-
18 lation (GPO Publication 305.3), (B) Government
19 Printing and Binding Regulations (JCP No. 26),
20 and (C) Printing Procurement Department Instruc-
21 tion (PP304.1B).

22 (b) POLICY STANDARDS.—The policy referred to in
23 subsection (a)(6) shall be formulated to maximize competi-
24 tive procurement from the private sector. Government in-
25 house printing and duplicating operations authorized

1 under section 501 of title 44, United States Code, or oth-
2 erwise authorized by law, may be used if they provide
3 printing at the lowest cost to the Government, taking into
4 consideration the total expense of production, materials,
5 labor, equipment, and general and administrative expense,
6 including all levels of overhead.

7 **SEC. 14006. ADDITIONAL RESPONSIBILITIES OF THE SU-**
8 **PERINTENDENT OF DOCUMENTS.**

9 (a) GOVERNMENT PUBLICATIONS TO BE FURNISHED
10 TO THE SUPERINTENDENT OF DOCUMENTS.—If a depart-
11 ment, agency, or other entity of the Government publishes
12 a Government publication, the head of the department,
13 agency, or entity shall furnish the Government publication
14 to the Superintendent of Documents not later than the
15 date of release of the material to the public.

16 (b) DISSEMINATION OR REPUBLICATION.—In addi-
17 tion to any other dissemination provided for by law, the
18 Superintendent of Documents shall disseminate or repub-
19 lish Government publications, if, as determined by the Su-
20 perintendent, the dissemination by the department, agen-
21 cy, or entity of the Government is inadequate. The Super-
22 intendent shall have authority to carry out the preceding
23 sentence by appropriate means, including the dissemina-
24 tion and republication of Government publications fur-
25 nished under subsection (a), with the cost of dissemination

1 and republication to be borne by the department, agency,
2 or entity involved.

3 (c) COST.—The cost charged to the public by the Su-
4 perintendent of Documents under subsection (b) for any
5 Government publication (whether such Government publi-
6 cation is made available to the public by a department,
7 agency, or entity of the Government, or by the Super-
8 intendent of Documents) may include the incremental cost
9 of dissemination, but may not include any profit.

10 **SEC. 14007. DEPOSITORY LIBRARIES.**

11 In addition to any other distribution provided for by
12 law, the Superintendent of Documents shall make Govern-
13 ment publications available to designated depository li-
14 braries and State libraries. The Superintendent shall have
15 authority to carry out the preceding sentence by appro-
16 priate means, including the dissemination and republica-
17 tion of Government publications furnished under section
18 14006(a), with the cost of dissemination and republication
19 to be borne by the department, agency, or entity involved.

20 **SEC. 14008. DEFINITIONS.**

21 As used in this title—

22 (1) the term “Government publication” means
23 any informational matter that is published at Gov-
24 ernment expense, or as required by law; and

1 (2) the term “publish” means, with respect to
2 informational matter, make available for dissemina-
3 tion.

4 **TITLE XV—STREAMLINING**
5 **MANAGEMENT CONTROL**

6 **SEC. 15001. AUTHORITY TO INCREASE EFFICIENCY IN RE-**
7 **PORTING TO CONGRESS.**

8 (a) PURPOSE.—The purpose of this title is to improve
9 the efficiency of Executive branch performance in imple-
10 menting statutory requirements for reports to Congress
11 and its committees. Examples of improvements in effi-
12 ciency intended by this title are the elimination or consoli-
13 dation of duplicative or obsolete reporting requirements
14 and adjustments to deadlines that will provide for more
15 efficient workload distribution or improve the quality of
16 reports.

17 (b) AUTHORITY OF THE DIRECTOR.—The Director of
18 the Office of Management and Budget may publish annu-
19 ally in the President’s Budget his recommendations for
20 consolidation, elimination, or adjustments in frequency
21 and due dates of statutorily required periodic reports to
22 the Congress or its committees. For each recommendation,
23 the Director shall provide an individualized statement of
24 the reasons that support the recommendation. In addition,
25 for each report for which a recommendation is made, the

1 Director shall state with specificity the exact consolida-
2 tion, elimination, or adjustment in frequency or due date
3 that is recommended. If the Director's recommendations
4 are approved by law, they shall take effect.

5 (c) The Director's recommendations shall be consist-
6 ent with the purpose stated in subsection (a).

7 (d) Prior to the publication of the recommendations
8 authorized in subsection (b), the Director or his designee
9 shall consult with the appropriate congressional commit-
10 tees concerning the recommendations.

11 **TITLE XVI—FINANCIAL** 12 **MANAGEMENT**

13 **SEC. 16001. SHORT TITLE.**

14 This title may be cited as the “Federal Financial
15 Management Act of 1993”.

16 **SEC. 16002. ELECTRONIC PAYMENTS.**

17 (a) Section 3332 of title 31, United States Code, is
18 amended to read as follows:

19 **“§ 3332. Required direct deposit**

20 “(a)(1) Notwithstanding any other provision of law,
21 all Federal wage, salary, and retirement payments shall
22 be paid to recipients of such payments by electronic funds
23 transfer, unless another method has been determined by
24 the Secretary of the Treasury to be appropriate.

1 “(2) Each recipient of Federal wage, salary, or retire-
2 ment payments shall designate one or more financial insti-
3 tutions or other authorized payment agents and provide
4 the payment certifying or authorizing agency information
5 necessary for the recipient to receive electronic funds
6 transfer payments through each institution so designated.

7 “(b)(1) The head of each agency shall waive the re-
8 quirements of subsection (a) of this section for a recipient
9 of Federal wage, salary, or retirement payments author-
10 ized or certified by the agency upon written request by
11 such recipient.

12 “(2) Federal wage, salary, or retirement payments
13 shall be paid to any recipient granted a waiver under para-
14 graph (1) of this subsection by any method determined
15 appropriate by the Secretary of the Treasury.

16 “(c)(1) The Secretary of the Treasury may waive the
17 requirements of subsection (a) of this section for any
18 group of recipients upon request by the head of an agency
19 under standards prescribed by the Secretary of the Treas-
20 ury.

21 “(2) Federal wage, salary, or retirement payments
22 shall be paid to any member of a group granted a waiver
23 under paragraph (1) of this subsection by any method de-
24 termined appropriate by the Secretary of the Treasury.

