UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
ONE HUNDRED SECOND CONGRESS
OF THE UNITED STATES OF AMERICA

1992

AND

TWENTY-SEVENTH AMENDMENT TO THE
CONSTITUTION AND PROCLAMATIONS

VOLUME 106

IN SIX PARTS

PART 6

PUBLIC LAWS 102-574 THROUGH 102-590

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102–327	To designate the facility of the United States Postal Service located at 20 South Montgomery Street in Trenton, New Jersey, as the "Arthur J. Holland United States Post Office Building".	July 23, 1992	844
102–328	To amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System.	Aug. 3, 1992	845
102–329	To make technical amendments to the Fair Packaging and Labeling Act with respect to its treatment of the SI metric system, and for other purposes.	Aug. 3, 1992	847
102–330	To authorize the Architect of the Capitol to acquire certain property.	Aug. 3, 1992	849
102–331	To designate July 28, 1992, as "Buffalo Soldiers Day"	Aug. 3, 1992	851
102–332	Designating September 10, 1992, as "National D.A.R.E. Day".	Aug. 3, 1992	853
102–333	To designate August 1, 1992, as "Helsinki Human Rights Day".	Aug. 4, 1992	855
102–334	To partially restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1991.	Aug. 6, 1992	858
102–335	Pacific Yew Act	Aug. 7, 1992	859
102–336	To extend the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden.	Aug. 7, 1992	864

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102–337	To amend the National School Lunch Act to authorize the Secretary of Agriculture to provide financial and other assistance to the University of Mississippi, in cooperation with the University of Southern Mississippi, to establish and maintain a food service management institute, and for other purposes.	Aug. 7, 1992	865
102–338	Zuni River Watershed Act of 1992	Aug. 11, 1992	866
102–339	To provide additional time to negotiate settlement of a land dispute in South Carolina.	Aug. 11, 1992	869
102–340	To designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day".	Aug. 12, 1992	871
102–341	Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1993.	Aug. 14, 1992	873
102–342	Child Nutrition Amendments of 1992	Aug. 14, 1992	911
102–343	Thomas Jefferson Commemoration Commission Act	Aug. 17, 1992	915
102–344	Voting Rights Language Assistance Act of 1992	Aug. 26, 1992	921
102–345	FAA Civil Penalty Administrative Assessment Act of 1992	Aug. 26, 1992	923
102–346	Animal Enterprise Protection Act of 1992	Aug. 26, 1992	928
102–347	To permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years.	Aug. 26, 1992	930
102–348	To convey certain surplus real property located in the Black Hills National Forest to the Black Hills Workshop and Training Center, and for other purposes.	Aug. 26, 1992	931
102–349	To amend section 992 of title 28, United States Code, to provide a member of the United States Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress.	Aug. 26, 1992	933
102–350	Marsh-Billings National Historical Park Establishment Act.	Aug. 26, 1992	934
102–351	To amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes.	Aug. 26, 1992	937
102–352	Public Health Service Act Technical Amendments Act	Aug. 26, 1992	938
102–353	Prescription Drug Amendments of 1992	Aug. 26, 1992	941
102–354	Administrative Procedure Technical Amendments Act of 1991.	Aug. 26, 1992	944
102–355	To amend the Act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the Memorial, and for other purposes.	Aug. 26, 1992	947
102–356	Public Telecommunications Act of 1992	Aug. 26, 1992	949
102–357	To amend title 28, United States Code, to establish 3 divisions in the Central Judicial District of California.	Aug. 26, 1992	958
102–358	To authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the United States Army Corps of Engineers under the authority of Public Law 100–202.	Aug. 26, 1992	960
102–359	To extend for one year the National Commission on Time and Learning, and for other purposes.	Aug. 26, 1992	962
102–360	To waive the period of congressional review for certain District of Columbia Acts.	Aug. 26, 1992	964
102–361	Bankruptcy Judgeship Act of 1992	Aug. 26, 1992	965
102–362	To designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week".	Aug. 26, 1992	967
102–363	To approve the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania.	Aug. 26, 1992	969
102–364	Designating September 1992 as "Childhood Cancer Month".	Sept. 2, 1992	970

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102–365	Rail Safety Enforcement and Review Act	Sept. 3, 1992	972
102–366	Small Business Credit and Business Opportunity Enhancement Act of 1992.	Sept. 4, 1992	986
102–367	Job Training Reform Amendments of 1992	Sept. 7, 1992	1021
102–368	Dire Emergency Supplemental Appropriations Act, 1992, Including Disaster Assistance To Meet the Present Emergencies Arising From the Consequences of Hurricane Andrew, Typhoon Omar, Hurricane Iniki, and Other Natural Disasters, and Additional Assistance to Distressed Communities.	Sept. 23, 1992	1117
102–369	To designate September 13, 1992, as "Commodore John Barry Day".	Sept. 24, 1992	1163
102–370	To designate October 1992 as "National Breast Cancer Awareness Month".	Sept. 24, 1992	1165
102–371	Civil Liberties Act Amendments of 1992	Sept. 27, 1992	1167
102–372	Tourism Policy and Export Promotion Act of 1992	Sept. 30, 1992	1170
102–373	Designating September 18, 1992, as "National POW/MIA Recognition Day", and authorizing display of the National League of Families POW/MIA flag.	Sept. 30, 1992	1184
102–374	Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992.	Sept. 30, 1992	1186
102–375	Older Americans Act Amendments of 1992	Sept. 30, 1992	1195
102–376	Making continuing appropriations for the fiscal year 1993, and for other purposes.	Oct. 1, 1992	1311
102–377	Energy and Water Development Appropriations Act, 1993	Oct. 2, 1992	1315
102–378	Technical and Miscellaneous Civil Service Amendments Act of 1992.	Oct. 2, 1992	1346
102–379	Civil War Battlefield Commemorative Coin Act of 1992	Oct. 5, 1992	1362
102–380	Military Construction Appropriations Act, 1993	Oct. 5, 1992	1366
102–381	Department of the Interior and Related Agencies Appropriations Act, 1993.	Oct. 5, 1992	1374
102–382	District of Columbia Supplemental Appropriations and Rescissions Act, 1992.	Oct. 5, 1992	1422
102–383	United States-Hong Kong Policy Act of 1992	Oct. 5, 1992	1448
102–384	National and Community Service Technical Amendment Act of 1992.	Oct. 5, 1992	1455
102–385	Cable Television Consumer Protection and Competition Act of 1992.	Oct. 5, 1992	1460
102–386	To amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities.	Oct. 6, 1992	1505
102–387	Waiving certain enrollment requirements with respect to any appropriations bill for the remainder of the One Hundred Second Congress.	Oct. 6, 1992	1519
102–388	Department of Transportation and Related Agencies Appropriations Act, 1993.	Oct. 6, 1992	1520
102–389	Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993.	Oct. 6, 1992	1571
102–390	To provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee, to reauthorize and reform the United States Mint, and for other purposes.	Oct. 6, 1992	1620
102–391	Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993.	Oct. 6, 1992	1633
102–392	Legislative Branch Appropriations Act, 1993	Oct. 6, 1992	1703
102–393	Treasury, Postal Service, and General Government Appropriations Act, 1993.	Oct. 6, 1992	1729

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102–394	Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993.	Oct. 6, 1992	1792
102–395	Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993.	Oct. 6, 1992	1828
102–396	Department of Defense Appropriations Act, 1993	Oct. 6, 1992	1876
102–397	To add to the area in which the Capitol Police have law enforcement authority, and for other purposes.	Oct. 6, 1992	1949
102–398	To consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.	Oct. 6, 1992	1953
102–399	To authorize appropriations for the American Folklife Center for fiscal year 1993.	Oct. 7, 1992	1954
102–400	United States Commission on Civil Rights Authorization Act of 1992.	Oct. 7, 1992	1955
102–401	Head Start Improvement Act of 1992	Oct. 7, 1992	1956
102–402	Rocky Mountain Arsenal National Wildlife Refuge Act of 1992.	Oct. 9, 1992	1961
102–403	To amend section 574 of title 5, United States Code, relating to the authorities of the Administrative Conference.	Oct. 9, 1992	1968
102–404	Chinese Student Protection Act of 1992	Oct. 9, 1992	1969
102–405	Veterans' Medical Programs Amendments of 1992	Oct. 9, 1992	1972
102–406	Benjamin Franklin National Memorial Commemorative Medal and Fire Service Bill of Rights Act.	Oct. 12, 1992	1986
102–407	To authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes.	Oct. 13, 1992	1991
102–408	Health Professions Education Extension Amendments of 1992.	Oct. 13, 1992	1992
102–409	DES Education and Research Amendments of 1992	Oct. 13, 1992	2092
102–410	Agency for Health Care Policy and Research Reauthorization Act of 1992.	Oct. 13, 1992	2094
102–411	EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992.	Oct. 14, 1992	2102
102–412	Authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who served with Union forces during the Civil War..	Oct. 14, 1992	2104
102–413	Designating the week beginning November 8, 1992, as "Hire a Veteran Week".	Oct. 14, 1992	2105
102–414	World War II 50th Anniversary Commemorative Coins Act.	Oct. 14, 1992	2106
102–415	Alaska Land Status Technical Corrections Act of 1992	Oct. 14, 1992	2112
102–416	Advisory Council on California Indian Policy Act of 1992	Oct. 14, 1992	2131
102–417	Incarcerated Witness Fees Act of 1991	Oct. 14, 1992	2138
102–418	To designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week".	Oct. 14, 1992	2139
102–419	Dayton Aviation Heritage Preservation Act of 1992	Oct. 16, 1992	2141
102–420	An act to provide for the withdrawal of most favored nation status from Serbia and Montenegro and to provide for restoration of such status if certain conditions are fulfilled.	Oct. 16, 1992	2149
102–421	Education of the Deaf Act Amendments of 1992	Oct. 16, 1992	2151
102–422	To amend the District of Columbia Spouse Equity Act of 1988.	Oct. 16, 1992	2167
102–423	To authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center.	Oct. 16, 1992	2168
102–424	To designate October 1992 as "Polish-American Heritage Month".	Oct. 16, 1992	2170

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102–425	To designate the second Sunday in October of 1992 as "National Children's Day".	Oct. 16, 1992	2172
102–426	Community Environmental Response Facilitation Act	Oct. 19, 1992	2174
102–427	Little River Canyon National Preserve Act of 1992	Oct. 21, 1992	2179
102–428	Rural Electrification Administration Improvement Act of 1992.	Oct. 21, 1992	2183
102–429	Export Enhancement Act of 1992	Oct. 21, 1992	2186
102–430	Indiana Dunes National Lakeshore Access and Enhancement Act.	Oct. 23, 1992	2208
102–431	To permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio.	Oct. 23, 1992	2211
102–432	To amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.	Oct. 23, 1992	2212
102–433	To designate the Federal Office Building Number 9 located at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building".	Oct. 23, 1992	2214
102–434	To designate the building located at 80 North Hughey Avenue in Orlando, Florida, as the George C. Young United States Courthouse and Federal Building.	Oct. 23, 1992	2215
102–435	To designate the Federal building and courthouse to be constructed at 5th and Ross Streets in Santa Ana, California, as the "Ronald Reagan Federal Building and Courthouse".	Oct. 23, 1992	2216
102–436	To provide for a land exchange with the city of Tacoma, Washington.	Oct. 23, 1992	2217
102–437	To designate the general mail facility of the United States Postal Service in Gulfport, Mississippi, as the "Larkin I. Smith General Mail Facility" and the building of the United States Postal Service in Poplarville, Mississippi, as the "Larkin I. Smith Post Office Building".	Oct. 23, 1992	2221
102–438	To designate the facility under construction for use by the United States Postal Service at FM 1098 Loop in Prairie View, Texas, as the "Esel D. Bell Post Office Building".	Oct. 23, 1992	2222
102–439	To authorize additional appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House.	Oct. 23, 1992	2223
102–440	To promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes.	Oct. 23, 1992	2224
102–441	Jicarilla Apache Tribe Water Rights Settlement Act	Oct. 23, 1992	2237
102–442	To designate the Federal building and United States courthouse located at 204 South Main Street in South Bend, Indiana, as the "Robert A. Grant Federal Building and United States Courthouse".	Oct. 23, 1992	2243
102–443	To provide for the temporary use of certain lands in the city of South Gate, California, for elementary school purposes.	Oct. 23, 1992	2244
102–444	To amend title 35, United States Code, with respect to the late payment of maintenance fees.	Oct. 23, 1992	2245
102–445	To designate the Federal building located at 200 Federal Plaza in Paterson, New Jersey, as the "Robert A. Roe Federal Building".	Oct. 23, 1992	2246

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102–446	To designate the Federal building and United States courthouse located at the corner of College Avenue and Mountain Street in Fayetteville, Arkansas, as the "John Paul Hammerschmidt Federal Building and United States Courthouse".	Oct. 23, 1992	2247
102–447	To designate the Central Square facility of the United States Postal Service in Cambridge, Massachusetts, as the "Clifton Merriman Post Office Building".	Oct. 23, 1992	2248
102–448	To designate the facility of the United States Postal Service located at 1100 Wythe Street in Alexandria, Virginia, as the "Helen Day United States Post Office Building".	Oct. 23, 1992	2249
102–449	To designate the Department of Veterans Affairs medical center in Marlin, Texas, as the "Thomas T. Connally Department of Veterans Affairs Medical Center".	Oct. 23, 1992	2250
102–450	To designate May of each year as "Asian/Pacific American Heritage Month".	Oct. 23, 1992	2251
102–451	To authorize certain additional uses of the Library of Congress Special Facilities Center, and for other purposes.	Oct. 23, 1992	2253
102–452	Granting the consent of the Congress to the Interstate Rail Passenger Network Compact.	Oct. 23, 1992	2255
102–453	Cedar River Watershed Land Exchange Act of 1992	Oct. 23, 1992	2258
102–454	To provide for the distribution within the United States of certain materials prepared by the United States Information Agency.	Oct. 23, 1992	2262
102–455	To designate the Federal Building located at Main and Church Streets in Victoria, Texas, as the "Martin Luther King, Jr. Federal Building".	Oct. 23, 1992	2263
102–456	To redesignate Springer Mountain National Recreation Area as "Ed Jenkins National Recreation Area".	Oct. 23, 1992	2264
102–457	Congressional Award Act Amendments of 1992	Oct. 23, 1992	2265
102–458	To direct expedited negotiated settlement of the land rights of the Kenai Natives Association, Inc., under section 14(h)(3) of the Alaska Native Claims Settlement Act, by directing land acquisition and exchange negotiations by the Secretary of the Interior and certain Alaska Native corporations involving lands and interests in lands held by the United States and such corporations.	Oct. 23, 1992	2267
102–459	To amend certain provisions of law relating to establishment, in the District of Columbia or its environs, of a memorial to honor Thomas Paine.	Oct. 23, 1992	2268
102–460	To amend the Wild and Scenic Rivers Act	Oct. 23, 1992	2270
102–461	To amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.	Oct. 23, 1992	2273
102–462	Designating the week beginning January 3, 1993, as "Braille Literacy Week".	Oct. 23, 1992	2274
102–463	Designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week".	Oct. 23, 1992	2276
102–464	Designating January 16, 1993, as "Religious Freedom Day".	Oct. 23, 1992	2277
102–465	Designating October 24, 1992, through November 1, 1992, as "National Red Ribbon Week for a Drug-Free America".	Oct. 23, 1992	2279
102–466	Designating October 14, 1992, as "National Occupational Therapy Day".	Oct. 23, 1992	2281
102–467	Designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week".	Oct. 23, 1992	2283

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102–468	Designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes.	Oct. 23, 1992	2285
102–469	Designating March 1993 as "Irish-American Heritage Month".	Oct. 23, 1992	2287
102–470	To designate the month of October 1992 as "Country Music Month".	Oct. 23, 1992	2289
102–471	Designating October 8, 1992, as "National Firefighters Day".	Oct. 23, 1992	2290
102–472	Supporting the planting of 500 redwood trees from California in Spain in commemoration of the quincentenary of the voyage of Christopher Columbus and designating the trees as a gift to the people of Spain.	Oct. 23, 1992	2291
102–473	Designating November 30, 1992, through December 6, 1992, as "National Education First Week".	Oct. 23, 1992	2293
102–474	Designating May 2, 1993, through May 8, 1993, as "National Walking Week".	Oct. 23, 1992	2295
102–475	Providing for the convening of the first session of the One Hundred Third Congress.	Oct. 23, 1992	2296
102–476	Scientific and Advanced-Technology Act of 1992	Oct. 23, 1992	2297
102–477	Indian Employment, Training and Related Services Demonstration Act of 1992.	Oct. 23, 1992	2302
102–478	To designate the United States courthouse being constructed at 400 Cooper Street in Camden, New Jersey, as the Mitchell H. Cohen United States Courthouse.	Oct. 23, 1992	2307
102–479	To authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson.	Oct. 23, 1992	2308
102–480	To designate the United States Post Office Building located at 100 Main Street, Millsboro, Delaware, as the "John J. Williams Post Office Building".	Oct. 23, 1992	2310
102–481	Designating the week of October 4 through 10, 1992, as "National Customer Service Week".	Oct. 23, 1992	2311
102–482	Designating the calendar year, 1993, as the "Year of American Craft: A Celebration of the Creative Work of the Hand".	Oct. 23, 1992	2312
102–483	Designating the week of April 18 through 24, 1993, as "National Credit Education Week".	Oct. 23, 1992	2314
102–484	National Defense Authorization Act for Fiscal Year 1993	Oct. 23, 1992	2315
102–485	Depository Institutions Disaster Relief Act of 1992	Oct. 23, 1992	2771
102–486	Energy Policy Act of 1992	Oct. 24, 1992	2776
102–487	To amend chapter 45 of title 5, United States Code, to authorize awards for cost savings disclosures.	Oct. 24, 1992	3134
102–488	Minute Man National Historical Park Amendments of 1991.	Oct. 24, 1992	3135
102–489	Koniag Lands Conveyance Amendments of 1991	Oct. 24, 1992	3138
102–490	Membrane Processes Research Act of 1992	Oct. 24, 1992	3142
102–491	Federal Reserve Bank Branch Modernization Act	Oct. 24, 1992	3144
102–492	To amend title 17, United States Code, relating to fair use of copyrighted works.	Oct. 24, 1992	3145
102–493	Fertility Clinic Success Rate and Certification Act of 1992	Oct. 24, 1992	3146
102–494	Granting the consent of the Congress to the New Hampshire-Maine Interstate School Compact.	Oct. 24, 1992	3153
102–495	Elwha River Ecosystem and Fisheries Restoration Act	Oct. 24, 1992	3173
102–496	Intelligence Authorization Act for Fiscal Year 1993	Oct. 24, 1992	3180
102–497	To make technical amendments to certain Federal Indian statutes.	Oct. 24, 1992	3255