1 “(d) This section shall apply only to recipients of
2 Federal wage or salary payments who begin to receive
3 such payments on or after January 1, 1995, and recipients
4 of Federal retirement payments who begin to receive such
5 payments on or after January 1, 1995.

6 “(e) The crediting of the amount of a payment to
7 the appropriate account on the books of a financial institu-
8 tion or other authorized payment agent designated by a
9 payment recipient under this section shall constitute a full
10 acquittance to the United States for the amount of the
11 payment.”.

12 (b) The table of sections for chapter 33 of title 31,
13 United States Code, is amended by amending the item for
14 section 3332 to read:

“3332. Required direct deposit.”.

15 **SEC. 16003. FRANCHISE FUNDS AND INNOVATION FUNDS.**

16 (a) Title 31, United States Code, is amended by add-
17 ing, after section 1537, a section 1538, as follows:

18 **“§ 1538. Franchise funds**

19 “(a) There is hereby authorized to be established a
20 franchise fund in any executive agency which does not
21 have such a fund which shall be available, without further
22 appropriation action by the Congress, for expenses and
23 equipment necessary for the maintenance and operations
24 of such administrative services as the head of the agency,
25 with the approval of the Office of Management and Budg-

1 et, determines may be performed more advantageously on
2 a centralized basis.

3 “(b)(1) The fund shall consist of the fair and reason-
4 able value of inventories, equipment, and other assets and
5 inventories on order pertaining to the services to be pro-
6 vided by the fund as are transferred by the head of the
7 agency to the fund less related liabilities and unpaid obli-
8 gations together with any appropriations made for the
9 purpose of providing capital.

10 “(2) For the first fiscal year a fund is in operation
11 and each fiscal year thereafter, an amount not to exceed
12 4 percent of the total income of the fund may be retained
13 in the fund, to remain available until expended, to be used
14 only for the acquisition of capital equipment and for the
15 improvement and implementation of agency financial man-
16 agement and related support systems.

17 “(3) For the first three fiscal years a fund is in oper-
18 ation, up to 50 percent of the unobligated balances of
19 funds provided in annual appropriations available at the
20 end of the fiscal year to the agency for salaries and ex-
21 penses may be transferred into the fund no later than the
22 end of the succeeding fiscal year.

23 “(c) The fund shall be reimbursed or credited with
24 payments, including advance payments, from applicable
25 appropriations and funds of the agency, other Federal

1 agencies, and other sources authorized by law for supplies,
2 materials, and services at rates which will recover the ex-
3 penses of operations including accrued leave, depreciation
4 of fund plant and equipment, and an amount necessary
5 to maintain a reasonable operating reserve, as determined
6 by the head of the agency.

7 “(d)(1) In the third fiscal year after the fund is es-
8 tablished, and each year thereafter, any Federal entity
9 seeking to obtain any service financed through the fund
10 that is not inherently governmental in nature must not
11 be precluded from obtaining such service from one or more
12 other sources, either governmental or non-governmental,
13 in addition to the source finance through the funds.

14 “(2) If, after the end of the third fiscal year after
15 a fund is established, any Federal entity seeking to obtain
16 any service financed through the fund that is not inher-
17 ently governmental in nature is precluded from obtaining
18 such service from one or more other sources, either gov-
19 ernmental or non-governmental, in addition to the source
20 financed through the fund, the fund shall be canceled.”.

21 (b) The table of sections for subchapter III of chapter
22 15 of title 31, United States Code, is amended by adding,
23 after the item for section 1537, the following new item:

“1538. Franchise funds.”.

24 (c) Title 31, United States Code, is amended by add-
25 ing, after section 1538, a section 1539, as follows:

1 **“§ 1539. Innovation funds**

2 “(a) There is hereby authorized to be established an
3 innovation fund in any executive agency which does not
4 have such a fund, which shall be available without further
5 appropriation action by the Congress.

6 “(b) The purpose of the fund is to provide a self-
7 sustaining source of financing for agencies to invest in
8 projects designed to produce measurable improvements in
9 agency efficiency and significant taxpayer savings.
10 Amounts available in the fund may be borrowed by the
11 agency for such projects, subject to subsection (e).

12 “(c) Each agency that establishes an innovation fund
13 will develop an investment project selection process, in-
14 cluding specific investment criteria such as return on in-
15 vestment, payback period, extent of matching or in-kind
16 support (including such support from other Federal agen-
17 cies), technical merit, and budget justification.

18 “(d) For the first three fiscal years a fund is in oper-
19 ation, up to 50 percent of the unobligated balances of
20 funds provided in annual appropriations available at the
21 end of the fiscal year to the agency (other than appropria-
22 tions for salaries and expenses) may be transferred to and
23 merged with the innovation fund to be available to make
24 loans to agency components for projects designed to en-
25 hance productivity and generate cost savings, provided

1 that such transfers occur no later than the end of the suc-
2 ceeding fiscal year.

3 “(e)(1) Any amounts borrowed from the fund by an
4 agency component to finance a project selected under the
5 process described in subsection (c) shall be repaid to the
6 fund at the times specified in the repayment schedule
7 agreed upon at the time the loan is made.

8 “(2) Interest on loans made by the fund shall be paid
9 to the fund at the rate on marketable Treasury securities
10 of similar maturity at the time the loan is made.

11 “(3) Repayments shall be made from the accounts
12 anticipated to receive the greatest long-term benefit from
13 the project at the time the loan is made.

14 “(4) Repayments to the fund shall take priority over
15 any other obligation of payments of an account designated
16 to make repayments under paragraph (3) of this sub-
17 section.”.

18 (d) The table of sections for subchapter III of chapter
19 15 of title 31, United States Code, is amended by adding,
20 after the item for section 1538, the following new item:

“1539. Innovation funds.”.

21 **SEC. 16004. SIMPLIFICATION OF MANAGEMENT REPORTING**
22 **PROCESS.**

23 (a) To improve the efficiency of Executive branch
24 performance in implementing statutory requirements for
25 general management and financial management reports to

1 the Congress and its committees, the Director of the Of-
2 fice of Management and Budget may publish annually in
3 the President's Budget his recommendations for consoli-
4 dation, elimination, or adjustments in frequency and due
5 dates of statutorily required periodic reports of agencies
6 to the Office of Management and Budget or the President
7 and of agencies or the Office of Management and Budget
8 to the Congress under any laws for which the Office of
9 Management and Budget has general management or fi-
10 nancial management responsibility. For each rec-
11 ommendation, the Director shall provide an individualized
12 statement of the reasons that support the recommenda-
13 tion. In addition, for each report for which a recommenda-
14 tion is made, the Director shall state with specificity the
15 exact consolidation, elimination, or adjustment in fre-
16 quency or due date that is recommended. If the Director's
17 recommendations are approved by law, they shall take ef-
18 fect.

19 (b) The Director's recommendations shall be consist-
20 ent with the purpose stated in subsection (a).

21 (c) Prior to the publication of the recommendations
22 authorized in subsection (a), the Director or his designee
23 shall consult with the appropriate congressional commit-
24 tees, including the House Committee on Government Op-

1 erations and the Senate Committee on Governmental Af-
2 fairs, concerning the recommendations.

3 **SEC. 16005. ANNUAL FINANCIAL REPORTS.**

4 (a) Section 3515 of title 31, United States Code, is
5 amended to read as follows:

6 **“§ 3515. Financial statements of agencies**

7 “(a) Not later than March 1 of 1997 and each year
8 thereafter, the head of each executive agency identified in
9 section 901(b) of this title shall prepare and submit to
10 the Director of the Office of Management and Budget an
11 audited financial statement for the preceding fiscal year,
12 covering all accounts and associated activities of each of-
13 fice, bureau, and activity of the agency.

14 “(b) Each audited financial statement of an executive
15 agency under this section shall reflect—

16 “(1) the overall financial position of the offices,
17 bureaus, and activities covered by the statement, in-
18 cluding assets and liabilities thereof; and

19 “(2) results of operations of those offices, bu-
20 reaus, and activities.

21 “(c) The Director of the Office of Management and
22 Budget shall prescribe the form and content of the finan-
23 cial statements of executive agencies under this section,
24 consistent with applicable accounting principles, stand-
25 ards, and requirements.

1 “(d) The Director of the Office of Management and
2 Budget may waive the application of all or part of sub-
3 section (a).

4 “(e) Not later than March 1 of 1996, the head of
5 each Executive agency identified in section 901(b) of this
6 title and designated by the Director of the Office of Man-
7 agement and Budget shall prepare and submit to the Di-
8 rector of the Office of Management and Budget an audited
9 financial statement for the preceding fiscal year, covering
10 all accounts and associated activities of each office, bu-
11 reau, and activity of the agency.

12 “(f) Not later than March 31 of 1994, 1995, and,
13 for Executive agencies not designated by the Director of
14 the Office of Management and Budget under subsection
15 (e), 1996, the head of each Executive agency identified
16 in section 901(b) of this title shall prepare and submit
17 to the Director of the Office of Management and Budget
18 a financial statement for the preceding fiscal year, cover-
19 ing—

20 “(1) each revolving fund and trust fund of the
21 agency; and

22 “(2) to the extent practicable, the accounts of
23 each office, bureau, and activity of the agency which
24 performed substantial commercial functions during
25 the preceding fiscal year.

1 “(g) for purposes of subsection (f), the term ‘commer-
2 cial functions’ includes buying and leasing of real estate,
3 providing insurance, making loans and loan guarantees,
4 and other credit programs and any activity involving the
5 provision of a service or thing for which a fee, royalty,
6 rent, or other charge is imposed by an agency for services
7 and things of value it provides.”.

8 (b) Subsection 3521(f) of title 31, United States
9 Code, is amended to read as follows:

10 “(f)(1) For each audited financial statement required
11 under subsections (a) and (e) of section 3515 of this title,
12 the person who audits the statement for purpose of sub-
13 section (e) of this section shall submit a report on the
14 audit to the head of the agency. A report under this sub-
15 section shall be prepared in accordance with generally ac-
16 cepted government auditing standards.

17 “(2) Not later than June 30 following the fiscal year
18 for which a financial statement is submitted under sub-
19 section (f) of section 3515 of this title, the person who
20 audits the statement for purpose of subsection (e) of this
21 section shall submit a report on the audit to the head of
22 the agency. A report under this subsection shall be pre-
23 pared in accordance with generally accepted government
24 auditing standards.”.

1 **SEC. 16006. AUTHORIZATION OF APPROPRIATIONS FOR EN-**
2 **HANCING DEBT COLLECTION.**

3 (a) Title 31, United States Code, is amended by add-
4 ing, after section 3720A, a section 3720B, as follows:

5 **“§ 3720B. Authorization of appropriations for enhanc-**
6 **ing debt collection**

7 “(a) To the extent and in the amounts provided in
8 advance in appropriations acts—

9 “(1) an amount not to exceed 1 percent of the
10 delinquent debts collected for a program in one fiscal
11 year is authorized to be credited in the following fis-
12 cal year to a special fund for such program;

13 “(2) an amount not to exceed 10 percent of any
14 sustained annual increase in delinquent debt collec-
15 tions, as defined by the Director of the Office of
16 Management and Budget, is authorized to be cred-
17 ited to a special fund for such program; and

18 “(3) from amounts credited under paragraphs
19 (1) and (2), such sums as may be necessary are au-
20 thorized to be appropriated for the improvement of
21 that program’s debt collection activities, including,
22 but not limited to, account and loan servicing, delin-
23 quent debt collection and asset disposition.

24 “(b) Debt is defined as delinquent under standards
25 prescribed or to be prescribed by the Secretary of the
26 Treasury.

1 “(c) For direct loan and loan guarantee programs
2 subject to Title V of the Congressional Budget Act of
3 1974, amounts credited in accordance with section (a)
4 shall be considered administrative costs and shall not be
5 included in the estimated payments to the Government for
6 the purpose of calculating the cost of such programs.

7 “(d) This section shall apply only to collection of
8 debts—

9 “(1) for a program not within the Department
10 of Justice; and

11 “(2) not involving the assistance of the Depart-
12 ment of Justice.”.

13 (b) The table of sections for subchapter II of chapter
14 37 of title 31, United States Code, is amended by adding,
15 after the item for section 3720A, the following new item:

“3720B. Authorization of appropriations for enhancing debt collection.”.

16 **SEC. 16007. CONTRACTS FOR COLLECTION SERVICES.**

17 (a) Subsection 3701(d) of Title 31, United States
18 Code, is amended—

19 (1) by striking “and 3716–3719” and inserting
20 in lieu thereof “, 3716, and 3717”; and

21 (2) by striking “, the Social Security Act (42
22 U.S.C. 301 et seq.),”.