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102–498	To designate certain land in the State of Missouri owned by the United States and administered by the Secretary of Agriculture as part of the Mark Twain National Forest.	Oct. 24, 1992	3263
102–499	To amend the United States Information and Educational Exchange Act of 1948, the Foreign Service Act of 1980, and other provisions of law to make certain changes in administrative authorities.	Oct. 24, 1992	3264
102–500	To amend the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts.	Oct. 24, 1992	3267
102–501	Federally Supported Health Centers Assistance Act of 1992.	Oct. 24, 1992	3268
102–502	Authorizing the Go For Broke National Veterans Association Foundation to establish a memorial in the District of Columbia or its environs to honor Japanese American patriotism in World War II.	Oct. 24, 1992	3273
102–503	Designating January 16, 1993, as "National Good Teen Day".	Oct. 24, 1992	3275
102–504	Designating May 2, 1993, through May 8, 1993, as "Be Kind to Animals and National Pet Week".	Oct. 24, 1992	3276
102–505	Designating the week beginning October 25, 1992, as "World Population Awareness Week".	Oct. 24, 1992	3278
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102–507	Alzheimer's Disease Research, Training, and Education Amendments of 1992.	Oct. 24, 1992	3281
102–508	Pipeline Safety Act of 1992	Oct. 24, 1992	3289
102–509	Soviet Scientists Immigration Act of 1992	Oct. 24, 1992	3316
102–510	Veterans' Compensation Cost-of-Living Adjustment Act of 1992.	Oct. 24, 1992	3318
102–511	Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (FREEDOM Support Act).	Oct. 24, 1992	3320
102–512	Children's Nutrition Assistance Act of 1992	Oct. 24, 1992	3363
102–513	To designate the United States Courthouse to be constructed in Fargo, North Dakota, as the "Quentin N. Burdick United States Courthouse".	Oct. 24, 1992	3370
102–514	To extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes.	Oct. 24, 1992	3371
102–515	Cancer Registries Amendment Act	Oct. 24, 1992	3372
102–516	Designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week".	Oct. 24, 1992	3378
102–517	Designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week".	Oct. 24, 1992	3380
102–518	Designating November 13, 1992, as "Vietnam Veterans Memorial 10th Anniversary Day".	Oct. 24, 1992	3382
102–519	Anti Car Theft Act of 1992	Oct. 25, 1992	3384
102–520	To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure an equitable and timely distribution of benefits to public safety officers.	Oct. 25, 1992	3402
102–521	Child Support Recovery Act of 1992	Oct. 25, 1992	3403
102–522	Fire Administration Authorization Act of 1992	Oct. 26, 1992	3410
102–523	International Dolphin Conservation Act of 1992	Oct. 26, 1992	3425
102–524	Native American Languages Act of 1992	Oct. 26, 1992	3434
102–525	To provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes.	Oct. 26, 1992	3438

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102–526	President John F. Kennedy Assassination Records Collection Act of 1992.	Oct. 26, 1992	3443
102–527	Battered Women's Testimony Act of 1992	Oct. 27, 1992	3459
102–528	To amend the State Justice Institute Act of 1984 to carry out research, and develop judicial training curricula, relating to child custody litigation.	Oct. 27, 1992	3461
102–529	To authorize appropriations for the United States Holocaust Memorial Council, and for other purposes.	Oct. 27, 1992	3463
102–530	Women in Apprenticeship and Nontraditional Occupations Act.	Oct. 27, 1992	3465
102–531	Preventive Health Amendments of 1992	Oct. 27, 1992	3469
102–532	Enterprise for the Americas Initiative Act of 1992	Oct. 27, 1992	3509
102–533	Amtrak Authorization and Development Act	Oct. 27, 1992	3515
102–534	To extend for two years the authorizations of appropriations for certain programs under title I of the Omnibus Crime Control and Safe Streets Act of 1968.	Oct. 27, 1992	3524
102–535	To provide equitable treatment to producers of sugarcane subject to proportionate shares.	Oct. 27, 1992	3526
102–536	To designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.	Oct. 27, 1992	3528
102–537	Ted Weiss Child Support Enforcement Act of 1992	Oct. 27, 1992	3531
102–538	Telecommunications Authorization Act of 1992	Oct. 27, 1992	3533
102–539	Mammography Quality Standards Act of 1992	Oct. 27, 1992	3547
102–540	Acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day".	Oct. 27, 1992	3563
102–541	To expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia.	Oct. 27, 1992	3565
102–542	Trademark Remedy Clarification Act	Oct. 27, 1992	3567
102–543	To establish the Keweenaw National Historical Park, and for other purposes.	Oct. 27, 1992	3569
102–544	Granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority.	Oct. 27, 1992	3576
102–545	Ready to Learn Act	Oct. 27, 1992	3586
102–546	Futures Trading Practices Act of 1992	Oct. 28, 1992	3590
102–547	Veterans Home Loan Program Amendments of 1992	Oct. 28, 1992	3633
102–548	Intermodal Safe Container Transportation Act of 1992	Oct. 28, 1992	3646
102–549	Jobs Through Exports Act of 1992	Oct. 28, 1992	3651
102–550	Housing and Community Development Act of 1992	Oct. 28, 1992	3672
102–551	An Act to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve health care services and educational services through telecommunications, and for other purposes.	Oct. 28, 1992	4098
102–552	Farm Credit Banks and Associations Safety and Soundness Act of 1992.	Oct. 28, 1992	4102
102–553	To amend the United States Warehouse Act to provide for the use of electronic cotton warehouse receipts, and for other purposes.	Oct. 28, 1992	4140
102–554	Agricultural Credit Improvement Act of 1992	Oct. 28, 1992	4142
102–555	Land Remote Sensing Policy Act of 1992	Oct. 28, 1992	4163
102–556	Telephone Disclosure and Dispute Resolution Act	Oct. 28, 1992	4181
102–557	Designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day".	Oct. 28, 1992	4196
102–558	Defense Production Act Amendments of 1992	Oct. 28, 1992	4198

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102–559	Professional and Amateur Sports Protection Act	Oct. 28, 1992	4227
102–560	Patent and Plant Variety Protection Remedy Clarification Act.	Oct. 28, 1992	4230
102–561	To amend title 18, United States Code, with respect to the criminal penalties for copyright infringement.	Oct. 28, 1992	4233
102–562	To authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, Louisiana, and for other purposes.	Oct. 28, 1992	4234
102–563	Audio Home Recording Act of 1992	Oct. 28, 1992	4237
102–564	Small Business Research and Development Enhancement Act of 1992.	Oct. 28, 1992	4249
102–565	To amend the Peace Corps Act to authorize appropriations for the Peace Corps for fiscal year 1993 and to establish a Peace Corps foreign exchange fluctuations account, and for other purposes.	Oct. 28, 1992	4265
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Public Law 102-574
102d Congress

An Act

To promote the recovery of Hawaii tropical forests, and for other purposes.

Oct. 29, 1992
[S. 2679]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hawaii Tropical Forest Recovery Act.
Conservation.
16 USC 4501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (16 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 609, 610, and 611, respectively; and

16 USC 4504, 4505.

(2) by inserting after section 604 the following new sections:

"SEC. 605. INSTITUTE OF PACIFIC ISLANDS FORESTRY.

16 USC 4503a.

"(a) EXPANSION.—The Secretary shall expand the capabilities of and construct additional facilities, as funds are appropriated for the expansion and construction, at—

"(1) the Institute of Pacific Islands Forestry; and

"(2) tropical forests in the State of Hawaii.

"(b) TROPICAL FORESTRY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of receipt by the Secretary of the action plan required by section 5(b) of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Committees on Appropriations of the House of Representatives and Senate, a tropical forestry plan to expand the capabilities of and construct additional facilities under subsection (a).

"(2) ELEMENTS.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, training, and outreach activities suitable for transferring scientific, technical, managerial, and administrative assistance to governmental and non-governmental organizations seeking to address problems associated with tropical forests within and outside the United States;

"(B) the acquisition or construction of facilities for research, classroom instruction, and housing near an experimental tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) the study of biological control of non-native species that degrade or destroy native forest ecosystems;

"(E) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean;

"(F) a review of the extent to which existing Federal forestry programs can be utilized to achieve the purposes of the plan; and

"(G) the establishment of experimental tropical forests in the State of Hawaii as authorized by section 606.

"(3) CAPABILITY.—In preparing elements of the plan that address paragraph (2)(F), the Secretary shall identify the capability of the plan—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming and restoring degraded lands.

16 USC 4503b.

"SEC. 606. HAWAII EXPERIMENTAL TROPICAL FOREST.

"(a) DEFINITIONS.—As used in this section:

"(1) FOREST.—The term 'Forest' means the Hawaii Experimental Tropical Forest.

"(2) GOVERNOR.—The term 'Governor' means the Governor of Hawaii.

"(3) LANDS.—The term 'lands' means lands, waters, and interests in lands and waters.

"(4) STATE.—The term 'State' means the State of Hawaii.

"(b) ESTABLISHMENT AND MANAGEMENT.—At the request of the Governor, the Secretary shall establish and administer within the State a Hawaii Experimental Tropical Forest. The Forest shall be managed as—

"(1) a model of quality tropical forest management where harvesting on a sustainable yield basis can be demonstrated in balance with natural resource conservation;

"(2) a site for research on tropical forestry, conservation biology, and natural resource management; and

"(3) a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management.

"(c) DELINEATION OF THE LOCATION OF THE FOREST.—

"(1) IDENTIFICATION OF LANDS.—The Governor and the Secretary shall identify one or more suitable sites for the Forest in lands within the State. The identification of each site shall be based on scientific, ecological, administrative, and such other factors as the Governor and Secretary consider to be necessary or desirable to achieve the purposes of this section. Each site identified pursuant to the preceding sentence shall be of sufficient size and located so that the site can be effectively managed for Forest purposes.

"(2) EXTERIOR BOUNDARIES.—The exterior boundaries of the Forest, including the boundaries of all sites identified for Forest purposes, shall be delineated on an official map. The map shall be available for public inspection in the office of the Administrator of the Division of Forestry and Wildlife of the Department of Land and Natural Resources of the State. The Governor and the Secretary may from time to time, by mutual agreement, amend the official map to modify the boundaries of the Forest.

Public information.

"(d) AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—To carry out the purposes of this section, the Secretary is authorized—

"(A) to administer the Forest in cooperation with the Governor and affected State agencies;

"(B) to make grants and enter into contracts and cooperative agreements with the Federal Government, the government of the State, local governments, corporations, nonprofit organizations and individuals;

"(C) to exercise existing authority with respect to cooperative forestry and research for Forest purposes; and

"(D) to issue necessary rules and regulations or apply existing rules and regulations applicable to areas administered by the Forest Service that are necessary or desirable to administer the Forest—

"(i) for the purposes described in subsection (b);

"(ii) to protect persons within the Forest; and

"(iii) to preserve and protect the resources in the Forest.

"(2) LAND ACQUISITION.—The authority in section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) shall be available to the Secretary to carry out this section.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section is intended to affect the jurisdiction of the State, both civil and criminal, over any person within the Forest by reason of the establishment of the Forest under this section, except in the case of a penalty for an offense against the United States.

"SEC. 607. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

16 USC 4503c.

"The Secretary shall make annual reports to Congress on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706). Such reports shall be submitted by the Secretary pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"SEC. 608. DEFINITIONS.

16 USC 4503d.

"As used in this title (unless the context otherwise requires):

"(1) INSTITUTES OF TROPICAL FORESTRY.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(3) STATE.—The term 'State' means each of the 50 Stat
Guam, American Samoa, the Republic of Palau (until the Co
pact of Free Association enters into effect), Puerto Rico,
Virgin Islands, and the Commonwealth of the Northern Ma
ana Islands.".

(b) CONFORMING AMENDMENTS.—

(1) Section 602(b) of the International Forestry Cooperat
Act of 1990 (16 U.S.C. 4501(b)) is amended by striking "(here
after referred to in this title as the Secretary)".

(2) The heading of section 604 of such Act (16 U.S
4503) is amended to read as follows:

"SEC. 604. INSTITUTE OF TROPICAL FORESTRY IN PUERTO RICO.".

16 USC 4502a.

SEC. 3. TROPICAL FORESTRY RESEARCH AND ASSISTANCE.

(a) ASSISTANCE.—To promote sound management and c
servation of tropical forests of the United States and to prom
the development and transfer of technical, managerial, educatio
and administrative skills to managers of tropical forests wit
or outside the United States, the Secretary of Agriculture is auth
ized to provide assistance through the Forest Service to elig
entities in States with tropical forests to—

(1) develop, promote, and demonstrate sustainable harv
ing of native woods and other forest products on a sustaina
yield basis in balance with natural resource conservation;

(2) promote habitat preservation and species protect
or recovery;

(3) protect indigenous plant and animal species and ess
tial watersheds from non-native animals, plants, and pat
gens;

(4) establish biological control agents for non-native spe
that threaten natural ecosystems;

(5) establish a monitoring system in tropical forests
identify baseline conditions and determine detrimental chan
or improvements over time;

(6) detect and appraise stresses affecting tropical for
caused by insect infestations, diseases, pollution, fire, and n
native animal and plant species, and by the influence of peo

(7) determine the causes of changes that are detec
through experimentation, intensive monitoring, and data col
tion at affected tropical forest sites; and

(8) engage in research, demonstration, education, train
and outreach that furthers the objectives of this subsect

(b) FORM OF ASSISTANCE.—Assistance provided to eligible e
ties under this section may be in the form of grants, contra
or cooperative agreements.

(c) DEFINITIONS.—As used in this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" mean
State forester or equivalent State official, State, political s
division of a State, Federal agency, private organization,
poration, or other private person.

(2) STATE.—The term "State" means each of the 50 Sta
Guam, American Samoa, the Republic of Palau (until the C
pact of Free Association enters into effect), Puerto Rico,
Virgin Islands, and the Commonwealth of the Northern M
ana Islands.

SEC. 4. HAWAII TROPICAL FOREST RECOVERY TASK FORCE. 16 USC 4503a.

(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the "Task Force") to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii.

(b) ACTION PLAN.—Not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall submit to the Committees, Secretaries, and Governor referred to in subsection (k) an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

(1) methods of restoring the health of declining or degraded tropical forest land;

(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods and other forest products in Hawaii's tropical forests;

(3) actions to encourage and accelerate the identification and classification of unidentified plant, animal, and microbe species;

(4) actions to—

(A) promote public awareness of tropical forest preservation;

(B) protect threatened and endangered species;

(C) improve forest management and planning; and

(D) promote public awareness of the harm caused by introduced species;

(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from non-native species, including the identification and priorities for the areas where these activities are appropriate;

(6) traditional practices, uses, and needs of native Hawaiians in tropical forests;

(7) means of improving the health of tropical forests and related ecosystems in the State of Hawaii through programs administered by the Secretary of Agriculture and the Secretary of the Interior;

(8) the capability of existing Federal, State, and private forestry programs for rejuvenating Hawaii's tropical forests; and

(9) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

(c) COMPOSITION.—The Task Force shall be composed of 12 members, of whom—

(1) three members shall be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Forest Service and the Soil Conservation Service, respectively;

(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

(3) six members shall be appointed by the Governor of Hawaii, of whom—

(A) two members shall be private owners of tropical forest lands;

(B) two members shall be experts in the field of tropical forestry; and

(C) two members shall be representatives of Hawaii conservation organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control or have demonstrated effective advocacy in the areas; and

(4) one member shall be the Administrator of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the Administrator.

(d) INITIAL APPOINTMENTS.—Appointments under this section to the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

(g) COMPENSATION.—

(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(h) MEETINGS.—The Task Force shall meet not later than 180 days after the date of enactment of this Act and shall meet at the call of the Chairperson.

(i) VOTING.—The Task Force shall act and advise by majority vote.

(j) ASSISTANCE.—The Secretary of Agriculture and the Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force. The assistance shall include making Federal facilities, equipment, tools, and technical assistance available on such terms and conditions as the appropriate Secretary considers necessary.

(k) REPORT.—The action plan required under subsection (b) shall be submitted to—

(1) the Committees on Agriculture and Interior of the House of Representatives;

(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate;

(3) the Secretary of Agriculture;

(4) the Secretary of the Interior; and

(5) the Governor of Hawaii.

(l) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

this section shall terminate 180 days after submitting the report required by subsection (b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

16 USC 4502a note.

There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4.

Approved October 29, 1992.

LEGISLATIVE HISTORY—S. 2679:

CONGRESSIONAL RECORD, Vol. 138 (1992):
Sept. 30, considered and passed Senate.
Oct. 2, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Oct. 29, Presidential statement.

Public Law 102–575
102d Congress

An Act

Oct. 30, 1992
[H.R. 429]

To authorize additional appropriations for the construction of the Buffalo Bill Da
and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming.

Reclamation Projects Authorization and Adjustment Act of 1992.
Conservation.
43 USC 371 note.

*Be it enacted by the Senate and House of Representatives
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclamation Projects Authoriz
tion and Adjustment Act of 1992".

SEC. 2. DEFINITION AND TABLE OF CONTENTS.

For purposes of this Act, the term "Secretary" means the Se
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TITLE I—BUFFALO BILL DAM AND RESERVOIR, WYOMING

SEC. 101. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

Title I of Public Law 97–293 (96 Stat. 1261) is amended as follows:

(a) In the second sentence of section 101, by striking "replacing the existing Shoshone Powerplant," and inserting "constructing power generating facilities with a total installed capacity of 25.5 megawatts,".

(b) In section 102, amend the heading to read "recreational facilities, conservation, and fish and wildlife", and add at the end "The construction of recreational facilities in excess of the amount required to replace or relocate existing facilities is authorized, and the costs of such construction shall be borne equally by the United States and the State of Wyoming pursuant to the Federal Water Project Recreation Act.".

(c) In section 106(a), strike "for construction of the Buffalo Bill Dam and Reservoir modifications the sum of $106,700,000 (October 1982 price levels)" and insert "for the Federal share of the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities the sum of $80,000,000 (October 1988 price levels)", and strike "modifications" and all that follows and insert "modifications." in lieu thereof.

(d) There are authorized to be appropriated such sums as may be required due to increased costs of construction attributable to delays in enactment of any additional authorization of appropriations for the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities: *Provided,* That such additional sums shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

TITLE II—CENTRAL UTAH PROJECT CONSTRUCTION

Central Utah Project Completion Act.

SEC. 200. SHORT TITLE AND DEFINITIONS FOR TITLES II-VI.

(a) SHORT TITLE.—Titles II through VI of this Act may be cited as the "Central Utah Project Completion Act".

(b) DEFINITIONS.—For the purposes of titles II–VI of this Act:

(1) The term "Bureau" means the Bureau of Reclamation of the Department of the Interior.

(2) The term "Commission" means the Utah Reclamation Mitigation and Conservation Commission established by section 301 of this Act.

(3) The term "conservation measure(s)" means actions taken to improve the efficiency of the storage, conveyance, distribution, or use of water, exclusive of dams, reservoirs, or wells.

(4) The term "1988 Definite Plan Report" means the May 1988 Draft Supplement to the Definite Plan Report for the Bonneville Unit of the Central Utah Project.

(5) The term "District" means the Central Utah Water Conservancy District.

(6) The term "fish and wildlife resources" means all birds, fishes, mammals, and all other classes of wild animals and all types of habitat upon which such fish and wildlife depend.

(7) The term "Interagency Biological Assessment Team" means the team comprised of representatives from the United States Fish and Wildlife Service, the United States Forest Service, the Bureau of Reclamation, the Utah Division of Wildlife Resources, and the District.

(8) The term "administrative expenses", as used in section 301(i) of this Act, means all expenses necessary for the Commission to administer its duties other than the cost of the contracts or other transactions provided for in section 301(f)(3) for the implementation by public natural resource management agencies of the mitigation and conservation projects and features authorized in this Act. Such administrative expenses include but are not limited to the costs associated with the Commission's planning, reporting, and public involvement activities, as well as the salaries, travel expenses, office equipment, and other such general administrative expenses authorized in this Act.

(9) The term "petitioner(s)" means any person or entity that petitions the District for an allotment of water pursuant to the Utah Water Conservancy Act, Utah Code Ann. Sec. 17A–2–1401 et. seq.

(10) The term "project" means the Central Utah Project.

(11) The term "public involvement" means to request comment on the scope of and, subsequently, on drafts of proposed actions or plans, affirmatively soliciting comments, in writing or at public hearings, from those persons, agencies, or organizations who may be interested or affected.

(12) The term "Secretary" means the Secretary of the Interior.

(13) The term "section 8" means section 8 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g).

(14) The term "State" means the State of Utah, its political subdivisions, or its designee.

(15) The term "Stream Flow Agreement" means the agreement entered into by the United States through the Secretary of the Interior, the State of Utah, and the Central Utah Water Conservancy District, dated February 27, 1980, as modified by the amendment to such agreement, dated September 13, 1990.

SEC. 201. AUTHORIZATION OF ADDITIONAL AMOUNTS FOR THE COLORADO RIVER STORAGE PROJECT.

43 USC 620k note.

(a)(1) INCREASE IN CRSP AUTHORIZATION.—In order to provide for the completion of the Central Utah Project and other features described in this Act, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note) and the Act of October 31, 1988 (102 Stat. 2826), is hereby further increased by $924,206,000 (January 1991) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved: *Provided, however,* That of the amounts authorized to be appropriated by this section, the Secretary

s not authorized to obligate or expend amounts in excess of $214,352,000 for the features identified in the Report of the Senate ommittee on Energy and Natural Resources accompanying the bill H.R. 429. This additional sum shall be available solely for esign, engineering, and construction of the facilities identified in title II of this Act and for the planning and implementation f the fish and wildlife and recreation mitigation and conservation rojects and studies authorized in titles III and IV of this Act, nd for the Ute Indian Settlement authorized in title V of this Act.

(2) APPLICATION OF INSPECTOR GENERAL RECOMMENDATIONS.—Notwithstanding any other provision of law to the contrary, the Secretary shall implement all the recommendations contained in he report entitled "Review of the Financial Management of the olorado River Storage Project, Bureau of Reclamation (Report No. 88-45, February 1988)", prepared by the Inspector General of the Department of the Interior, with respect to the funds authorized to be appropriated in this section.

(b) UTAH RECLAMATION PROJECTS AND FEATURES NOT TO BE FUNDED.—Notwithstanding the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), the Act of October 19, 1980 (94 Stat. 2239; 3 U.S.C. 620), and the Act of October 31, 1988 (102 Stat. 2826), funds may not be made available, obligated, or expended for the following Utah reclamation projects and features:

(1) Fish and wildlife features:

(A) The dam in Bjorkman Hollow.

(B) The Deep Creek pumping plant.

(C) The North Fork pumping plant.

(2) Water development projects and features:

(A) Mosida pumping plant, canals, and laterals.

(B) Draining of Benjamin Slough.

(C) Diking of Goshen or Provo Bays in Utah Lake.

(D) Ute Indian Unit.

(E) Leland Bench development.

(F) All features of the Bonneville Unit, Central Utah Project not proposed and described in the 1988 Definite Plan Report.

ounties in which the projects and features described in this subsection were proposed to be located may participate in the local evelopment projects provided for in section 206.

43 USC 620k note.

(c) TERMINATION OF AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any provision of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), the Act of September 2, 1964 (78 Stat. 852), the Act of September 30, 1968 (82 Stat. 885), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826) to the contrary, the authorization of appropriations for construction of any Colorado River Storage Project participating project located in the State of Utah shall terminate five years after the date of enactment of this Act unless: (1) the Secretary executes a cost-sharing agreement with the District for construction of such project, and (2) the Secretary has requested, or the Congress has appropriated, construction funds for such project.

(d) USE OF APPROPRIATED FUNDS.—Funds authorized pursuant to this Act shall be appropriated to the Secretary and such appropriations shall be made immediately available in their entirety

to the District and the Commission as provided for pursuant to the provisions of this Act.

(e) SECRETARIAL RESPONSIBILITY.—The Secretary is responsible for carrying out the responsibilities as specifically identified in this Act and may not delegate his responsibilities under this Act to the Bureau of Reclamation. The District at its sole option may use the services of the Bureau of Reclamation on any project features.

SEC. 202. BONNEVILLE UNIT WATER DEVELOPMENT.

(a) Of the amounts authorized to be appropriated in section 201, the following amounts shall be available only for the following features of the Bonneville Unit of the Central Utah Project:

(1) IRRIGATION AND DRAINAGE SYSTEM.—(A) $150,000,000 for the construction of an enclosed pipeline primary water conveyance system from Spanish Fork Canyon to Sevier Bridge Reservoir for the purpose of supplying new and supplemental irrigation water supplies to Utah, Juab, Millard, Sanpete, Sevier, Garfield, and Piute Counties. Construction of the facilities specified in the previous sentence shall be undertaken by the District as specified in subparagraph (D) of this paragraph. No funds are authorized to be appropriated for construction of the facilities identified in this paragraph, except as provided for in subparagraph (D) of this paragraph.

(B) The authorization to construct the features provided for in subparagraph (A) shall expire if no federally appropriated funds to construct such features have been obligated or expended by the District in accordance with this Act, unless the Secretary determines the District has complied with sections 202, 204, and 205, within five years from the date of its enactment, or such longer time as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: *Provided, however,* That such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in subparagraph (B) of this paragraph;

(ii) judicial review of a completed final environmental impact statement for such features if such review is initiated by parties other than the District, the State, or petitioners of project water; or

(iii) a judicial challenge of the Secretary's failure to make a determination of compliance under this subparagraph.

Provided, however, That in the event that construction is not initiated on the features provided for in subparagraph (A), $125,000,000 shall remain authorized pursuant to the provisions of this Act applicable to subparagraph (A) for the construction of alternate features to deliver irrigation water to lands in the Utah Lake drainage basin, exclusive of the features identified in section 201(b).

(C) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subparagraph (A) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase for the purpose of agricultural irrigation of at least 90 percent of the irrigation water to be delivered

from the features of the Central Utah Project described in subparagraph (A) have been executed.

(D) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 202(a)(1) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty-day congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(1). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 202(a)(1).

(2) CONJUNCTIVE USE OF SURFACE AND GROUND WATER.—$10,000,000 for a feasibility study and development, with public involvement, by the Utah Division of Water Resources of systems to allow ground water recharge, management, and the conjunctive use of surface water resources with ground water resources in Salt Lake, Utah, Davis, Wasatch, and Weber Counties, Utah.

(3) WASATCH COUNTY WATER EFFICIENCY PROJECT.—(A) $500,000 for the District to conduct, within two years from the date of enactment of this Act, a feasibility study with public involvement, of efficiency improvements in the management, delivery and treatment of water in Wasatch County, without interference with downstream water rights. Such feasibility study shall be developed after consultation with Wasatch County and the Commission, or the Utah State Division of Wildlife Resources if the Commission has not been established, and shall identify the features of the Wasatch County Water Efficiency Project.

(B) $10,000,000 for construction of the Wasatch County Water Efficiency Project, in addition to funds authorized in section 207(e)(2) for related purposes.

(C) The feasibility study and the Project construction authorization shall be subject to the non-Federal contribution requirements of section 204.

(D) The project construction authorization provided in subparagraph (B) shall expire if no federally appropriated funds to construct such features have been obligated or expended by the District in accordance with this Act within five years from the date of completion of feasibility studies, or such longer times as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for any species that is or may be listed as threatened or endangered under such Act, except that such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in this subparagraph; or

(ii) judicial review of environmental studies prepar
in compliance with the National Environmental Policy A
of 1969 (42 U.S.C. 4321 et seq.) if such review was initiat
by parties other than the District, the State, or petition
of project water.

(E) Amounts authorized to carry out subparagraph
may not be obligated or expended, and may not be borrow
against, until binding contracts for the purchase of at le
90 percent of the supplemental irrigation project water to
delivered from the features constructed under subparagra
(B) have been executed.

(F) In lieu of construction by the Secretary, the Cent
Utah Project and features specified in section 202(a)(3) sh
be constructed by the District under the program guideli
authorized by the Drainage Facilities and Minor Construct
Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). T
sixty-day congressional notification of the Secretary's int
to use the Drainage Facilities and Minor Construction
program is hereby waived with respect to construction of
features authorized in section 202(a)(3). Any such feature n
be operated, maintained, and repaired by the District in acco
ance with repayment contracts and operation and maintena
agreements previously entered into between the Secretary
the District. The United States shall not be liable for dama
resulting from the design, construction, operation, maintena
and replacement by the District of the features specified
section 202(a)(3).

(4) UTAH LAKE SALINITY CONTROL.—$1,000,000 for the D
trict to conduct, with public involvement, a feasibility st
to reduce the salinity of Utah Lake.

(5) PROVO RIVER STUDIES.—(A) $2,000,000 for the Dist
to conduct, with public involvement:

(i) a hydrologic study that includes a hydrologic mo
analysis of the Provo River Basin with all tributaries, wa
imports and exports, and diversions, an analysis of expec
flows and storage under varying water conditions,
a comparison of steady State conditions with propo
demands being placed on the river and affected wa
resources, including historical diversions, decrees,
water rights, and

(ii) a feasibility study of direct delivery of Color
River Basin water from the Strawberry Reservoir or e
where in the Strawberry Collection System to the Pr
River Basin, including the Wallsburg Tunnel and ot
possible importation or exchange options. The studies sh
also evaluate the potential for changes in existing impo
tion patterns and quantities of water from the Weber
Duchesne River Basins, and shall describe the econo
and environmental consequences of each alternative ide
fied. In addition to funds appropriated after the enactm
of this Act, the Secretary is authorized to utilize sect
8 funds which may be available from fiscal year 1
appropriations for the Central Utah Project for the
poses of carrying out the studies described in this pa
graph.

(B) The cost of the studies provided for in subparagr
(A) shall be treated as an expense under section 8: *Provi*

however, That the cost of such study shall be reallocated proportionate with project purposes in the event any conveyance alternative is subsequently authorized and constructed. Within its available funds, the United States Geological Survey is directed to consult with the District in the preparation of the study identified in paragraph (5)(A)(i).

(6) COMPLETION OF DIAMOND FORK SYSTEM.—(A) Of the amounts authorized to be appropriated under section 201, $69,000,000 shall be available to complete construction of the Diamond Fork System.

(B) In lieu of construction by the Secretary, the facilities specified in paragraph (A) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty-day congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(6). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subparagraph (A) of this paragraph.

(b) STRAWBERRY WATER USERS ASSOCIATION.—(1) In exchange for, and as a precondition to approval of the Strawberry Water Users Association's petition for Bonneville Unit water, the Secretary, after consultation with the Secretary of Agriculture, shall impose conditions on such approval so as to ensure that the Strawberry Water Users Association shall manage and develop the lands referred to in subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828) in a manner compatible with the management and improvement of adjacent Federal lands for wildlife purposes, natural values, and recreation.

(2) The Secretary of Agriculture and the Secretary shall not permit commercial or other development of Federal lands within sections 2 and 13, T. 3 S., R. 12 W., and sections 7 and 8, T. 3 S., R. 11 W., Uintah Special Meridian. Such Federal lands shall be rehabilitated pursuant to subsection 4(f) of the Act of October 31, 1988 (102 Stat. 2826, 2828) and hereafter managed and improved for wildlife purposes, natural values, and recreation consistent with the Uinta National Forest Land and Natural Resource Management Plan. This restriction shall not apply to the 95 acres referred to in the first sentence of subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828), valid existing rights, or to uses of such Federal lands by the Secretary of Agriculture or the Secretary for public purposes.

(c) The Secretary is authorized to utilize any unexpended budget authority provided in title II and such funds as may be provided by the Commission for fish and wildlife purposes, to provide 65 percent Federal share pursuant to section 204, of engineering, design, and construction of Hatchtown dam in Garfield County and associated facilities to deliver supplemental project water from Hatchtown dam. The District shall establish a viable minimum conservation pool in Hatchtown dam and shall ensure maintenance

of viable instream flows in the Sevier River between Hatchtown dam and the Piute dam with the concurrence of the Commission and in consultation with the Division of Wildlife Resources of the State of Utah. The District shall comply with the provisions of section 202(a)(1) with respect to the features to be provided for in this subsection.

SEC. 203. UINTA BASIN REPLACEMENT PROJECT.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, $30,538,000 shall be available only to increase efficiency, enhance beneficial uses, and achieve greater water conservation within the Uinta Basin, as follows:

(1) $13,582,000 for the construction of the Pigeon Water Reservoir, together with an enclosed pipeline conveyance system to divert water from Lake Fork River to Pigeon Water Reservoir and Sandwash Reservoir.

(2) $2,987,000 for the construction of McGuire Draw Reservoir.

(3) $7,669,000 for the construction of Clay Basin Reservoir.

(4) $4,000,000 for the rehabilitation of Farnsworth Canal.

(5) $2,300,000 for the construction of permanent diversion facilities identified by the Commission on the Duchesne and Strawberry Rivers, the designs of which shall be approved by the Federal and State fish and wildlife agencies. The amount identified in paragraph (5) shall be treated as an expense under section 8.

(b) EXPIRATION OF AUTHORIZATION.—The authorization to construct any of the features provided for in paragraphs (1) through (5) of subsection (a)—

(1) shall expire if no federally appropriated funds for such features have been obligated or expended by the District in accordance with this Act within five years from the date of completion of feasibility studies, or such longer time as necessitated for—

(A) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: *Provided, however,* That such extension of time for the expiration of authorization shall not exceed 12 months beyond the five-year period provided in this paragraph; or

(B) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water; and

(2) shall expire if the Secretary determines that such feature is not feasible.