23 (b) Section 3701 of title 31, United States Code, is
24 amended by adding at the end the following:

1 “(e) Section 3718 of this title does not apply to a
2 claim or debt under, or to an amount payable under, the
3 Social Security Act (42 U.S.C. 301 et seq.) owed by a
4 person receiving benefits under that Act or to a claim or
5 debt under, or to an amount payable under, title 26 of
6 the United States Code.”.

7 **SEC. 16008. NOTIFICATION TO AGENCIES OF DEBTORS’**
8 **MAILING ADDRESSES.**

9 Section 3720A of title 31, United States Code is
10 amended by striking “the individual’s home address.” at
11 the end of subsection (c) and inserting the following: “the
12 person’s mailing address. Provision of this information is
13 authorized by section 6103(m)(2) of the Internal Revenue
14 Code (26 U.S.C. 6103(m)(2)).”.

15 **SEC. 16009. CONTRACTS FOR COLLECTION SERVICES.**

16 Subparagraph 3718(B)(1)(A) of title 31, United
17 States Code, is amended by striking the following: “If the
18 Attorney General makes a contract for legal services to
19 be furnished in any judicial district of the United States
20 under the first sentence of this paragraph, the Attorney
21 General shall use his best efforts to obtain, from among
22 attorneys regularly engaged in the private practice of law
23 in such district, at least four such contracts with private
24 individuals or firms in such district.”.

1 **SEC. 16010. ADJUSTING CIVIL MONETARY PENALTIES FOR**
2 **INFLATION.**

3 The Federal Civil Penalties Inflation Adjustment Act
4 of 1990 is amended by—

5 (1) amending section 4 to read as follows: “The
6 head of each agency shall—

7 “(1) by regulation, no later than September 30,
8 1994, and at least once every 4 years thereafter, ad-
9 just each civil monetary penalty provided by law
10 within the jurisdiction of the Federal agency, except
11 for any penalty under title 26, United States Code,
12 by the inflation adjustment described under section
13 5 and publish each such adjustment in the Federal
14 Register; and

15 “(2) provide a report to the Secretary of the
16 Treasury by November 15 of each year on all pen-
17 alties adjusted during the preceding fiscal year.”;

18 (2) amending subsection 5(a) by striking “The
19 adjustment described under paragraphs (4) and
20 (5)(A) of section 4” and inserting “The inflation ad-
21 justment”; and

22 (3) adding, after section 6, a section 7, as fol-
23 lows: “Section 7. Any increase to a civil monetary
24 penalty resulting from this Act shall apply only to
25 violations which occur after the date any such in-
26 crease takes effect.”.

1 **TITLE XVII—RESCISSIONS OF**
2 **BUDGET AUTHORITY**

3 **SEC. 17001. SHORT TITLE.**

4 This title may be cited as the “Fiscal Year 1994 Re-
5 scission Act”.

6 **Subtitle A—Department of Agri-**
7 **culture, Rural Development,**
8 **Food and Drug Administration,**
9 **and Related Agencies**

10 DEPARTMENT OF AGRICULTURE

11 AGRICULTURAL RESEARCH SERVICE

12 (RESCISSION AND TRANSFER OF FUNDS)

13 Of the funds made available under this heading in
14 Public Law 103–111 and subsequently transferred to the
15 Human Nutrition Information Service pursuant to Sec-
16 retary’s Memorandum No. 1020–39, dated September 30,
17 1993, \$1,000,000 are rescinded and the remaining funds
18 are transferred to the Agricultural Research Service: *Pro-*
19 *vided*, That funds appropriated by Public Law 103–111
20 for the functions of the former Human Nutrition Informa-
21 tion Service shall be made available only to the Agricul-
22 tural Research Service.

1 COOPERATIVE STATE RESEARCH SERVICE

2 (RESCISSION)

3 Of the funds made available under this heading in
4 Public Law 103–111, \$14,279,000 are rescinded, includ-
5 ing \$4,375,000 for contracts and grants for agricultural
6 research under the Act of August 4, 1965, as amended;
7 \$7,000,000 for competitive research grants; and
8 \$2,904,000 for necessary expenses of the Cooperative
9 State Research Service.

10 BUILDINGS AND FACILITIES

11 (RESCISSION)

12 Of the funds made available under this heading in
13 Public Law 103–111, \$2,897,000 are rescinded.

14 AGRICULTURAL MARKETING SERVICE

15 MARKETING SERVICES

16 (RESCISSION AND TRANSFER OF FUNDS)

17 Of the funds made available under this heading in
18 Public Law 103–111 and subsequently transferred to the
19 Agricultural Cooperative Service pursuant to Secretary's
20 Memorandum No. 1020–39, dated September 30, 1993,
21 \$100,000 are rescinded and the remaining funds are
22 transferred to the Rural Development Administration.

23 PAYMENTS TO STATES AND POSSESSIONS

24 (TRANSFER OF FUNDS)

25 Of the funds made available under this heading in
26 Public Law 103–111 and subsequently transferred to the

1 Agricultural Cooperative Service pursuant to Secretary's
2 Memorandum No. 1020-39, dated September 30, 1993,
3 \$435,000 are transferred to the Rural Development
4 Administration.

5 FARMERS HOME ADMINISTRATION
6 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT
7 (RESCISSION)

8 Of the funds made available under this heading in
9 Public Law 103-111 for the cost of direct section 502
10 loans, \$35,000,000 are rescinded.

11 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT
12 (RESCISSION)

13 Of the funds made available under this heading in
14 Public Law 103-111 for the cost of direct loans,
15 \$20,000,000 are rescinded.

16 RURAL WATER AND WASTE DISPOSAL GRANTS
17 (RESCISSION)

18 Of the funds made available under this heading in
19 Public Law 103-111, \$25,000,000 are rescinded.

20 SALARIES AND EXPENSES
21 (RESCISSION)

22 Of the funds made available under this heading in
23 Public Law 103-111, \$12,167,000 are rescinded.

1 FOOD AND NUTRITION SERVICE

2 COMMODITY SUPPLEMENTAL FOOD PROGRAM

3 (RESCISSION)

4 Of the funds made available under this heading in

5 Public Law 102–341, \$12,600,000 are rescinded.

6 FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

7 (RESCISSION)

8 Of the funds made available under this heading in

9 Public Law 102–341, \$6,000,000 are rescinded.

10 PUBLIC LAW 480 PROGRAM ACCOUNT

11 (RESCISSION)

12 Of the funds made available under this heading in

13 Public Law 103–111 for commodities supplied in connec-

14 tion with title III, \$20,000,000 are rescinded.