(c) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subsection (a), paragraphs (1) through (4) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation water to be delivered from the features of the Central Utah Project described in subsection (a), paragraphs (1) through (4) have been executed.

(d) NON-FEDERAL OPTION.—In lieu of construction by the Secretary, the features described in subsection (a), paragraphs (1) through (5) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty-day congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 203(a). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subsection (a) of this section.

(e) WATER RIGHTS.—To make water rights available for any of the features constructed as authorized in this section, the Bureau shall convey to the District in accordance with State law the water rights evidenced by Water Right No. 43–3825 (Application No. A36642) and Water Right No. 43–3827 (Application No. A36644).

Contracts.

(f) UINTAH INDIAN IRRIGATION PROJECT.—(1) Notwithstanding any other provision of law, the Secretary is authorized and directed to enter into a contract or cooperative agreement with, or make a grant to the Uintah Indian Irrigation Project Operation and Maintenance Company, or any other organization representing the water users within the Uintah Indian Irrigation Project area, to enable such organization to—

(A) administer the Uintah Indian Irrigation Project, or part thereof, and

(B) operate, maintain, rehabilitate, and construct all or some of the irrigation project facilities using the same administrative authority and management procedures as used by water user organizations formed under State laws who administer, operate, and maintain irrigation projects.

(2) Title to Uintah Indian Irrigation Project rights-of-way and facilities shall remain in the United States. The Secretary shall retain any trust responsibilities to the Uintah Indian Irrigation Project.

(3) Notwithstanding any other provision of law, the Secretary shall use funds received from assessments, carriage agreements, leases, and all other additional sources related to the Uintah Indian Irrigation Project exclusively for Uintah Indian Irrigation Project administration, operation, maintenance, rehabilitation, and construction where appropriate. Upon receipt, the Secretary shall deposit such funds in an account in the Treasury of the United States. Amounts in the account not currently needed shall earn interest at the rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding obligations of the United States with remaining periods to maturity comparable to the period for which such funds are not currently needed. Amounts in the account shall be available without further authorization or appropriation by Congress. Such amounts shall be treated as private funds to be held in trust for landowners of the irrigation project and shall not be treated as public or appropriated funds.

(4) All noncontract costs, direct and indirect, required to administer the Uintah Indian Irrigation Project shall be nonreimbursable and paid for by the Secretary as part of his trust responsibilities, beginning on the date of enactment of this Act. Such costs shall include (but not be limited to) the noncontract cost positions of project manager or engineer and two support staff. Such costs shall be added to the funding of the Uintah and Ouray Agency of the Bureau of Indian Affairs as a line item.

(5) The Secretary is authorized to sell, lease, or otherwise make available the use of irrigation project equipment to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(6) The Secretary is authorized to lease or otherwise make available the use of irrigation project facilities to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(g) BRUSH CREEK AND JENSEN UNIT.—(1) The Secretary is authorized to enter into Amendatory Contract Number 6-05-01-00143, as last revised on September 19, 1988, between the United States and the Uintah Water Conservancy District, which provides, among other things, for part of the municipal and industrial water obligation now the responsibility of the Uintah Water Conservancy District to be retained by the United States with a corresponding part of the water supply to be controlled and marketed by the United States. Such water shall be marketed and used in conformance with State law.

(2) The Secretary, through the Bureau, shall—

(A) establish a conservation pool of 4,000 acre-feet in Red Fleet Reservoir for the purpose of enhancing associated fishery and recreational opportunities and for such other purposes as may be recommended by the Commission in consultation with the Utah Division of Wildlife Resources, United States Fish and Wildlife Service, and the Utah Division of Parks and Recreation; and

Contracts.

(B) enter into an agreement with the Utah Division of Parks and Recreation for the management and operation of Red Fleet recreational facilities.

SEC. 204. NON-FEDERAL CONTRIBUTION.

The non-Federal share of the cost for the design, engineering, and construction of the Central Utah Project features authorized by sections 202 and 203 shall be 35 percent of the total reimbursable costs and shall be paid concurrently with the Federal share, except that for the facilities specified in 202(a)(6), the cost-share shall be 35 percent of the costs allocated to irrigation beyond the ability of irrigators to repay. The non-Federal share of the cost for studies required by sections 202 and 203, other than the study required by section 202(a)(5), shall be 50 percent and shall be paid concurrently with the Federal share. Within one hundred and twenty days of enactment of this Act, the Secretary shall execute a cost sharing agreement which binds the District to provide annually such sums as may be required to satisfy the non-Federal share of the separate features authorized and approved for construction pursuant to this Act. The Secretary is not authorized to broaden the scope of the cost sharing agreement beyond assuring that the

non-Federal interests will satisfy the cost sharing provisions as set forth in this section. Any feature to which this section applies shall not be initiated until after the non-Federal interests enter into a cost sharing agreement with the Secretary to provide the share required by this section. The District may commence any study authorized herein prior to entering into a cost sharing agreement, and upon execution of a cost sharing agreement the Secretary shall reimburse the District an amount equal to the Federal share of the funds expended by the District.

SEC. 205. DEFINITE PLAN REPORT AND ENVIRONMENTAL COMPLIANCE.

(a) DEFINITE PLAN REPORT AND FEASIBILITY STUDIES.—Except for amounts required for compliance with applicable environmental laws and the purposes of this subsection, federally appropriated funds may not be obligated or expended by the District for construction of the features authorized in section 202(a)(1) or 203 until—

(1) the District completes—

(A) a Definite Plan Report for the system authorized in section 202(a)(1), or

(B) an analysis to determine the feasibility of the separate features described in section 203(a), paragraphs (1) through (4), or subsection (f);

(2) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied with respect to the particular system; and

(3) a plan has been developed with and approved by the United States Fish and Wildlife Service to prevent any harmful contamination of waters due to concentrations of selenium or other such toxicants, if the Service determines that development of the particular system may result in such contamination.

Contracts.

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS AND THE TERMS OF THIS ACT.—Notwithstanding any other provision of this Act, Federal funds authorized under this title may not be provided to the District until the District enters into a binding agreement with the Secretary to be considered a "Federal Agency" for purposes of compliance with all Federal fish, wildlife, recreation, and environmental laws with respect to the use of such funds, and to comply with this Act. The Secretary shall execute such binding agreement within one hundred and twenty days of enactment of this Act.

(c) INITIATION OF REPAYMENT.—For purposes of repayment of costs obligated and expended prior to the date of enactment of this Act, the Definite Plan Report shall be considered as being filed and approved by the Secretary, and repayment of such costs shall be initiated by the Secretary of Energy at the earliest possible date. All the costs allocated to irrigation and associated with construction of the Strawberry Collection System, a component of the Bonneville Unit, obligated prior to the date of enactment of this Act shall be included by the Secretary of Energy in the costs specified in this subsection.

(d) Of the amounts authorized in section 201, the Secretary is directed to make sums available to the District as required by the District, for the completion of the plans, studies, and analyses required by this section pursuant to the cost sharing provisions of section 204.

(e) CONTENT AND APPROVAL OF THE DEFINITE PLAN REPORT.—The Definite Plan Report required under this section shall include

economic analyses consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (March 10, 1983). The Secretary may withhold approval of the Definite Plan Report only on the basis of the inadequacy of the document, and specifically not on the basis of the findings of its economic analyses.

SEC. 206. LOCAL DEVELOPMENT IN LIEU OF IRRIGATION AND DRAINAGE.

(a) OPTIONAL REBATE TO COUNTIES.—(1) After two years from the date of enactment of this Act, the District shall, at the option of an eligible county as provided in paragraph (2), rebate to such county all of the ad valorem tax contributions paid by such county to the District, with interest but less the value of any benefits received by such county and less the administrative expenses incurred by the District to that date.

(2) Counties eligible to receive the rebate provided for in paragraph (1) include any county within the District, except for Salt Lake County and Utah County, in which the construction of Central Utah Project water storage or delivery features authorized in this Act has not commenced and—

(A) in which there are no binding contracts as required under section 202(1)(C); or

(B) in which the authorization for the project or feature was repealed pursuant to section 201(b) or expired pursuant to section 202(1)(B) of this Act.

Grants.

(b) LOCAL DEVELOPMENT OPTION.—(1) Upon the request of any eligible county that elects not to participate in the project as provided in subsection (a), the Secretary shall provide as a grant to such county an amount that, when matched with the rebate received by such county, shall constitute 65 percent of the cost of implementation of measures identified in paragraph (2).

(2)(A) The grant provided for in this subsection shall be available for the following purposes:

(i) Potable water distribution and treatment.

(ii) Wastewater collection and treatment.

(iii) Agricultural water management.

(iv) Other public infrastructure improvements as may be approved by the Secretary.

(B) Funds made available under this subsection may not be used for—

(i) draining of wetlands;

(ii) dredging of natural water courses; and

(iii) planning or constructing water impoundments of greater than five thousand acre-feet, except for the proposed Hatch Town Dam on the Sevier River in southern Garfield County, Utah.

(C) All Federal environmental laws shall be applicable to any projects or features developed pursuant to this section.

(3) Of the amounts authorized to be appropriated by section 201, not more than $40,000,000 may be available for the purposes of this subsection.

SEC. 207. WATER MANAGEMENT IMPROVEMENT.

(a) PURPOSES.—The purposes of this section are, through such means as are cost-effective and environmentally sound, to—

(1) encourage the conservation and wise use of water;

(2) reduce the probability and duration of periods necessitating extraordinary curtailment of water use;

(3) achieve beneficial reductions in water use and system costs;

(4) prevent or eliminate unnecessary depletion of waters in order to assist in the improvement and maintenance of water quantity, quality, and streamflow conditions necessary to augment water supplies and support fish, wildlife, recreation, and other public benefits;

(5) make prudent and efficient use of currently available water prior to any importation of Bear River water into Salt Lake County, Utah; and

(6) provide a systematic approach to the accomplishment of these purposes and an objective basis for measuring their achievement.

(b) WATER MANAGEMENT IMPROVEMENT PLAN.—The District, after consultation with the State and with each petitioner of project water, shall prepare and maintain a water management improvement plan. The first plan shall be submitted to the Secretary by January 1, 1995. Every three years thereafter the District shall prepare and submit a supplement to this plan. The Secretary shall either approve or disapprove such plan or supplement thereto within six months of its submission.

(1) ELEMENTS.—The plan shall include the following elements:

(A) A water conservation goal, consisting of the greater of the following two amounts for each petitioner of project water:

(i) 25 percent of each petitioner's projected increase in annual water deliveries between the years 1990 and 2000, or such later ten-year period as the District may find useful for planning purposes; or

(ii) the amount by which unaccounted for water or, in the case of irrigation entities, transport losses, exceeds 10 percent of recorded annual water deliveries.

The minimum goal for the District shall be thirty thousand acre-feet per year. In the event that the pipeline conveyance system described in section 202(a)(1)(A) is not constructed due to expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall be reduced by five thousand acre-feet per year. In the event that the Wasatch County Water Efficiency Project authorized in section 202(a)(3)(B) is not constructed due to expiration of the authorization pursuant to section 202(a)(3)(D), the minimum goal for the District shall be reduced by five thousand acre-feet per year. In the event the water supply which would have been supplied by the pipeline conveyance system described in section 202(a)(1)(A) is made available and delivered to municipal and industrial or agricultural petitioners in Salt Lake, Utah or Juab counties subsequent to the expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall increase five thousand acre-feet per year. In no event shall the minimum goal for the District be less than twenty thousand acre-feet per year.

(B) A water management improvement inventory, containing—

(i) conservation measures to improve the efficiency of the storage, conveyance, distribution, and use of water in a manner that contributes to the accomplishment of the purposes of this section, exclusive of any measures promulgated pursuant to subsection (f)(2)(A) through (D);

(ii) the estimated economic and financial costs of each such measure;

(iii) the estimated water yield of each such measure; and

(iv) the socioeconomic and environmental effects of each such measure.

(C) A comparative analysis of each cost-effective and environmentally acceptable measure.

(D) A schedule of implementation for the following five years.

(E) An assessment of the performance of previously implemented conservation measures, if any. Each plan or plan supplement shall be technically sound, internally consistent and supported by objective analysis.

Not less than ninety days prior to its transmittal to the Secretary, the plan, or plan supplement, together with all supporting documentation demonstrating compliance with this section, shall be made available by the District for public review, hearing, and comment. All significant comments, and the District's response thereto, shall accompany the plan transmitted to the Secretary.

(2) EVALUATION OF CONSERVATION MEASURES.—

(A) Any conservation measure proposed to the District by the Executive Director of the Utah Department of Natural Resources shall be added to the water management improvement inventory and evaluated by the District. Any conservation measure, up to a cumulative five in number within any three-year period, submitted by nonprofit sportsmen or environmental organizations shall be added to the water management improvement inventory and evaluated by the District.

(B) Each conservation measure that is found to be cost-effective, without significant adverse impact to the financial integrity of the District or a petitioner of project water, environmentally acceptable and for which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied, and in the public interest shall be deemed to constitute the "active inventory". For purposes of this section, the determination of benefits shall take into account:

(i) the value of saved water, to be determined, in the case of municipal water, on the basis of the project municipal and industrial repayment obligation of the District, but in no case less than $200 per acre-foot, and, in the case of irrigation water, on the basis of operation, maintenance, and replacement costs plus the "full cost" rate for irrigation computed in accordance with section 302(3) of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390bb), but in no case less than $50 per acre-foot;

(ii) the reduced cost of wastewater treatment, if any;

(iii) net additional hydroelectric power generation, if any, valued at avoided cost;

(iv) net savings in operation, maintenance, and replacement costs; and

(v) net savings in on-farm costs.

(3) IMPLEMENTATION.—The District, and each petitioner of project water, as appropriate, shall implement and maintain, consistent with State law, conservation measures placed in the active inventory to the maximum practical extent necessary to achieve 50 percent of the water conservation goal within seven years after submission of the initial plan and 100 percent of the water conservation goal within fifteen years after submission of the initial plan. Priority shall be given to implementation of the most cost-effective measures that are—

(A) found to reduce consumptive use of water without significant adverse impact to the financial integrity of the District or the petitioner of project water;

(B) environmentally acceptable and for which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been satisfied; and

(C) found to be in the public interest.

(4) USE OF SAVED WATER.—All water saved by any conservation measure implemented by the District or a petitioner of project water under subsection (b)(3) may be retained by the District or the petitioner of project water which saved such water for its own use or disposition. The specific amounts of water saved by any conservation measure implemented under subsection (b)(3) shall be based upon the determination of yield under paragraph (b)(1)(B)(iii), and as may be confirmed or modified by assessment pursuant to paragraph (b)(1)(E). Each petitioner of project water may make available to the District water in an amount equivalent to the water saved, which the District may make available to the Secretary for instream flows in addition to the stream flow requirements established by section 303. Such instream flows shall be released from project facilities, subject to space available in project conveyance systems, to at least one watercourse in the Bonneville and Uinta River Basins, respectively, to be designated by the United States Fish and Wildlife Service as recommended by the Interagency Biological Assessment Team. Such flows shall be protected against appropriation in the same manner as the minimum streamflow requirements established by section 303. The Secretary shall reduce the annual contractual repayment obligation of the District equal to the project rate for delivered water, including operation and maintenance expenses, for water saved for instream flows pursuant to this subsection. The District shall credit or rebate to each petitioner of project water its proportionate share of the District's repayment savings for reductions in deliveries of project water as a result of this subsection.

(5) STATUS REPORT ON THE PLANNING PROCESS.—Prior to January 1, 1994, the District shall establish a continuous process for the identification, evaluation, and implementation of water conservation measures to achieve the purposes of this section, and submit a report thereon to the Secretary. The

report shall include a description of this process, includ
its financial resources, technical support, public involveme
and identification of staff responsible for its development
implementation.

(c) WATER CONSERVATION PRICING STUDY.—

(1) Within three years from the date of enactment of t
Act, the District, after consultation with the State and e
petitioner of project water, shall prepare and transmit to
Secretary a study of wholesale and retail pricing to encour
water conservation as described in this subsection, toget
with its conclusions and recommendations.

(2) The purposes of this study are—

(A) to design and evaluate potential rate designs
pricing policies for water supply and wastewater treatm
within the District boundary;

(B) to estimate demand elasticity for each of the p
cipal categories of end use of water within the Dist
boundary;

(C) to quantify monthly water savings estimated
result from the various designs and policies to be evalua
and

(D) to identify a water pricing system that refl
the incremental scarcity value of water and rewards ef
tive water conservation programs.

(3) Pricing policies to be evaluated in the study sl
include but not be limited to the following, alone and in c
bination:

(A) recovery of all costs, including a reasonable ret
on investment, through water and wastewater ser
charges;

(B) seasonal rate differentials;

(C) drought year surcharges;

(D) increasing block rate schedules;

(E) marginal cost pricing;

(F) rates accounting for differences in costs based u
point of delivery; and

(G) rates based on the effect of phasing out the col
tion of ad valorem property taxes by the District and
petitioners of project water over a five-year and ten-y
period.

The District may incorporate policies developed by the st
in the Water Management Improvement Plan prepared ur
subsection (b).

Public information.

(4) Not less than ninety days prior to its transmitta
the Secretary, the study, together with the District's prel
nary conclusions and recommendations and all supporting d
mentation, shall be available for public review and comm
including public hearings. All significant comments, and
District's response thereto, shall accompany the study trans
ted to the Secretary.

(5) Nothing in this subsection shall be deemed to autho
the Secretary, or grant new authority to the District or petit
ers of project water, to require the implementation of
policies or recommendations contained in the study.

(d) STUDY OF COORDINATED OPERATIONS.—

(1) Within three years from the date of enactment of
Act, the District, after consultation with the State and e

petitioner of project water, shall prepare and transmit to the Secretary a study of the coordinated operation of independent municipal and industrial and irrigation water systems, together with its conclusions and recommendations. The District shall evaluate cost-effective flexible operating procedures that will—

(A) improve the availability and reliability of water supply;

(B) coordinate the timing of reservoir releases under existing water rights to improve instream flows for fisheries, wildlife, recreation, and other environmental values, if possible;

(C) assist in managing drought emergencies by making more efficient use of facilities;

(D) encourage the maintenance of existing wells and other facilities which may be placed on stand-by status when water deliveries from the project become available;

(E) allow for the development, protection, and sustainable use of ground-water resources in the District boundary;

(F) not reduce the benefits that would be generated in the absence of the joint operating procedures; and

(G) integrate management of surface and ground-water supplies and storage capability.

The District may incorporate measures developed by the study in the Water Management Improvement Plan prepared under subsection (b).

Public information.

(2) Not less than ninety days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(3) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any operating procedures, conclusions, or recommendations contained in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) For an amount not to exceed 50 percent of the cost of conducting the studies identified in subsections (c) and (d) and developing the plan identified in subsection (b), $3,000,000 shall be available from the amount authorized to be appropriated by section 201, and shall remain available until expended. The Federal share shall be allocated among project purposes in the same proportions as the joint costs of the Strawberry Collection System, and shall be repaid in the manner of repayment for each such purpose.

(2) For an amount not to exceed 65 percent of the cost of implementation of the conservation measures in accordance with subsection (b), $50,000,000 shall be available from the amount authorized to be appropriated in section 201, and shall remain available until expended. $10,000,000 authorized by this paragraph shall be made available for conservation measures in Wasatch County identified in the study pursuant to section 202(a)(3)(A) which measures satisfy the requirements of subsection (b)(2)(B) and shall thereafter be available for the purposes of this paragraph. The Federal share shall be allocated between the purposes of municipal and industrial water supply and irrigation, as appro-

priate, and shall be repaid in the manner of repayment for eac
such purpose.

Establishment.

(f) UTAH WATER CONSERVATION ADVISORY BOARD.—(1) Withi
two years of the date of enactment of this Act, the Governor
the State may establish a board consisting of nine members
be known as the Utah Water Conservation Advisory Board, wit
the duties described in this subsection. In the event that the Go
ernor does not establish said board by such date, the Secreta
shall establish a Utah Water Conservation Advisory Board consis
ing of nine members appointed by the Secretary from a list
names supplied by the Governor.

(2) The Board shall recommend water conservation standar
and regulations for promulgation by State or local authorities
the service area of each petitioner of project water, including b
not limited to the following:

(A) metering or measuring of water to all customers,
be accomplished within five years. (For purposes of this par
graph, residential buildings of more than four units may
considered as single customers.);

(B) elimination of declining block rate schedules from a
system of water or wastewater treatment charges;

(C) a program of leak detection and repair that provid
for the inspection of all conveyance and distribution main
and the performance of repairs, at intervals of three yea
or less;

(D) low consumption performance standards applicable
the sale and installation of plumbing fixtures and fittings
new construction;

(E) requirements for the recycling and reuse of water
all newly constructed commercial laundries and vehicle wa
facilities;

(F) requirements for soil preparation prior to the install
tion or seeding of turf grass in new residential and commerci
construction;

(G) requirements for the insulation of hot water pip
in all new construction;

(H) requirements for the installation of water recycli
or reuse systems on any newly installed commercial and indu
trial water-operative air conditioning and refrigeration system

(I) standards governing the sale, installation, and remov
of self-regenerating water softeners, including the identificati
of public water supply system service areas where such devic
are prohibited, and the establishment of standards for t
control of regeneration in all newly installed devices; and

(J) elimination of evaporation as a principal method
wastewater treatment.

(3) Any water conserved by implementation of subparagrap
(A), (B), (C), (D), or (F) of paragraph (2) shall not be credit
to the conservation goal specified under subparagraph (b)(1)(A
All other water conserved after January 1, 1992, by a conservati
measure which is placed on the active inventory shall be credit
to the conservation goal specified under subparagraph (b)(1)(A

(4) The Governor may waive the applicability of paragrap
(2)(D) through (2)(H) above to any petitioner of project water th
provides water entirely for irrigation use.

Regulations.

(5) Within three years of the date of enactment of this A
the board shall transmit to the Governor and the Secretary t

recommended standards and regulations referred to in subparagraph (f)(2) in such form as, in the judgment of the board, will be most likely to be promulgated within four years of the date of enactment of this Act, and the failure of the board to do so shall be deemed substantial noncompliance.

(6) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any standards or regulations recommended by the Utah Water Conservation Advisory Board.

(g) COMPLIANCE.—(1) Notwithstanding subsections (c)(5), (d)(3) or (f)(6), if the Secretary after ninety days written notice to the District, determines that the plan referred to in subsection (b) has not been developed and implemented or the studies referred to in subsections (c) and (d) have not been completed or transmitted as provided for in this section, the District shall pay a surcharge for each year of substantial noncompliance as determined by the Secretary. The amount of the surcharge shall be—

(A) for the first year of substantial noncompliance, five percent of the District's annual Bonneville Unit repayment obligation to the Secretary;

(B) for the second year of substantial noncompliance, ten percent of the District's annual Bonneville Unit repayment obligation to the Secretary; and

(C) for the third year of substantial noncompliance and any succeeding year of substantial noncompliance, fifteen percent of the District's annual Bonneville Unit repayment obligation to the Secretary.

(2) If the Secretary determines that compliance has been accomplished within twelve months after the first determination of substantial noncompliance, the Secretary shall refund 100 percent of the surcharge levied.

(h) RECLAMATION REFORM ACT OF 1982.—Compliance with this section shall be deemed as compliance with section 210 of the Reclamation Reform Act of 1982 (96 Stat. 1268; 43 U.S.C. 390jj) by the District and each petitioner of project water.

(i) JUDICIAL REVIEW.—(1) For the purposes of sections 701 through 706 of title 5 (U.S.C.), the determinations made by the Secretary under subsections (b), (f)(1) or (g) shall be final actions subject to judicial review.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with sections 701 through 706 of title 5 (U.S.C.). Nothing in this subsection shall be construed to require a hearing pursuant to sections 554, 556, or 557 of title 5 (U.S.C.).

(3) Nothing in this subsection shall be construed to preclude judicial review of other final actions and decisions by the Secretary.

(j) CITIZEN SUITS.—(1) IN GENERAL.—Any person may commence a civil suit on their own behalf against only the Secretary for any determination made by the Secretary under this section which is alleged to have violated, is violating, or is about to violate any provision of this section or determination made under this section.

(2) JURISDICTION AND VENUE.—The district courts shall have jurisdiction to prohibit any violation by the Secretary of this section, to compel any action required by this section, and to issue any other order to further the purposes of this section. An action under

this subsection may be brought in the judicial district where th alleged violation occurred or is about to occur, where fish, wildlif or recreation resources are located, or in the District of Columbi

(3) LIMITATIONS.—(A) No action may be commenced under par graph (1) before sixty days after written notice of the violatio has been given to the Secretary.

(B) Notwithstanding subparagraph (A), an action may brought immediately after such notification in the case of an actio under this section respecting an emergency posing a significa risk to the well-being of any species of fish or wildlife.

(C) Subparagraph (A) is intended to provide reasonable noti where possible and not to affect the jurisdiction of the court

(4) COSTS AWARDED BY THE COURT.—The court may awa costs of litigation (including reasonable attorney and expert witne fees and expenses) to any party, other than the United State whenever the court determines such award is appropriate.

(5) DISCLAIMER.—The relief provided by this subsection sha not restrict any right which any person (or class of persons) m have under any statute or common law to seek enforcement any standard or limitation or to seek any other relief.

(k) PRESERVATION OF STATE LAW.—Nothing in this section sha be deemed to preempt or supersede State law.

SEC. 208. LIMITATION ON HYDROPOWER OPERATIONS.

(a) LIMITATION.—Power generation facilities associated with th Central Utah Project and other features specified in titles II throu V of this Act shall be operated and developed in accordance wi the Act of April 11, 1956 (70 Stat. 109; 43 U.S.C. 620f).

(b) COLORADO RIVER BASIN WATERS.—Use of Central Ut Project water diverted out of the Colorado River Basin for pow purposes shall only be incidental to the delivery of water for oth authorized project purposes. Diversion of such waters out of th Colorado River Basin exclusively for power purposes in prohibite

SEC. 209. OPERATING AGREEMENTS.

The District, in consultation with the Commission and th Utah Division of Water Rights, shall apply its best efforts to achie operating agreements for the Jordanelle Reservoir, Deer Creek Re ervoir, Utah Lake and Strawberry Reservoir within two years the date of enactment of this Act.

SEC. 210. JORDAN AQUEDUCT PREPAYMENT.

Under such terms as the Secretary may prescribe, and with one year of the date of enactment of this Act, the Secretary sha allow for the prepayment, or shall otherwise dispose of, repayme contracts entered into among the United States, the District, t Metropolitan Water District of Salt Lake City, and the Salt La County Water Conservancy District, dated May 16, 1986, providi for repayment of the Jordan Aqueduct System. In carrying o this section, the Secretary shall take such actions as he deem appropriate to accommodate, effectuate, and otherwise protect t rights and obligations of the United States and the obligors und the contracts executed to provide for payment of such repayme contracts.

SEC. 211. AUDIT OF CENTRAL UTAH PROJECT COST ALLOCATION

Not later than one year after the date on which the Secreta declares the Central Utah Project to be substantially comple

the Comptroller General of the United States shall conduct an audit of the allocation of costs of the Central Utah Project to irrigation, municipal and industrial, and other project purposes and submit a report of such audit to the Secretary and to the Congress. The audit shall be conducted in accordance with regulations which the Comptroller General shall prescribe not later than one year after the date of enactment of this Act. Upon a review of such report, the Secretary shall reallocate such costs as may be necessary. Any amount allocated to municipal and industrial water in excess of the total maximum repayment obligation contained in repayment contracts dated December 28, 1965, and November 26, 1985, shall be deferred for as long as the District is not found to be in substantial noncompliance with the water management improvement program provided in section 207 and the stream flows provided in title III are maintained. If at any time the Secretary finds that such program is in substantial noncompliance or that such stream flows are not being maintained, the Secretary shall, within six months of such finding and after public notice, take action to initiate repayment of all such reimbursable costs.

SEC. 212. SURPLUS CROPS.

Notwithstanding any other provision of law relating to a charge for irrigation water supplied to surplus crops, until the construction costs of the facilities authorized by this title are repaid, the Secretary is directed to charge a surplus crop production charge equal to 10 percent of full cost, as defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb), for the delivery of project water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provision of the Agricultural Act of 1949, as amended, if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the surplus crop production charge for the succeeding year on or before July 1 of each year.

TITLE III—FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

SEC. 301. UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

(a) PURPOSE.—(1) The purpose of this section is to provide for the prompt establishment of the Utah Reclamation Mitigation and Conservation Commission in order to coordinate the implementation of the mitigation and conservation provisions of this Act among the Federal and State fish, wildlife, and recreation agencies.

(2) This section, together with applicable environmental laws and the provisions of other laws applicable to mitigation, conservation and enhancement of fish, wildlife, and recreation resources within the State, are all intended to be construed in a consistent manner. Nothing herein is intended to limit or restrict the authorities or opportunities of Federal, State, or local governments, or political subdivisions thereof, to plan, develop, or implement mitigation, conservation, or enhancement of fish, wildlife, and recreation

(b) ESTABLISHMENT.—(1) There is established a commission to be known as the Utah Reclamation Mitigation and Conservation Commission.

(2) The Commission shall expire twenty years from the end of the fiscal year during which the Secretary declares the Central Utah Project to be substantially complete. The Secretary shall not declare the project to be substantially complete at least until such time as the mitigation and conservation projects and features provided for in section 315 have been completed in accordance with the fish, wildlife, and recreation mitigation and conservation schedule specified therein.

(c) DUTIES.—The Commission shall—

(1) formulate the policies and objectives for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(2) administer in accordance with subsection (f) the expenditure of funds for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(3) be considered a Federal agency for purposes of compliance with the requirements of all Federal fish, wildlife, recreation, and environmental laws, including (but not limited to) the Fish and Wildlife Coordination Act, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(4) develop, adopt, and submit plans and reports of its activities in accordance with subsection (g).

(d) MEMBERSHIP.—(1) The Commission shall be composed of 5 members appointed by the President within six months of the date of enactment of this Act, as follows:

(A) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the Speaker of the House of Representatives upon the recommendation of the members of the House of Representatives representing the State.

(B) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the Majority Leader of the Senate upon the recommendation of the members of the Senate representing the State.

(C) 1 from a list of residents of the State submitted by the Governor of the State composed of State wildlife resource agency personnel.

(D) 1 from a list of residents of the State submitted by the District.

(E) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish and wildlife matters or environmental conservation matters and have been recommended by Utah nonprofit sportsmen's or environmental organizations, submitted by the Governor of the State.

(2)(A) Except as provided in subparagraph (B), members shall be appointed for terms of four years.

(B) Of the members first appointed—

(i) the member appointed under paragraph (1)(C) shall be appointed for a term of three years; and

(ii) the member appointed under paragraph (1)(D) shall be appointed for a term of two years.

(3) A vacancy in the Commission shall be filled within ninety days and in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum of the annual rate of basic pay in effect for grade GS–15 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(B) Members of the Commission who are full-time officers or employees of the United States or the State of Utah shall receive no additional pay by reason of their service on the Commission.

(5) Three members of the Commission shall constitute a quorum but a lesser number may hold public meetings authorized by the Commission.

(6) The Chairman of the Commission shall be elected by the members of the Commission. The term of office of the Chairman shall be one year.

(7) The Commission shall meet at least quarterly and may meet at the call of the Chairman or a majority of its members.

(e) DIRECTOR AND STAFF OF COMMISSION; USE OF CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

(5) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(6) In times of emergency, as defined by rule by the Commission, the Director may exercise the full powers of the Commission

until such times as the emergency ends or the Commission meets in formal session.

(f) IMPLEMENTATION OF MITIGATION AND CONSERVATION MEASURES.—(1) The Commission shall administer the mitigation and conservation funds available under this Act to conserve, mitigate, and enhance fish, wildlife, and recreation resources affected by the development and operation of Federal reclamation projects in the State of Utah. Such funds shall be administered in accordance with this section, the mitigation and conservation schedule in section 315 of this Act, and, if in existence, the applicable five-year plan adopted pursuant to subsection (g). Expenditures of the Commission pursuant to this section shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(2) REALLOCATION OF SECTION 8 FUNDS.—Notwithstanding any provision of this act which provides that a specified amount of section 8 funds available under this Act shall be available only for a certain purpose, if the Commission determines, after public involvement and agency consultation as provided in subsection (g)(3), that the benefits to fish, wildlife, or recreation will be better served by allocating such funds in a different manner, then the Commission may reallocate any amount so specified to achieve such benefits: *Provided, however*, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(3) FUNDING FOR NEPA COMPLIANCE.—The Commission shall annually provide funding on a priority basis for environmental mitigation measures adopted as a result of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for project features constructed pursuant to titles II and III of this Act.

(4) CONTRACTING AUTHORITY.—The Commission shall, for the purpose of carrying out this Act, enter into and perform such contracts, leases, grants, cooperative agreements, or other similar transactions, including the amendment, modification, or cancellation thereof and make the compromise or final settlement of any claim arising thereunder, with universities, non-profit organizations, and the appropriate public natural resource management agency or agencies, upon such terms and conditions and in such manner as the Commission may deem to be necessary or appropriate, for the implementation of the mitigation and conservation projects and features authorized in this Act, including actions necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(g) PLANNING AND REPORTING.—(1) Beginning with the first fiscal year after all members of the Commission are appointed initially, and every five years thereafter, the Commission shall develop and adopt by March 31 a plan for carrying out its duties during each succeeding five-year period. Each such plan shall consist of the specific objectives and measures the Commission intends to administer under subsection (f) during the plan period to implement the mitigation and conservation projects and features authorized in this Act.

(2) FINAL PLAN.—Within six months prior to the expiration of the Commission pursuant to this Act, the Commission shall develop and adopt a plan which shall—

(A) establish goals and measurable objectives for the mitigation and conservation of fish, wildlife, and recreation resources during the five-year period following such expiration; and

(B) recommend specific measures for the expenditure of funds from the Account established under section 402 of this Act.

(3) PUBLIC INVOLVEMENT AND AGENCY CONSULTATION.—(A) Promptly after the Commission is established under this section, and in each succeeding fiscal year, the Commission shall request in writing from the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and county and municipal entities, and the public, recommendations for objectives and measures to implement the mitigation and conservation projects and features authorized in this Act or amendments thereto. The Commission shall establish by rule a period of time not less than ninety days in length within which to receive such recommendations, as well as the format for and the information and supporting data that is to accompany such recommendations.

Regulations.

(B) The Commission shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public. Copies of such recommendations and supporting documents shall be made available for review at the offices of the Commission and shall be available for reproduction at reasonable cost.