15 **Subtitle B—Departments of Com-**
16 **merce, Justice, and State, the**
17 **Judiciary, and Related Agencies**

18 DEPARTMENT OF COMMERCE

19 ECONOMIC DEVELOPMENT ADMINISTRATION

20 ECONOMIC DEVELOPMENT REVOLVING FUND

21 (RESCISSION)

22 Of the unobligated balances in the Economic Devel-

23 opment Revolving Fund, \$29,000,000 are rescinded.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 CONSTRUCTION
4 (RESCISSION)

5 Of the amounts made available under this heading
6 in Public Law 103–121, \$3,000,000 are rescinded.

7 DEPARTMENT OF JUSTICE
8 ADMINISTRATIVE PROVISION

9 For fiscal year 1994 only, the Director of the Bureau
10 of Justice Assistance, upon good cause shown, may waive
11 the provisions of section 504(f) of the Omnibus Crime
12 Control and Safe Streets Act of 1968 for projects located
13 in communities covered under a Presidentially declared
14 disaster pursuant to the Robert T. Stafford Disaster Re-
15 lief and Emergency Assistance Act.

16 DEPARTMENT OF STATE
17 ADMINISTRATION OF FOREIGN AFFAIRS
18 BUYING POWER MAINTENANCE
19 (RESCISSION)

20 Of the balances in the Buying Power Maintenance
21 account, \$8,800,000 are rescinded.

22 NEW DIPLOMATIC POSTS
23 (RESCISSION)

24 Of the funds made available for the United States
25 Information Agency under this heading in Public Law
26 102–395, \$1,000,000 are rescinded.

1 ADMINISTRATIVE PROVISION

2 Subject to enactment of legislation authorizing the
3 Secretary of State to charge a fee or surcharge for proc-
4 essing machine readable non-immigrant visas and machine
5 readable combined border crossing identification cards and
6 non-immigrant visas, the Secretary of State may collect
7 not to exceed \$20,000,000 in additional fees or surcharges
8 during fiscal year 1994 pursuant to such authority: *Pro-*
9 *vided*, That such additional fees shall be deposited as an
10 offsetting collection to the Department of State, Adminis-
11 tration of Foreign Affairs, “Diplomatic and Consular Pro-
12 grams” appropriation account and such fees shall remain
13 available until expended: *Provided further*, That such col-
14 lections shall be available only to modernize, automate,
15 and enhance consular services and counterterrorism activi-
16 ties of the Department of State, to include the develop-
17 ment and installation of automated visa and namecheck
18 information systems, secure travel documents, worldwide
19 telecommunications systems, and management systems to
20 permit sharing of critical information regarding visa appli-
21 cants and help secure America’s borders.

1 THE JUDICIARY
2 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
3 JUDICIAL SERVICES
4 DEFENDER SERVICES
5 (RESCISSION)

6 Of the funds made available under this heading in
7 Public Law 103–121, \$3,000,000 are rescinded.

8 RELATED AGENCIES
9 BOARD FOR INTERNATIONAL BROADCASTING
10 ISRAEL RELAY STATION
11 (RESCISSION)

12 Of the funds made available under this heading,
13 \$1,700,000 are rescinded.

14 UNITED STATES INFORMATION AGENCY
15 SALARIES AND EXPENSES
16 (INCLUDING RESCISSION)

17 Of the funds made available under this heading in
18 Public Law 103–121, \$1,177,000 are rescinded.

19 Notwithstanding the provisions of this or any other
20 Act, not to exceed \$2,000,000 of the funds made available
21 under this heading in Public Law 103–121 may be used
22 to carry out projects involving security construction and
23 related improvements for Agency facilities not physically
24 located together with Department of State facilities
25 abroad: *Provided*, That such funds may remain available
26 until expended.

1 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

2 (RESCISSION)

3 Of the funds made available under this heading in
4 Public Law 103–121, \$850,000 are rescinded.

5 RADIO CONSTRUCTION

6 (RESCISSION)

7 Of the funds made available under this heading in
8 Public Law 103–121, \$2,000,000 are rescinded.

9 **Subtitle C—Energy and Water**
10 **Development**

11 DEPARTMENT OF DEFENSE—CIVIL

12 DEPARTMENT OF THE ARMY

13 CORPS OF ENGINEERS—CIVIL

14 GENERAL INVESTIGATIONS

15 (RESCISSION)

16 Of the amounts made available under this heading
17 in Public Law 102–377 and prior years’ Energy and
18 Water Development Appropriations Acts, \$24,970,000 are
19 rescinded.

20 CONSTRUCTION, GENERAL

21 (RESCISSION)

22 Of the amounts made available under this heading
23 in Public Law 102–377 and prior years’ Energy and
24 Water Development Appropriations Acts, \$97,319,000 are
25 rescinded.

1 DEPARTMENT OF THE INTERIOR
2 BUREAU OF RECLAMATION
3 CONSTRUCTION PROGRAM
4 (RESCISSION)

5 Of the amounts made available under this heading
6 in Public Law 102–377 and prior years’ Energy and
7 Water Development Appropriations Acts, \$16,000,000 are
8 rescinded.

9 DEPARTMENT OF ENERGY
10 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT
11 ACTIVITIES
12 (RESCISSION)

13 Of the funds made available under this heading in
14 Public Law 103–126, \$97,300,000 are rescinded: *Pro-*
15 *vided*, That the reduction shall be taken as a general re-
16 duction, applied to each program equally, so as not to
17 eliminate or disproportionately reduce any program,
18 project, or activity in the Energy Supply, Research and
19 Development Activities account as included in the reports
20 accompanying Public Law 103–126.

21 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES
22 (RESCISSION)

23 Of the amounts made available under this heading
24 in Public Law 102–377 and prior years’ Energy and
25 Water Development Appropriations Acts, \$42,000,000 are
26 rescinded.

1 **Subtitle D—Foreign Operations,**
2 **Export Financing, and Related**
3 **Agencies**

4 MULTILATERAL ECONOMIC ASSISTANCE

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 INTERNATIONAL FINANCIAL INSTITUTIONS

7 INTERNATIONAL BANK FOR RECONSTRUCTION AND

8 DEVELOPMENT

9 (RESCISSION)

10 Of the unexpended or unobligated balances made
11 available for payment to the International Bank for Re-
12 construction and Development for the United States share
13 of the paid-in share portion of the increases in capital
14 stock for the General Capital Increase, \$27,910,500 is
15 rescinded.

16 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

17 Notwithstanding Public Law 103–87, the United
18 States Governor of the International Bank for Reconstruc-
19 tion and Development may subscribe without fiscal year
20 limitation to the callable capital portion of the United
21 States share of the increases in capital stock in an amount
22 not to exceed \$902,439,500.

1 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
2 BANK
3 (RESCISSION)

4 Of the unexpended or unobligated balances made
5 available for payment to the Inter-American Development
6 Bank by the Secretary of the Treasury, for the paid-in
7 share portion of the United States share of the increase
8 in capital stock \$16,063,134 is rescinded.

9 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

10 Notwithstanding Public Law 103–87, the United
11 States Governor of the Inter-American Development Bank
12 may subscribe without fiscal year limitation to the callable
13 capital portion of the United States share of the increases
14 in capital stock in an amount not to exceed
15 \$1,563,875,725.

16 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK
17 (RESCISSION)

18 Of the unexpended or unobligated balances made
19 available for payment to the Asian Development Bank by
20 the Secretary of the Treasury, for the paid-in share por-
21 tion of the United States share of the increase in capital
22 stock \$13,026,366 is rescinded.

23 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

24 Notwithstanding Public Law 103–87, the United
25 States Governor of the Asian Development Bank may not
26 subscribe in fiscal year 1994 to the callable capital portion

1 of the United States share of any increases in capital
2 stock.

3 BILATERAL ECONOMIC ASSISTANCE

4 FUNDS APPROPRIATED TO THE PRESIDENT

5 AGENCY FOR INTERNATIONAL DEVELOPMENT

6 DEVELOPMENT ASSISTANCE

7 (RESCISSION)

8 Of the unexpended or unobligated balances (including
9 earmarked funds) made available for fiscal years 1987
10 through 1993 to carry out the provisions of sections 103
11 through 106 of the Foreign Assistance Act of 1961, as
12 amended, \$160,000,000 is rescinded: *Provided*, That
13 funds rescinded under this paragraph are to be derived
14 from the following countries in the following amounts:
15 Guatemala, \$8,000,000; Honduras, \$5,000,000; India,
16 \$10,000,000; Indonesia, \$15,000,000; Morocco,
17 \$10,000,000; Pakistan, \$15,000,000; Peru, \$5,000,000;
18 Philippines, \$10,000,000; Thailand, \$10,000,000; and
19 Yemen, \$5,000,000: *Provided further*, That \$10,000,000
20 of the funds rescinded under this paragraph are to be de-
21 rived from non-country specific, centrally funded activities:
22 *Provided further*, That \$57,000,000 of the funds rescinded
23 under this paragraph are to be derived from prior year
24 deobligated funds.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, \$90,000,000 is rescinded: *Provided*, That funds rescinded under this paragraph are to be derived from the following countries in the following amounts: Kenya, \$2,000,000; Liberia, \$797,000; Oman, \$18,000,000; Peru, \$11,000,000; Philippines, \$10,200,000; and Somalia, \$3,003,000: *Provided further*, That \$45,000,000 of the funds rescinded under this paragraph are to be derived from the Private Sector Power Project (No. 391–0494) for Pakistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the grant funds made available (including earmarked funds) under this heading in Public Law 102–391 and prior appropriations Acts, \$66,000,000 is rescinded: *Provided*, That funds rescinded under this paragraph are to be derived from the following countries in the following amounts: Benin, \$3,000; Cameroon, \$161,000; Central African Republic, \$59,000; Congo, \$7,000; Cote D' Ivoire,

1 \$128,000; Equatorial Guinea, \$86,000; Gabon, \$3,000;
 2 Ghana, \$600,000; Guatemala, \$1,563,000; Guinea,
 3 \$499,000; Kenya, \$9,000,000; Liberia, \$15,000; Mada-
 4 gascar, \$505,000; Mali, \$3,000; Malawi, \$326,000; Mau-
 5 ritania, \$300,000; Morocco, \$8,000,000; Organization of
 6 American States, \$6,000; Oman, \$3,100,000; Pakistan,
 7 \$8,108,000; Peru, \$6,533,000; Philippines, \$5,000,000;
 8 Rwanda, \$250,000; Sao Tome & Principe, \$228,000; So-
 9 malia, \$4,349,000; Sudan, \$8,609,000; Thailand,
 10 \$1,384,000; Togo, \$19,000; Tunisia, \$4,100,000; Ugan-
 11 da, \$100,000; Yemen, \$2,241,000; Zambia, \$100,000;
 12 Zaire, \$455,000; and Zimbabwe, \$160,000.

13 **Subtitle E—Department of the**
 14 **Interior and Related Agencies**

15 DEPARTMENT OF THE INTERIOR

16 U.S. FISH AND WILDLIFE SERVICE

17 CONSTRUCTION AND ANADROMOUS FISH

18 (RESCISSION)

19 Of the funds appropriated under this head in Public
 20 Law 100–446 and Public Law 102–154, \$3,874,000 are
 21 rescinded.

1 DEPARTMENT OF THE TREASURY

2 BIOMASS ENERGY DEVELOPMENT

3 (RESCISSION)

4 Of the funds available under this head, \$16,275,000
5 are rescinded.

6 DEPARTMENT OF ENERGY

7 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

8 Section 303 of Public Law 97–257, as amended, is
9 repealed.

10 The seventh proviso under the head “Clean Coal
11 Technology” in Public Law 101–512, and the seventh pro-
12 viso under the head “Clean Coal Technology” in Public
13 Law 102–154, both concerning Federal employment, are
14 repealed.

15 **Subtitle F—Departments of Labor,**
16 **Health and Human Services,**
17 **Education, and Related Agen-**
18 **cies**

19 DEPARTMENT OF LABOR

20 (RESCISSION)

21 Of the amounts appropriated in Public Law 103–112
22 for salaries and expenses and administrative costs of the
23 Department of Labor, \$4,000,000 are rescinded.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES

3 (RESCISSION)

4 Of the amounts appropriated in Public Law 103–112
5 for salaries and expenses and administrative costs of the
6 Department of Health and Human Services (except the
7 Social Security Administration), \$37,500,000 are
8 rescinded.