Public information.

(C) The Commission shall provide for public involvement regarding the recommendations and supporting documents within such reasonable time as the Commission by rule deems appropriate.

(4) The Commission shall develop and amend the plans on the basis of such recommendations, supporting documents, and views and information obtained through public involvement and agency consultation. The Commission shall include in the plans measures which it determines, on the basis set forth in paragraph (f)(1), will—

(A) restore, maintain, or enhance the biological productivity and diversity of natural ecosystems within the State and have substantial potential for providing fish, wildlife, and recreation mitigation and conservation opportunities;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological or recreational objectives exist, the alternative that will also provide public benefits through multiple resource uses;

(D) complement the existing and future activities of the Federal and State fish, wildlife, and recreation agencies and appropriate Indian tribes;

(E) utilize, when available, cooperative agreements and partnerships with private landowners and nonprofit conservation organizations; and

(F) be consistent with the legal rights of appropriate Indian tribes.

Enhancement measures may be included in the plans to the extent such measures are designed to achieve improved conservation or mitigation of resources.

(5) AGENCY CONSULTATION.—Commission plans developed in accordance with this subsection, or implemented under subsection (f), that affect National Forest System lands shall be developed and implemented in consultation with the Secretary of Agriculture.

(6) REPORTING.—(A) Beginning on December 1 of the first fiscal year in which all members of the Commission are appointed initially, the Commission shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate, to the Committees on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives, to the Secretary, and to the Governor of the State. The report shall describe the actions taken and to be taken by the Commission under this section, the effectiveness of the mitigation and conservation measures implemented to date, and potential revisions or modifications to the applicable mitigation and conservation plan.

(B) At least sixty days prior to its submission of such report, the Commission shall make a draft of such report available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public, and establish procedures for timely comments thereon. The Commission shall include a summary of such comments as an appendix to such report.

(h) DISCRETIONARY DUTIES AND POWERS.—In addition to any other duties and powers provided by law—

(1) The Commission may depart from the fish, wildlife, and recreation mitigation and conservation schedule specified in section 315 whenever the Commission determines, after public involvement and agency consultation as provided for in this Act, that such departure would be of greater benefit to fish, wildlife, or recreation: *Provided, however,* That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(2) The Commission may, for the purpose of carrying out this Act—

(A) hold such public meetings, sit and act at such times and places, take such testimony, and receive such evidence, as a majority of the Commission considers appropriate; and

(B) meet jointly with other Federal or State authorities to consider matters of mutual interest.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Director of the Commission, the head of such department or agency shall furnish such information to the Commission. At the discretion of the department or agency, such information may be provided on a reimbursable basis.

(4) The Commission may accept, use, and dispose of appropriations, gifts or grants of money or other property, or dona-

tions of services, from whatever source, only to carry out the purposes of this Act.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(7) The Commission may acquire and dispose of personal and real property and water rights, and interests therein, through donation, purchase on a willing seller basis, sale, or lease, but not through direct exercise of the power of eminent domain, in order to carry out the purposes of this Act. This provision shall not affect any existing authorities of other agencies to carry out the purposes of this Act.

(8) The Commission may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for travel, training, and attendance at meetings; and for such other facilities and services as may be necessary for the administration of this Act.

(9) The Commission shall not participate in litigation, except litigation pursuant to subsection (l) or condemnation proceedings initiated by other agencies.

(i) FUNDING.—(1) Amounts appropriated to the Secretary for the Commission shall be paid to the Commission immediately upon receipt of such funds by the Secretary. The Commission shall expend such funds in accordance with this Act.

(2) For each fiscal year, the Commission is authorized to use for administrative expenses an amount equal to 10 percent of the amounts available to the Commission pursuant to this Act during such fiscal year, but not to exceed $1,000,000. Such amount shall be increased by the same proportion as the contributions to the Account under section 402(b)(3)(C).

(j) AVAILABILITY OF UNEXPENDED AMOUNTS UPON COMPLETION OF CONSTRUCTION PROJECTS.—Notwithstanding any other provision of law, upon the completion of any project authorized under this title, Federal funds appropriated for that project but not obligated or expended shall be deposited in the Account pursuant to section 402(b)(4)(D) and shall be available to the Commission in accordance with section 402(c)(2).

(k) TRANSFER OF PROPERTY AND AUTHORITY HELD BY THE COMMISSION.—Except as provided in section 402(b)(4)(A), upon the termination of the Commission in accordance with subsection (b)—

(1) the duties of the Commission shall be performed by the Utah Division of Wildlife Resources, which shall exercise such authority in consultation with the United States Fish and Wildlife Service, the District, the Bureau, and the Forest Service; and

(2) title to any real and personal properties then held by the Commission shall be transferred to the appropriate division within Utah Department of Natural Resources or, for such parcels of real property as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency.

(l) REPRESENTATION BY ATTORNEY GENERAL.—The Attorney General of the United States shall represent the Commission in any litigation to which the Commission is a party.

(m) CONGRESSIONAL OVERSIGHT.—The activities of the Commission shall be subject to oversight by the Congress.

(n) TERMINATION OF BUREAU ACTIVITIES.—Upon appointment of the Commission as provided in subsection (b), the responsibility for implementing section 8 funds for mitigation and conservation projects and features authorized in this Act shall be transferred from the Bureau to the Commission.

SEC. 302. INCREASED PROJECT WATER CAPABILITY.

(a) ACQUISITION.—The District shall acquire, on an expedited basis with funds to be provided by the Commission in accordance with the schedule specified in section 315, by purchase from willing sellers or exchange, twenty-five thousand acre-feet of water rights in the Utah Lake drainage basin to achieve the purposes of this section. Water purchases which would have the effect of compromising groundwater resources or dewatering agricultural lands in the Upper Provo River areas should be avoided. Of the amounts authorized to be appropriated by section 201, $15,000,000 shall be available only for the purposes of this subsection.

(b) NONCONSUMPTIVE RIGHTS.—A nonconsumptive right in perpetuity to any water acquired under this section shall be tendered in accordance with the laws of the State of Utah within thirty days of its acquisition by the District to the Utah Division of Wildlife Resources for the purposes of maintaining instream flows provided for in section 303(c)(3) and 303(c)(4) for fish, wildlife, and recreation in the Provo River.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 201, $4,000,000 shall be available only to modify existing or construct new diversion structures on the Provo River below the Murdock diversion to facilitate the purposes of this section.

SEC. 303. STREAM FLOWS.

(a) STREAM FLOW AGREEMENT.—The District shall annually provide, from project water if necessary, amounts of water sufficient to sustain the minimum stream flows established pursuant to the Stream Flow Agreement.

(b) INCREASED FLOWS IN THE UPPER STRAWBERRY RIVER TRIBUTARIES.—(1) the District shall acquire, on an expedited basis with funds to be provided by the Commission, or by the Secretary in the event the Commission has not been established, in accordance with State law, the provisions of this section, and the schedule specified in section 315, all of the Strawberry basin water rights being diverted to the Heber Valley through the Daniels Creek drainage and shall apply such rights to increase minimum stream flows—

(A) in the upper Strawberry River and other tributaries to the Strawberry Reservoir;

(B) in the lower Strawberry River from the base of Soldier Creek Dam to Starvation Reservoir; and

(C) in other streams within the Uinta basin affected by the Strawberry Collection System in such a manner as deemed by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources to be in the best interest of fish and wildlife.

The Commission's decision under subparagraph (C) shall not establish a statutory or otherwise mandatory minimum stream flow.

(2) The District may acquire the water rights identified in paragraph (1) prior to completion of the facilities identified in paragraph (3) only by lease and for a period not to exceed two years from willing sellers or by replacement or exchange of water in kind. Such leases may be extended for one additional year with the consent of Wasatch and Utah counties. The District shall proceed to fulfill the purposes of this subsection on an expedited basis but may not lease water from the Daniels Creek Irrigation Company before the beginning of fiscal year 1993.

(3)(A) The District shall construct with funds provided for in paragraph (4) a Daniels Creek replacement pipeline from the Jordanelle Reservoir to the existing Daniels Creek Irrigation Company Water storage facility for the purpose of providing a permanent replacement of water in an amount equal to the Strawberry basin water being supplied by the District for stream flows provided in paragraph (1) which would otherwise have been diverted to the Daniels Creek drainage.

(B) Such Daniels Creek replacement water may be exchanged by the District in accordance with State law with the Strawberry basin water identified above to provide a permanent supply of water for minimum flows provided in paragraph (1). Any such permanent replacement water so exchanged into the Strawberry basin by the District shall be tendered in accordance with State law within thirty days of its exchange by the District to the Utah Division of Wildlife Resources for the purposes of providing stream flows under paragraph (1).

(C) The Daniels Creek replacement water to be supplied by the District shall be at least equal in quality and reliability to the Daniels Creek water being replaced and shall be provided by the District at a cost to the Daniels Creek Irrigation Company which does not exceed the cost of supplying existing water deliveries (including operation and maintenance) through the Daniels Creek diversion.

(4) Of the amounts authorized to be appropriated by section 201, $10,500,000 shall be available to fulfill the purposes of this section as follows:

(A) $500,000 for leasing of water pursuant to paragraph (2).

(B) $10,000,000 for construction of the Daniels Creek replacement pipeline.

(C) Funds provided by this paragraph shall not be subject to the requirements of section 204 and shall be included in the final cost allocation provided for in section 211; except that not less than $3,500,000 shall be treated as an expense under section 8, and $7,000,000 shall be treated as an expense under section 5 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105).

(D) Funds provided for the Daniels Creek replacement pipeline may be expended so as to integrate such pipeline with the Wasatch County conservation measures provided for in section 207(e)(2) and the Wasatch County Water Efficiency Project authorized in section 202(a)(3).

(c) STREAM FLOWS IN THE BONNEVILLE UNIT.—The yield and operating plans for the Bonneville Unit of the Central Utah Project shall be established or adjusted to provide for the following minimum stream flows, which flows shall be provided continuously and in perpetuity from the date first feasible, as determined by

the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources:

(1) In the Diamond Fork River drainage subsequent to completion of the Monks Hollow Dam or other structure that rediverts water from the Diamond Fork River Drainage into the Diamond Fork component of the Bonneville Unit of the Central Utah Project—

(A) in Sixth Water Creek, from the exit of Strawberry Valley Tunnel to the Last Chance Powerplant and Switchyard, not less than thirty-two cubic feet per second during the months of May through October and not less than twenty-five cubic feet per second during the months of November through April, and

(B) in the Diamond Fork River, from the bottom of the Monks Hollow Dam to the Spanish Fork River, not less than eighty cubic feet per second during the months of May through September and not less than sixty cubic feet per second during the months of October through April, which flows shall be provided by the Bonneville Unit of the Central Utah Project.

(2) In the Provo River from the base of Jordanelle Dam to Deer Creek Reservoir a minimum of one hundred and twenty-five cubic feet per second.

(3) In the Provo River from the confluence of Deer Creek and the Provo River to the Olmsted Diversion a minimum of one hundred cubic feet per second.

(4) Upon the acquisition of the water rights in the Provo Drainage identified in section 302, in the Provo River from the Olmsted Diversion to Utah Lake, a minimum of seventy-five cubic feet per second.

(5) In the Strawberry River, from the base of Starvation Dam to the confluence with the Duchesne River, a minimum of fifteen cubic feet per second.

(d) MITIGATION OF EXCESSIVE FLOWS IN THE PROVO RIVER.—The District shall, with public involvement, prepare and conduct a study and develop a plan to mitigate the effects of peak season flows in the Provo River. Such study and plan shall be developed in consultation with the Fish and Wildlife Service, the Utah Division of Water Rights, the Utah Division of Wildlife Resources, affected water right holders and users, the Commission, and the Bureau. The study and plan shall discuss and be based upon, at a minimum, all mitigation and conservation opportunities identified through—

(1) a fishery and recreational use study that addresses anticipated peak flows;

(2) study of the mitigation and conservation opportunities possible through habitat or stream bed modification;

(3) study of the mitigation and conservation opportunities associated with the operating agreements referred to in section 209;

(4) study of the mitigation and conservation opportunities associated with the water acquisitions contemplated by section 302;

(5) study of the mitigation and conservation opportunities associated with section 202(2);

(6) study of the mitigation and conservation opportunities available in connection with water right exchanges; and

(7) study of the mitigation and conservation opportunities that could be achieved by construction of a bypass flowline from the base of Deer Creek Reservoir to the Olmsted Diversion.

(e) EARMARK.—Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only for the implementation of subsection (d).

(f) STRAWBERRY VALLEY TUNNEL.—(1) Upon completion of the Diamond Fork System, the Strawberry Tunnel shall not be used except for deliveries of water for the instream purposes specified in subsection (c). All other waters for the Bonneville Unit and Strawberry Valley Reclamation Project purposes shall be delivered through the Diamond Fork System.

(2) Paragraph (1) shall not apply during any time in which the District, in consultation with the Commission, has determined that the Syar Tunnel or the Sixth Water Aqueduct is rendered unusable or emergency circumstances require the use of the Strawberry Valley Tunnel for the delivery of contracted Central Utah Project water and Strawberry Valley Reclamation Project water.

SEC. 304. FISH, WILDLIFE, AND RECREATION PROJECTS IDENTIFIED OR PROPOSED IN THE 1988 DEFINITE PLAN REPORT FOR THE CENTRAL UTAH PROJECT.

The fish, wildlife, and recreation projects identified or proposed in the 1988 Definite Plan Report which have not been completed as of the date of enactment of this Act shall be completed in accordance with the 1988 Definite Plan Report and the schedule specified in section 315, unless otherwise provided in this Act.

SEC. 305. WILDLIFE LANDS AND IMPROVEMENTS.

(a) ACQUISITION OF RANGELANDS.—In addition to lands acquired on or before the date of enactment of this Act and in addition to the acreage to be acquired in accordance with the 1988 Definite Plan Report, the Commission shall acquire on an expedited basis from willing sellers, in accordance with the schedule specified in section 315 and a plan to be developed by the Commission, big game winter range lands to compensate for the impacts of Federal reclamation projects in Utah. Such lands shall be transferred to the Utah Division of Wildlife Resources or, for such parcels as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency, for management as a big game winter range. In the case of such transfers, lands acquired within the boundaries of a national forest shall be administered by the Secretary of Agriculture as a part of the National Forest System. Of the amounts authorized to be appropriated by section 201, $1,300,000 shall be available only for the purposes of this subsection.

(b) BIG GAME CROSSINGS AND WILDLIFE ESCAPE RAMPS.—In addition to the measures to be taken in accordance with the 1988 Definite Plan Report, the Commission shall construct big game crossings and wildlife escape ramps for the protection of big game animals along the Provo Reservoir Canal, Highline Canal, Strawberry Power Canal, and others. Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for the purposes of this subsection.

SEC. 306. WETLANDS ACQUISITION, REHABILITATION, AND ENHANCEMENT.

(a) WETLANDS AROUND THE GREAT SALT LAKE.—Of the amounts authorized to be appropriated by section 201, $14,000,000 shall be available only for the planning and implementation of projects to preserve, rehabilitate, and enhance wetland areas around the Great Salt Lake in accordance with a plan to be developed by the Commission.

(b) INVENTORY OF SENSITIVE SPECIES AND ECOSYSTEMS.—(1) The Commission shall, in cooperation with the Utah Division of Wildlife Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive nongame wildlife species and their habitats.

(2) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only to carry out paragraph (1) of this section.

(3) The Commission shall, in cooperation with the Utah Department of Natural Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive plant species and ecosystems.

(4) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available for the Utah Natural Heritage Program only to carry out paragraph (3) of this section.

(c) UTAH LAKE WETLANDS PRESERVE.—(1) The Commission, in consultation with the Utah Division of Wildlife Resources and the United States Fish and Wildlife Service, shall, in accordance with paragraph (9), acquire private land, water rights, conservation easements, or other interests therein, necessary for the establishment of a wetlands preserve adjacent to or near the Goshen Bay and Benjamin Slough areas of Utah Lake as depicted on a map entitled "Utah Lake Wetland Preserve" and dated September 1990. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia.

Contracts.

(2) The Secretary shall enter into an agreement under which the Wetlands Preserve acquired under paragraph (1) shall be managed by the Utah Division of Wildlife Resources pursuant to a plan developed in consultation with the Secretary and in accordance with this Act and the substantive requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(3) The Wetlands Preserve shall be managed for the protection of migratory birds, wildlife habitat, and wetland values in a manner compatible with the surrounding farmlands, orchards, and agricultural production area. Grazing will be allowed for wildlife habitat management purposes in accordance with the Act referenced in paragraph (2) and as determined by the Division to be compatible with the purposes stated herein.

(4) Nothing in this subsection shall restrict traditional agricultural practices (including the use of pesticides) on adjacent properties not included in the preserve by acquisition or easement.

(5) Nothing in this subsection shall affect existing water rights under Utah State law.

(6) Nothing in this subsection shall grant authority to the Secretary to introduce a federally protected species into the wetlands preserve.

(7) The creation of this preserve shall not in any way interfere with the operation of the irrigation and drainage system authorized by section 202(a)(1).

(8) All water rights not appurtenant to the lands purchased for the Wetlands Preserve acquired under paragraph (1) shall be purchased from the District at an amount not to exceed the cost of the District in acquiring such rights.

(9) Of the amounts authorized to be appropriated by section 201, $16,690,000 shall be available for acquisition of the lands, water rights, and other interests therein described in paragraph (1) of this subsection for the establishment of the Utah Lake Wetland Preserve.