9 SOCIAL SECURITY ADMINISTRATION

10 SUPPLEMENTAL SECURITY INCOME PROGRAM

11 (RESCISSION)

12 Of the amounts appropriated in the first paragraph
13 under this heading in Public Law 103–112, \$10,909,000
14 are rescinded.

15 LIMITATION ON ADMINISTRATIVE EXPENSES

16 (RESCISSION)

17 Of the funds made available under this heading in
18 Public Law 103–112 to invest in a state-of-the-art com-
19 puting network, \$80,000,000 are rescinded.

20 DEPARTMENT OF EDUCATION

21 DEPARTMENTAL MANAGEMENT

22 PROGRAM ADMINISTRATION

23 (RESCISSION)

24 Of the amounts appropriated under this heading in
25 Public Law 103–112 for salaries and expenses and admin-

1 istrative costs of the Department of Education,
2 \$8,500,000 are rescinded.

3 **Subtitle G—Legislative Branch**

4 HOUSE OF REPRESENTATIVES

5 SALARIES AND EXPENSES

6 (RESCISSION)

7 Of the amounts made available under this heading
8 in Public Law 101–520, \$633,000 are rescinded in the
9 amounts specified for the following headings and accounts:

10 “ALLOWANCES AND EXPENSES”, \$633,000, as follows:

11 “Official Expenses of Members”, \$128,000; “sup-
12 plies, materials, administrative costs and Federal tort
13 claims”, \$125,000; “net expenses of purchase, lease and
14 maintenance of office equipment”, \$364,000; and “Gov-
15 ernment contributions to employees’ life insurance fund,
16 retirement funds, Social Security fund, Medicare fund,
17 health benefits fund, and worker’s and unemployment
18 compensation”, \$16,000.

19 Of the amounts made available under this heading
20 in Public Law 102–90, \$2,352,000 are rescinded in the
21 amounts specified for the following headings and accounts:

1 “HOUSE LEADERSHIP OFFICES”, \$253,000;
2 “COMMITTEE ON THE BUDGET (STUDIES)”, \$4,000;
3 “STANDING COMMITTEES, SPECIAL AND SELECT”,
4 \$378,000;
5 “ALLOWANCES AND EXPENSES”, \$943,000, as follows:
6 “Official Expenses of Members”, \$876,000; and
7 “stenographic reporting of committee hearings”, \$67,000;
8 “COMMITTEE ON APPROPRIATIONS (STUDIES AND
9 INVESTIGATIONS)”, \$595,000;
10 “SALARIES, OFFICERS AND EMPLOYEES”, \$179,000, as
11 follows:
12 “Office of the Postmaster”, \$19,000; “for salaries
13 and expenses of the Office of the Historian”, \$26,000;
14 “the House Democratic Steering and Policy Committee
15 and the Democratic Caucus”, \$73,000; and “the House
16 Republican Conference”, \$61,000.

17 ARCHITECT OF THE CAPITOL

18 CAPITOL BUILDINGS AND GROUNDS

19 CAPITOL BUILDINGS

20 (RESCISSION)

21 Of the amounts made available under this heading
22 in Public Law 102–392 and Public Law 103–69,
23 \$1,000,000 and \$2,000,000, respectively, both made avail-
24 able until expended, are rescinded: *Provided*, That the Ar-
25 chitect of the Capitol shall be considered the agency for
26 purposes of the election in section 801(b)(2)(B) of the

1 National Energy Conservation Policy Act and the head of
2 the agency for purposes of subsection (b)(2)(C) of such
3 section.

4 LIBRARY OF CONGRESS

5 (RESCISSION)

6 Of the amounts made available under this heading
7 in Public Law 103–69 and Public Law 98–396, \$900,000
8 are rescinded.

9 GENERAL ACCOUNTING OFFICE

10 SALARIES AND EXPENSES

11 (RESCISSION)

12 Of the amounts made available under this heading
13 in Public Law 103–69, \$1,300,000 are rescinded.

14 SUPPLEMENTAL APPROPRIATION

15 That the following sum is appropriated, out of any
16 money in the Treasury not otherwise appropriated, for the
17 Legislative Branch for the fiscal year ending September
18 30, 1994, and for other purposes, namely:

19 HOUSE OF REPRESENTATIVES

20 PAYMENTS TO WIDOWS AND HEIRS OF DECEASED

21 MEMBERS OF CONGRESS

22 For payment to Karen A. Henry, widow of Paul B.
23 Henry, late a Representative from the State of Michigan,
24 \$133,600.

**Subtitle H—Department of
Defense-Military**

MILITARY CONSTRUCTION

(RESCISSIONS)

Of the funds appropriated under Public Law 103–110, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, \$22,319,000;

Military Construction, Navy, \$13,969,000;

Military Construction, Air Force, \$24,787,000;

Military Construction, Defense-Wide,
\$13,663,000;

Military Construction, Army National Guard,
\$7,568,000;

Military Construction, Air National Guard,
\$6,187,000;

Military Construction, Army Reserve,
\$2,551,000;

Military Construction, Naval Reserve,
\$626,000;

Military Construction, Air Force Reserve,
\$1,862,000;

North Atlantic Treaty Organization Infrastruc-
ture, \$70,000,000; and

1 Base Realignment and Closure Account, Part
2 III, \$437,692,000:

3 *Provided*, That, within funds available for “Base Realign-
4 ment and Closure Account, Part III” for fiscal year 1994,
5 not less than \$200,000,000 shall be available solely for
6 environmental restoration.

7 **Subtitle I—Department of Trans-**
8 **portation and Related Agencies**

9 DEPARTMENT OF TRANSPORTATION

10 OFFICE OF THE SECRETARY

11 PAYMENTS TO AIR CARRIERS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 (RESCISSION)

14 The funds provided for “Small community air serv-
15 ice” under section 419 of the Federal Aviation Act of
16 1958, as amended, in excess of the funds made available
17 for obligation in Public Law 103–122 are rescinded.

18 COAST GUARD

19 OPERATING EXPENSES

20 (RESCISSION)

21 Of the funds provided under this heading in Public
22 Law 102–368, \$5,000,000 are rescinded.

23 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

24 (RESCISSION)

25 Of the funds provided under this heading in Public
26 Law 102–368, \$2,000,000 are rescinded.

1 FEDERAL AVIATION ADMINISTRATION

2 OPERATIONS

3 (RESCISSION)

4 Of the funds made available under this heading in
5 Public Law 103–122, \$750,000 are rescinded.

6 FACILITIES AND EQUIPMENT

7 (AIRPORT AND AIRWAY TRUST FUND)

8 (RESCISSION)

9 Of the available balances (including earmarked
10 funds) under this heading, \$29,451,111 are rescinded.

11 GRANTS-IN-AID FOR AIRPORTS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 (RESCISSION)

14 Of the funds provided under the Airport and Airway
15 Improvement Act of 1982, as amended, for grants-in-aid
16 for airport planning and development and noise compat-
17 ibility planning and programs, \$488,200,000 of the
18 amount in excess of the funds made available for obliga-
19 tion in Public Law 103–122 are rescinded.

20 FEDERAL HIGHWAY ADMINISTRATION

21 (RESCISSION)

22 Of the funds made available for specific highway
23 projects that are not yet under construction, \$85,774,222
24 are rescinded: *Provided*, That no funds shall be rescinded
25 from any emergency relief project funded under section
26 125 of title 23, United States Code: *Provided further*, That

1 for the purposes of this paragraph, a project shall be
2 deemed to be not under construction unless a construction
3 contract for physical construction has been awarded by the
4 State, municipality, or other contracting authority.

5 NATIONAL HIGHWAY TRAFFIC SAFETY
6 ADMINISTRATION

7 OPERATIONS AND RESEARCH

8 (RESCISSION)

9 Of the amounts provided under this heading in Public
10 Law 102–388, \$3,476,000 are rescinded.

11 Of the amounts provided under this heading in Public
12 Law 101–516, \$1,075,000 are rescinded.

13 Of the amounts provided under this heading in Public
14 Law 101–164, \$2,505,000 are rescinded.

15 FEDERAL TRANSIT ADMINISTRATION

16 DISCRETIONARY GRANTS

17 (HIGHWAY TRUST FUND)

18 (RESCISSION)

19 Any unobligated balances of funds made available for
20 fiscal year 1991 and prior fiscal years under section 3 of
21 the Federal Transit Act, as amended, and allocated to spe-
22 cific projects for the replacement, rehabilitation, and pur-
23 chase of buses and related equipment, for construction of
24 bus-related facilities, and for new fixed guideway systems
25 are rescinded: *Provided*, That no funds provided for the
26 Miami Metromover project shall be rescinded: *Provided*

1 *further*, That of the funds provided under this heading in
2 Public Law 103–122, \$2,500,000 are rescinded.

3 **Subtitle J—Treasury, Postal**
4 **Service, and General Government**

5 GENERAL SERVICES ADMINISTRATION

6 FEDERAL BUILDINGS FUND

7 (RESCISSION)

8 Of the funds made available under this heading in
9 Public Law 103–123, \$126,022,000, are rescinded and
10 are not available in fiscal year 1994: *Provided*, That no
11 individual prospectus-level new construction project may
12 be reduced by more than 5 percent.

13 ADMINISTRATIVE PROVISION

14 SEC. 17101. Section 630 of the Treasury, Postal
15 Service, and General Government Appropriations Act,
16 1993 (Public Law 102–393), and the amendment made
17 by that section, are repealed.

1 **Subtitle K—Departments of Veter-**
2 **ans Affairs and Housing and**
3 **Urban Development, and Inde-**
4 **pendent Agencies**

5 DEPARTMENT OF VETERANS AFFAIRS

6 DEPARTMENTAL ADMINISTRATION

7 CONSTRUCTION, MAJOR PROJECTS

8 (RESCISSION)

9 Of the funds made available under this heading in
10 Public Law 103–124, \$26,000,000 are rescinded.

11 DEPARTMENT OF HOUSING AND URBAN

12 DEVELOPMENT

13 HOUSING PROGRAMS

14 HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE

15 EVERYWHERE GRANTS (HOPE GRANTS)

16 (RESCISSION)

17 Of the funds made available under this heading in
18 Public Law 102–389 and Public Law 102–139,
19 \$66,000,000 are rescinded: *Provided*, That of the fore-
20 going amount, \$34,000,000 shall be deducted from the
21 amounts earmarked for the HOPE for Public and Indian
22 Housing Homeownership Program and \$32,000,000 shall
23 be deducted from the amounts earmarked for the HOPE
24 for Homeownership of Multifamily Units Program.

8 ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8
9 SUBSIDY CONTRACTS

14 ADMINISTRATIVE PROVISION

•HR 3400 RFS

1 INDEPENDENT AGENCIES

2 ENVIRONMENTAL PROTECTION AGENCY

3 WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

4 (INCLUDING RESCISSION OF FUNDS)

5 Of the funds made available under this heading in
6 Public Law 103–124, \$22,000,000 are rescinded: *Pro-*
7 *vided*, That the \$500,000,000 earmarked under this head-
8 ing in Public Law 103–124 to not become available until
9 May 31, 1994, shall instead not become available until
10 September 30, 1994.

11 FEDERAL EMERGENCY MANAGEMENT AGENCY

12 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

13 (RESCISSION)

14 Of the funds made available under this heading in
15 Public Law 103–124, \$2,000,000 are rescinded.

16 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

17 RESEARCH AND DEVELOPMENT

18 (RESCISSION)

19 Of the funds made available under this heading in
20 Public Law 103–124, \$25,000,000 are rescinded.

21 CONSTRUCTION OF FACILITIES

22 (RESCISSION)

23 Of the funds made available under this heading in
24 Public Law 103–124, \$25,000,000 are rescinded.

1 NATIONAL SCIENCE FOUNDATION
2 ACADEMIC RESEARCH INFRASTRUCTURE
3 (RESCISSION)

4 Of the funds made available under this heading in
5 Public Law 103–124, \$10,000,000 are rescinded.

6 NATIONAL SERVICE INITIATIVE
7 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
8 (RESCISSION)

9 Of the funds made available under this heading in
10 Public Law 103–124, \$5,000,000 are rescinded.

11 EXECUTIVE OFFICE OF THE PRESIDENT
12 OFFICE OF SCIENCE AND TECHNOLOGY POLICY
13 The proviso under this heading in Public Law 103–
14 124 is repealed.

Passed the House of Representatives November 22,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

- HR 3400 RFS—2
- HR 3400 RFS—3
- HR 3400 RFS—4
- HR 3400 RFS—5
- HR 3400 RFS—6
- HR 3400 RFS—7
- HR 3400 RFS—8
- HR 3400 RFS—9

HR 3400 RFS—10

HR 3400 RFS—11