(10) Lands, easements, or water rights may not be acquired pursuant to this subsection without the consent of the owner of such lands or water rights.

(11) Base property of a lessee or permittee (and the heirs of such lessee or permittee) under a Federal grazing permit or lease held on the date of enactment of this Act shall include any land of such lessee or permittee acquired by the Commission under this subsection.

(d) PROVO BAY.—In order to protect wetland habitat, the United States shall not issue any Federal permit which allows commercial, industrial, or residential development on the southern portion of Provo Bay in Utah Lake, as described herein and depicted on a map dated October 11, 1990, except that recreational development consistent with wildlife habitat values shall be permitted. The southern portion of Provo Bay referred to in this subsection shall be that area extending two thousand feet out into the Bay from the ordinary high water line on the south shore of Provo Bay, beginning at a point at the mouth of the Spanish Fork River and extending generally eastward along the ordinary high water line to the intersection of such line with the Provo City limit, as it existed as of October 10, 1990, on the east shore of the Bay. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia. Nothing in this Act shall restrict present or future development of the Provo City Airport or airport access roads along the north side of Provo Bay.

SEC. 307. FISHERIES ACQUISITION, REHABILITATION, AND ENHANCEMENT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for fisheries acquisition, rehabilitation, and improvement within the State:

(1) $750,000 for fish habitat restoration on the Provo River between the Jordanelle and Deer Creek Reservoirs.

(2) $4,000,000 for fish habitat restoration in streams impacted by Federal reclamation projects in Utah.

(3) $1,000,000 for the restoration of tributaries of the Strawberry Reservoir to assure trout spawning recruitment.

(4) $1,500,000 for post-treatment management and fishery development costs at the Strawberry Reservoir.

(5) $1,000,000 for (A) a study to be conducted as directed by the Commission to determine the appropriate means for

improving Utah Lake as a warm water fishery and other related issues; and

(B) development of facilities and programs to implement management objectives.

(6) $1,000,000 for fish habitat restoration and improvements in the Diamond Fork River and Sixth Water Creek drainages.

(7) $475,000 for the restoration of native cutthroat trout populations in streams and lakes in the Bonneville Unit project area.

(8) $2,500,000 for watershed restoration and improvements, erosion control, and wildlife habitat restoration and improvements in the Avintaquin, Red, and Currant Creek drainages and other Strawberry River drainages affected by the development of Federal reclamation projects in Utah.

SEC. 308. STABILIZATION OF HIGH MOUNTAIN LAKES IN THE UINTA MOUNTAINS.

(a) REVISION OF PLAN.—The project plan for the stabilization of high mountain lakes in the Upper Provo River drainage shall be revised to require that the following lakes will be stabilized at levels beneficial for fish habitat and recreation: Big Elk, Crystal, Duck, Fire, Island, Long, Wall, Marjorie, Pot, Star, Teapot, and Weir. Overland access by vehicles or equipment for stabilization and irrigation purposes under this subsection shall be minimized within the Lakes Management Area boundary, as depicted on the map in the Wasatch-Cache National Forest Plan (p. IV–166, dated 1987), to a level of practical necessity.

(b) COSTS OF REHABILITATION.—(1) The costs of rehabilitating water storage features at Trial, Washington, and Lost Lakes, which are to be used for project purposes, shall be borne by the project from amounts made available pursuant to section 201. Existing roads may be used for overland access to carry out such rehabilitation.

(2) The costs of stabilizing each of the lakes referred to in subsection (a) which is to be used for a purpose other than irrigation shall be treated as an expense under section 8.

(c) FISH AND WILDLIFE HABITAT.—Of the amounts authorized to be appropriated by section 201, $5,000,000 shall be available only for stabilization and fish and wildlife habitat restoration in the lakes referred to in subsection (a). This amount shall be in addition to the $7,538,000 previously authorized for appropriation under section 5 of the Act of April 11, 1956 (43 U.S.C. 620g) for the stabilization and rehabilitation of the lakes described in this section.

SEC. 309. STREAM ACCESS AND RIPARIAN HABITAT DEVELOPMENT.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for stream access and riparian habitat development in the State:

(1) $750,000 for rehabilitation of the Provo River riparian habitat development between Jordanelle Reservoir and Utah Lake.

(2) $250,000 for rehabilitation and development of watersheds and riparian habitats along Diamond Fork and Sixth Water Creek.

(3) $350,000 for additional watershed stabilization, terrestrial wildlife and riparian habitat improvements, and road closures within the Central Utah Project area.

(4) $8,500,000 for the acquisition of additional recreation and angler accesses and riparian habitats, which accesses and habitats shall be acquired in accordance with the recommendation of the Commission.

(b) STUDY OF IMPACT TO WILDLIFE AND RIPARIAN HABITATS WHICH EXPERIENCE REDUCED WATER FLOWS AS A RESULT OF THE STRAWBERRY COLLECTION SYSTEM.—Of the amounts authorized to be appropriated by section 201, $400,000 shall be available only for the Commission to conduct a study of the impacts to soils and riparian fish and wildlife habitat in drainages that will experience substantially reduced water flows resulting from the operation of the Strawberry Collection System. The study shall identify mitigation opportunities that represent alternatives to increasing stream flows and make recommendations to the Commission.

SEC. 310. SECTION 8 EXPENSES.

(a) Unless otherwise expressly provided, all of the amounts authorized to be appropriated by this Act and listed in subsection (b) of this section shall be treated as expenses under section 8.

(b) The sections referred to in subsection (a) of this section are as follows: title III, and section 402(b)(2).

SEC. 311. JORDAN AND PROVO RIVER PARKWAYS AND NATURAL AREAS.

(a) FISHERIES.—Of the amounts authorized to be appropriated by section 201, $1,150,000 shall be available only for fish habitat improvements to the Jordan River.

(b) RIPARIAN HABITAT REHABILITATION.—Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for Jordan River riparian habitat rehabilitation, which amount shall be in addition to amounts available under the 1988 Definite Plan Report.

(c) WETLANDS.—Of the amounts authorized to be appropriated by section 201, $7,000,000 shall be available only for the acquisition of wetland acreage, including those along the Jordan River identified by the multi-agency technical committee for the Jordan River Wetlands Advance Identification Study.

(d) RECREATIONAL FACILITIES.—(1) Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Salt Lake County proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report to accompany the bill H.R. 429 (S. Rept. 102–267).

(2) Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Utah and Wasatch Counties proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report to accompany the bill H.R. 429 (S. Rept. 102–267).

(e) PROVO RIVER CORRIDOR.—Of the amounts authorized to be appropriated by section 201, $1,000,000 shall be available only for riparian habitat acquisition and preservation, stream habitat improvements, and recreation and angler access provided on a willing seller basis along the Provo River from the Murdock diver-

sion to Utah Lake, as determined by the Commission after consultation with local officials.

SEC. 312. RECREATION.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available to the Commission only for Central Utah Project recreation features:

(a) $2,000,000 for Utah Lake recreational improvements as proposed by the State and local governments.

(b) $750,000 for additional recreation improvements, which shall be made in accordance with recommendations made by the Commission, associated with Central Utah Project features and affected areas, including camping facilities, hiking trails, and signing.

SEC. 313. FISH AND WILDLIFE FEATURES IN THE COLORADO RIVER STORAGE PROJECT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available only to provide mitigation and restoration of watersheds and fish and wildlife resources in Utah impacted by the Colorado River Storage Project:

(a) HABITAT IMPROVEMENTS IN CERTAIN DRAINAGES.—$1,125,000 shall be available only for watershed and fish and wildlife improvements in the Fremont River drainage, which shall be expended in accordance with a plan developed by the Commission in consultation with the Wayne County Water Conservancy District.

(b) SMALL DAMS AND WATERSHED IMPROVEMENTS.—$4,000,000 shall be available only for land acquisition for the purposes of watershed restoration and protection in the Albion Basin in the Wasatch Mountains and for restoration and conservation related improvements to small dams and watersheds on State of Utah lands and National Forest System lands within the Central Utah Project and the Colorado River Storage Project area in Utah, which amounts shall be expended in accordance with a plan developed by the Commission.

(c) FISH HATCHERY PRODUCTION.—$22,800,000 shall be available only for the planning and implementation of improvements to existing hatchery facilities or the construction and development of new fish hatcheries to increase production of warmwater and coldwater fishes for the areas affected by the Colorado River Storage Project in Utah. Such improvements and construction shall be implemented in accordance with a plan identifying the long-term needs and management objectives for hatchery production prepared by the United States Fish and Wildlife Service, in consultation with the Utah Division of Wildlife Resources, and adopted by the Commission. The cost of operating and maintaining such new or improved facilities shall be borne by the Secretary.

SEC. 314. CONCURRENT MITIGATION APPROPRIATIONS.

Notwithstanding any other provision of this Act, the Secretary is directed to allocate funds appropriated for each fiscal year pursuant to titles II through IV of this Act as follows:

(a) Deposit the Federal contribution to the Account authorized in section 402(b)(2).

(b) Of any remaining funds, allocate the amounts available for implementation of the mitigation and conservation projects and features specified in the schedule in section 315 concur-

rently with amounts available for implementation of title II of this Act.

(c) Of the amounts allocated for implementation of the mitigation and conservation projects and features specified in the schedule in section 315, three percent of the total shall be used by the Secretary to fulfill subsections (d) and (e) of this section.

(d) The Secretary shall use the sums identified in subsection (c) outside the State of Utah to:

(1) restore damaged natural ecosystems on public lands and waterways affected by the Federal Reclamation program;

(2) acquire, from willing sellers only, other lands and properties, including water rights, or appropriate interests therein, with restorable damaged natural ecosystems, and restore such ecosystems;

(3) provide jobs and sustainable economic development in a manner that carries out the other purposes of this subsection;

(4) provide expanded recreational opportunities; and

(5) support and encourage research, training, and education in methods and technologies of ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties or appropriate interests therein where repair of compositional, structural, and functional values will:

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities, and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna that are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl, and other wildlife;

(6) provide additional conservation values to State and local government lands;

(7) add to structural and compositional values of existing ecological preserves or enhance the viability, defensibility, and manageability of ecological preserves; and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation, and other water quality improvement capacity.

SEC. 315. FISH, WILDLIFE, AND RECREATION SCHEDULE.

The mitigation and conservation projects and features shall be implemented in accordance with the following schedule:

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Instream flows:				
1.a. Lease of Daniels Creek water rights	$500	$500	$0	$0
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$10,000	$10,000	$0	$0
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$15,000	$5,000	$5,000	5,000
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	$4,000	$500	$1,500	$1,500
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$500	$100	$100	$100
Subtotal	$30,000	$16,100	$6,600	$6,600
	FY96	FY97	FY98	
Instream flows:				
1.a. Lease of Daniels Creek water rights	$0	$0	$0	
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$0	$0	$0	
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$0	$0	$0	
b. Modify or replace diversion structures on Provo River from Murdock Diverasion to Utah Lake [Sec. 302]	$500	$0	$0	
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$100	$100	$0	
Subtotal	$600	$100	$0	
	TOTAL	FY93	FY94	FY95
Wildlife lands and improvement:				
1. Acquisition of big game winter range [Sec. 305(a)]	$1,300	$0	$100	$200
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$750	$0	$0	$250
Subtotal	$2,050	$0	$100	$450
	FY96	FY97	FY98	
Wildlife lands and improvement:				
1. Acquisition of big game winter range [Sec. 305(a)]	$500	$500	$0	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$250	$250	$0	
Subtotal	$750	$750	$0	
	FY96	FY97	FY98	
Wetland acquisition, rehabilitation, and development:				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$14,000	$1,000	$2,600	$2,600
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$7,000	$300	$1,200	$1,500
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$1,500	$250	$250	$250
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 306(c)(9)]	$16,690	$1,690	$3,000	$3,000
Subtotal	$39,190	$3,240	$7,050	$7,350
	FY96	FY97	FY98	
Wetland acquisition, rehabilitation, and development:				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$2,600	$2,600	$2,600	
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$2,000	$2,600	$0	
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$250	$250	$250	
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 303(c)(9)]	$3,000	$3,000	$3,000	
Subtotal	$7,850	$7,850	$5,850	
	TOTAL	FY93	FY94	FY95
Fisheries acquisition and restoration:				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$750	$50	$0	$100
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$4,000	$0	$400	$600
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$1,000	$200	$200	$200
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$1,500	$300	$300	$300
5. Study and facilitate development to improve Utah Lake warm-water fishery [Sec. 307(5)]	$1,000	$150	$150	$200

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$1,000	$0	$0	$0
7. Restoration of native cutthroat trout populations [Sec. 307(7)] ...	$475	$50	$50	$75
8. Fish habitat improvements to the Jordan River [Sec. 311(a)] ...	$1,150	$0	$0	$100
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$5,000	$0	$0	$0
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$22,800	$100	$3,500	$4,200
Subtotal	$38,675	$850	$4,600	$5,775
	FY96	FY97	FY98	
Fisheries acquisition and restoration:				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$200	$200	$200	
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$1,000	$1,000	$1,000	
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$200	$200	$0	
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$300	$300	$0	
5. Study and facilitate development to improve Utah Lake warmwater fishery [Sec. 307(5)]	$150	$150	$200	
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$100	$500	$400	
7. Restoration of native cutthroat trout populations [Sec. 307(7)] ...	$100	$100	$100	
8. Fish habitat improvements to the Jordan River [Sec. 311(a)] ...	$300	$400	$350	
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$500	$2,000	$2,500	
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$5,000	$5,000	$5,000	
Subtotal	$7,850	$9,850	$9,750	
	TOTAL	FY93	FY94	FY95
Watershed improvements:				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$2,500	$0	$500	$50
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$1,125	$125	$200	$20

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$4,000	$500	$700	$700
Subtotal	$7,625	$625	$1,400	$1,400
	FY96	FY97	FY98	
Watershed Improvements:				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$500	$500	$500	
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$200	$200	$200	
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$700	$700	$700	
Subtotal	$1,400	$1,400	$1,400	
	TOTAL	FY93	FY94	FY95
Stream Access and Riparian Habitat Development:				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$750	$0	$250	$250
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$250	$0	$0	$50
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$350	$0	$0	$50
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$8,500	$500	$1,000	$1,500
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$400	$50	$75	$75
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$750	$75	$75	$150
Subtotal	$11,000	$625	$1,400	$2,075
	FY96	FY97	FY98	
Stream Access and Riparian Habitat Development:				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$250	$0	$0	
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$100	$100	$0	

CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$100	$100	$100	
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$1,500	$2,000	$2,000	
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$75	$75	$50	
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$150	$150	$150	
Subtotal	$2,175	$2,425	$2,300	
	TOTAL	FY93	FY94	FY95
Recreation funds:				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$2,000	$125	$275	$400
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$750	$50	$100	$150
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$1,000	$0	$75	$75
4. Provo River corridor development [Sec. 311(e)]	$1,000	$0	$75	$75
Subtotal	$4,750	$175	$525	$700
Total Additional	$133,290	$21,615	$21,675	$24,350
	FY96	FY97	FY98	
Recreation funds:				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$400	$400	$400	
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$150	$150	$150	
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$200	$300	$350	
4. Provo River corridor development [Sec. 311(e)]	$200	$300	$350	
Subtotal	$950	$1,150	$1,250	
Total Additional	$21,575	$23,525	$20,550	
Strawberry collection system:				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$2,700	$900	$900	$900
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$3,990	$666	$803	$790
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$3,000	$600	$600	$600
Subtotal	$9,690	$3,966	$1,403	$1,390

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
	FY96	FY97	FY98	
Strawberry collection system:				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$0	$0	$0	
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$453	$604	$674	
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$600	$600	$0	
Subtotal	$1,053	$1,204	$674	
	TOTAL	FY93	FY94	FY95
Duchesne canal rehabilitation:				
1. Acquire and develop 782 acres along Duchesne River	$160	$160	$0	$0
Subtotal	$160	$160	$0	$0
	FY96	FY97	FY98	
Duchesne canal rehabilitation:				
1. Acquire and develop 782 acres along Duchesne River	$0	$0	$0	
Subtotal	$0	$0	$0	
	TOTAL	FY93	FY94	FY95
Municipal and industry system:				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$226	$100	$126	$0
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$1,050	$525	$525	$0
3. Acquire and develop 100 acres of wetland at base of Jordanelle Dam	$900	$900	$0	$0
Subtotal	$2,176	$1,525	$651	$0
Total DPR	$12,026	$5,651	$2,054	$1,390
Grand Total	$145,316	$27,266	$23,729	$25,740
	FY96	FY97	FY98	
Municipal and industry system:				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$0	$0	$0	
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$0	$0	$0	
3. Acquire and develop 100 acres of wetland at base of Jordanelle Dam	$0	$0	$0	
Subtotal	$0	$0	$0	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Total DPR	$1,053	$1,204	$674	
Grand Total	$22,628	$24,729	$21,224	

TITLE IV—UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the State of Utah is a State in which one of the largest trans-basin water diversions occurs, dewatering important natural areas as a result of the Colorado River Storage Project;

(2) the State of Utah is one of the most ecologically significant States in the Nation, and it is therefore important to protect, mitigate, and enhance sensitive species and ecosystems through effective long-term mitigation;

(3) the challenge of mitigating the environmental consequences associated with trans-basin water diversions are complex and involve many projects and measures (some of which are presently unidentifiable) and the costs for which will continue after projects of the Colorado River Storage Project in Utah are completed; and

(4) environmental mitigation associated with the development of the projects of the Colorado River Storage Project in the State of Utah are seriously in arrears.

(b) PURPOSES.—The purpose of this title is to establish an ongoing account to ensure that—

(1) the level of environmental protection, mitigation, and enhancement achieved in connection with projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah is preserved and maintained;

(2) resources are available to manage and maintain investments in fish and wildlife and recreation features of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah;

(3) resources are available to address known environmental impacts of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah for which no funds are being specifically authorized for appropriation and earmarked under this Act; and

(4) resources are available to address presently unknown environmental needs and opportunities for enhancement within the areas of the State of Utah affected by the projects identified in this Act and elsewhere in the Colorado River Storage Project.

SEC. 402. UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Utah Reclamation Mitigation and Conservation Account (hereafter in this title referred to as the

"Account"). Amounts in the Account shall be available for the purposes set forth in section 401(b).

(b) DEPOSITS INTO THE ACCOUNT.—Amounts shall be deposited into the Account as follows:

(1) STATE CONTRIBUTIONS.—In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, a voluntary contribution of $3,000,000 from the State of Utah.

(2) FEDERAL CONTRIBUTIONS.—In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, $5,000,000 from amounts authorized to be appropriated by section 201, which shall be treated as an expense under section 8.

(3) CONTRIBUTIONS FROM PROJECT BENEFICIARIES.—(A) In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete in accordance with this Act, whichever occurs first, $750,000 in non-Federal funds from the District.

(B) $5,000,000 annually by the Secretary of Energy out of funds appropriated to the Western Area Power Administration, such expenditures to be considered nonreimbursable and nonreturnable.

(C) The annual contributions described in subparagraphs (A) and (B) shall be increased proportionally on March 1 of each year by the same percentage increase during the previous calendar year in the Consumer Price Index for urban consumers, published by the Department of Labor.

(4) INTEREST AND UNEXPENDED FUNDS.—(A) Any amount authorized and earmarked for fish, wildlife, or recreation expenditures which is appropriated but not obligated or expended by the Commission upon its termination under section 301.

(B) All funds annually appropriated to the Secretary for the Commission.

(C) All interest earned on amounts in the Account.

(D) Amounts not obligated or expended after the completion of a construction project and available pursuant to section 301(j).

(c) OPERATION OF THE ACCOUNT.—(1) All funds deposited as principal in the Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the Account until completion of the projects and features specified in the schedule in section 315. After completion of such projects and features, all interest earned on amounts remaining in or deposited to the principal of the Account shall be available to the Commission pursuant to subsection (c)(2) of this section.

(2) The Commission is authorized to administer and expend without further authorization and appropriation by Congress all sums deposited into the Account pursuant to subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B), as well as interest not deposited to the principal of the Account pursuant to paragraph (1) of this subsection. The Commission may elect to deposit funds not expended

under subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B) into the Account as principal.

(3) All amounts deposited in the Account pursuant to subsections (b) (1) and (2), and any amount deposited as principal under paragraphs (c)(1) and (c)(2), shall constitute the principal of the Account. No part of the principal amount may be expended for any purpose.

(d) ADMINISTRATION BY THE UTAH DIVISION OF WILDLIFE RESOURCES.—(1) After the date on which the Commission terminates under section 301, the Utah Division of Wildlife Resources or its successor shall receive—

(A) all amounts contributed annually to the Account pursuant to section 402(b)(3)(B); and

(B) all interest on the principal of the Account, at the beginning of each year. The portion of the interest earned on the principal of the Account that exceeds the amount required to increase the principal of the Account proportionally on March 1 of each year by the percentage increase during the previous calendar year in the Consumer Price Index for urban consumers published by the Department of Labor, shall be available for expenditure by the Division in accordance with this section.

(2) The funds received by the Utah Division of Wildlife Resources under paragraph (1) shall be expended in a manner that fulfills the purposes of the Account established under this Act, in consultation with and pursuant to, a conservation plan and amendments thereto to be developed by the Utah Division of Wildlife Resources, in cooperation with the United States Forest Service, the Bureau of Land Management of the Department of the Interior, and the United States Fish and Wildlife Service.

(3) The funds to be distributed from the Account shall not be applied as a substitute for funding which would otherwise be provided or available to the Utah Division of Wildlife Resources.

(e) AUDIT BY INSPECTOR GENERAL.—The financial management of the Account shall be subject to audit by the Inspector General of the Department of the Interior.

TITLE V—UTE INDIAN RIGHTS SETTLEMENT

SEC. 501. FINDINGS.

(a) FINDINGS.—The Congress finds the following—

(1) the unquantified Federal reserved water rights of the Ute Indian Tribe are the subject of existing claims and prospective lawsuits involving the United States, the State, and the District and numerous other water users in the Uinta Basin. The State and the Tribe negotiated, but did not implement, a compact to quantify the Tribe's reserved water rights.

(2) There are other unresolved Tribal claims arising out of an agreement dated September 20, 1965, where the Tribe deferred development of a portion of its reserved water rights for 15,242 acres of the Tribe's Group 5 Lands in order to facilitate the construction of the Bonneville Unit of the Central Utah Project. In exchange the United States undertook to develop substitute water for the benefit of the Tribe.

(3) It was intended that the Central Utah Project, through construction of the Upalco and Uintah Units (Initial Phase) and the Ute Indian Unit (Ultimate Phase) would provide water

for growth in the Uinta Basin and for late season irrigation for both the Indians and non-Indian water users. However, construction of the Upalco and Uintah Units has not been undertaken, in part because the Bureau was unable to find adequate and economically feasible reservoir sites. The Ute Indian Unit has not been authorized by Congress, and there is no present intent to proceed with Ultimate Phase construction.

(4) Without the implementation of the plans to construct additional storage in the Uinta Basin, the water users (both Indian and non-Indian) continue to suffer water shortages and resulting economic decline.

(b) PURPOSE.—This Act and the proposed Revised Ute Indian Compact of 1990 are intended to—

(1) quantify the Tribe's reserved water rights;

(2) allow increased beneficial use of such water; and

(3) put the Tribe in the same economic position it would have enjoyed had the features contemplated by the September 20, 1965 Agreement been constructed.

SEC. 502. PROVISIONS FOR PAYMENT TO THE UTE INDIAN TRIBE.

(a) BONNEVILLE UNIT TRIBAL CREDITS.—(1) Commencing one year after the date of enactment of this Act, and continuing for fifty years, the Tribe shall receive from the United States 26 percent of the annual Bonneville Unit municipal and industrial capital repayment obligation attributable to thirty-five thousand five hundred acre-feet of water, which represents a portion of the Tribe's water rights that were to be supplied by storage from the Central Utah Project, but will not be supplied because the Upalco and Uintah units are not to be constructed.

(2)(A) Commencing in the year 2042, the Tribe shall collect from the District 7 percent of the then fair market value of thirty-five thousand five hundred acre-feet of Bonneville Unit agricultural water which has been converted to municipal and industrial water. The fair market value of such water shall be recalculated every five years.

(B) In the event thirty-five thousand five hundred acre-feet of Bonneville Unit converted agricultural water to municipal and industrial have not yet been marketed as of the year 2042, the Tribe shall receive 7 percent of the fair market value of the first thirty-five thousand five hundred acre-feet of such water converted to municipal and industrial water. The monies received by the Tribe under this title shall be utilized by the Tribe for governmental purposes, shall not be distributed per capita, and shall be used to enhance the educational, social, and economic opportunities for the Tribe.

(b) BONNEVILLE UNIT TRIBAL WATERS.—The Secretary is authorized to make any unused capacity in the Bonneville Unit Strawberry Aqueduct and Collection System diversion facilities available for use by the Tribe. Unused capacity shall constitute capacity, only as available, in excess of the needs of the District for delivery of Bonneville Unit water and for satisfaction of minimum streamflow obligations established by this Act. In the event that the Tribe elects to place water in these components of the Bonneville Unit system, the Secretary and District shall only impose an operation and maintenance charge. Such charge shall commence at the time of the Tribe's use of such facilities. The operation

and maintenance charge shall be prorated on a per acre-foot basis, but shall only include the operation and maintenance costs of facilities used by the Tribe and shall only apply when the Tribe elects to use the facilities. As provided in the Ute Indian Compact, transfers of certain Indian reserved rights water to different lands or different uses will be made in accordance with the laws of the State of Utah governing change or exchange applications.

(c) ELECTION TO RETURN TRIBAL WATERS.—Notwithstanding the authorization provided for in subparagraph (b), the Tribe may at any time elect to return all or a portion of the water which it delivered under subparagraph (b) for use in the Uinta Basin. Any such Uinta Basin use shall protect the rights of non-Indian water users existing at the time of the election. Upon such election, the Tribe will relinquish any and all rights which it may have acquired to transport such water through the Bonneville Unit facilities.

SEC. 503. TRIBAL USE OF WATER.

(a) RATIFICATION OF REVISED UTE INDIAN COMPACT.—The Revised Ute Indian Compact of 1990, dated October 1, 1990, reserving waters to the Ute Indian Tribe and establishing the uses and management of such Tribal waters, is hereby ratified and approved, subject to re-ratification by the State and the Tribe. The Secretary is authorized to take all actions necessary to implement the Compact.

(b) THE INDIAN INTERCOURSE ACT.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water rights confirmed in the Compact. Nothing in this subsection shall be considered to amend, construe, supersede or preempt any State law, Federal law, interstate compact or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development and storage, regulation, allocation, conservation, exportation or quality of those waters.

(c) RESTRICTION ON DISPOSAL OF WATERS INTO THE LOWER COLORADO RIVER BASIN.—None of the waters secured to the Tribe in the Revised Ute Indian Compact of 1990 may be sold, exchanged, leased, used, or otherwise disposed of into or in the Lower Colorado River Basin, below Lees Ferry, unless water rights within the Upper Colorado River Basin in the State of Utah held by non-Federal, non-Indian users could be so sold, exchanged, leased, used, or otherwise disposed of under Utah State law, Federal law, interstate compacts, or international treaty pursuant to a final, non-appealable order of a Federal court or pursuant to an agreement of the seven States signatory to the Colorado River Compact; *Provided, however,* That in no event shall such transfer of Indian water rights take place without the filing and approval of the appropriate applications with the Utah State Engineer pursuant to Utah State law.

(d) USE OF WATER RIGHTS.—The use of the rights referred to in subsection (a) within the State of Utah shall be governed solely as provided in this section and the Revised Compact referred to in section 503(a). The Tribe may voluntarily elect to sell, exchange, lease, use, or otherwise dispose of any portion of a water right confirmed in the Revised Compact off the Uintah and Ouray Indian Reservation. If the Tribe so elects, and as a condition precedent to such sale, exchange, lease, use, or other disposition, that portion of the Tribe's water right shall be changed to a State

water right, but shall be such a State water right only during the use of that right off the reservation, and shall be fully subject to State laws, Federal laws, interstate compacts, and international treaties applicable to the Colorado River and its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters.

(e) RULES OF CONSTRUCTION.—Nothing in titles II through VI of this Act or in the Revised Ute Indian Compact of 1990 shall—

(1) constitute authority for the sale, exchange, lease, use, or other disposal of any Federal reserved water right off the reservation;

(2) constitute authority for the sale, exchange, lease, use, or other disposal of any Tribal water right outside the State of Utah; or

(3) be deemed a congressional determination that any holders of water rights do or do not have authority under existing law to sell, exchange, lease, use, or otherwise dispose of such water or water rights outside the State of Utah.

SEC. 504. TRIBAL FARMING OPERATIONS.

Of the amounts authorized to be appropriated by section 501, $45,000,000 is authorized for the Secretary to permit the Tribe to develop over a three-year period—

(1) a seven thousand five hundred acre farming/feed lot operation equipped with satisfactory off-farm and on-farm water facilities out of tribally-owned lands and adjoining non-Indian lands now served by the Uintah Indian Irrigation Project;

(2) a plan to reduce the Tribe's expense on the remaining sixteen thousand acres of tribal land now served by the Uintah Indian Irrigation Project; and

(3) a fund to permit tribal members to upgrade their individual farming operations.

Any non-Indian lands acquired under this section shall be acquired from willing sellers and shall not be added to the reservation of the Tribe.

SEC. 505. RESERVOIR, STREAM, HABITAT AND ROAD IMPROVEMENTS WITH RESPECT TO THE UTE INDIAN RESERVATION.

(a) REPAIR OF CEDARVIEW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $5,000,000 shall be available to the Secretary, in cooperation with the Tribe, to repair the leak in Cedarview Reservoir in Dark Canyon, Duchesne County, Utah, so that the resultant surface area of the reservoir is two hundred and ten acres.

(b) RESERVATION STREAM IMPROVEMENTS.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the Tribe and in consultation with the Commission, to undertake stream improvements to not less than 53 linear miles (not counting meanders) for the Pole Creek, Rock Creek, Yellowstone River, Lake Fork River, Uinta River, and Whiterocks River, in the State of Utah. Nothing in this authorization shall increase the obligation of the District to deliver more than 44,400 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flows in the Uinta Basin.

(c) BOTTLE HOLLOW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $500,000 in an initial appropriation shall be available to permit the Secretary to clean the Bottle

Hollow Reservoir on the Ute Indian Reservation of debris and trash resulting from a submerged sanitary landfill, to remove all non-game fish, and to secure minimum flow of water to the reservoir to make it a suitable habitat for a cold water fishery. The United States, and not the Tribe, shall be responsible for cleanup and all other responsibilities relating to the presently contaminated Bottle Hollow waters.

(d) MINIMUM STREAM FLOWS.—As a minimum, the Secretary shall endeavor to maintain continuous releases into Rock Creek to maintain twenty-nine cubic feet per second during May through October and continuous releases into Rock Creek of twenty-three cubic feet per second during November through April, at the reservation boundary. Nothing in this authorization shall increase the obligation of the District to deliver more than forty-four thousand four hundred acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flow in the Uinta Basin.

(e) LAND TRANSFER.—The Bureau shall transfer 315 acres of land to the Forest Service, located at the proposed site of the Lower Stillwater Reservoir as a wildlife mitigation measure.

(f) RECREATION ENHANCEMENT.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the Tribe, to permit the Tribe to develop, after consultation with the appropriate fish, wildlife, and recreation agencies, big game hunting, fisheries, campgrounds and fish and wildlife management facilities, including administration buildings and grounds on the Uintah and Ouray Reservation, in lieu of the construction of the Lower Stillwater Dam and related facilities.

(g) MUNICIPAL WATER CONVEYANCE SYSTEM.—Of the amounts authorized to be appropriated in section 201, $3,000,000 shall be available to the Secretary for participation by the Tribe in the construction of pipelines associated with the Duchesne County Municipal Water Conveyance System.

SEC. 506. TRIBAL DEVELOPMENT FUNDS.

(a) ESTABLISHMENT.—Of the amount authorized to be appropriated by section 201, there is hereby established to be appropriated a total amount of $125,000,000 to be paid in three annual and equal installments to the Tribal Development Fund which the Secretary is authorized and directed to establish for the Tribe.

(b) ADJUSTMENT.—To the extent that any portion of such amount is contributed after the period described above or in amounts less than described above, the Tribe shall, subject to appropriation Acts, receive, in addition to the full contribution to the Tribal Development Fund, an adjustment representing the interest income as determined by the Secretary, in his sole discretion, that would have been earned on any unpaid amount.

(c) TRIBAL DEVELOPMENT.—The Tribe shall prepare a Tribal Development Plan for all or a part of this Tribal Development Fund. Such Tribal Development Plan shall set forth from time to time economic projects proposed by the Tribe which in the opinion of two independent financial consultants are deemed to be reasonable, prudent and likely to return a reasonable investment to the Tribe. The financial consultants shall be selected by the Tribe with the advice and consent of the Secretary. Principal from the Tribal Development Fund shall be permitted to be expended only

in those cases where the Tribal Development Plan can demonstrate with specificity a compelling need to utilize principal in addition to income for the Tribal Development Plan.

(d) No funds from the Tribal Development Fund shall be obligated or expended by the Secretary for any economic project to be developed or constructed pursuant to subsection (c) of this section, unless the Secretary has complied fully with the requirements of applicable fish, wildlife, recreation, and environmental laws, including the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

SEC. 507. WAIVER OF CLAIMS.

(a) GENERAL AUTHORITY.—The Tribe is authorized to waive and release claims concerning or related to water rights as described below.

(b) DESCRIPTION OF CLAIMS.—The Tribe shall waive, upon receipt of the section 504, 505, and 506 moneys, any and all claims relating to its water rights covered under the agreement of September 20, 1965, including claims by the Tribe that it retains the right to develop lands as set forth in the Ute Indian Compact and deferred in such agreement. Nothing in this waiver of claims shall prevent the Tribe from enforcing rights granted to it under this Act or under the Compact. To the extent necessary to effect a complete release of the claims, the United States concurs in such release.

(c) RESURRECTION OF CLAIMS.—In the event the Tribe does not receive on a timely basis the moneys described in section 502, the Tribe is authorized to bring an action for an accounting against the United States, if applicable, in the United States Claims Court for moneys owed plus interest at 10 percent, and against the District, if applicable, in the United States District Court for the District of Utah for moneys owed plus interest at 10 percent. The United States and the District waive any defense based upon sovereign immunity in such proceedings.

TITLE VI—ENDANGERED SPECIES ACT AND NATIONAL ENVIRONMENTAL POLICY ACT

Notwithstanding any provision of titles II through V of this Act, nothing in such titles shall be interpreted as modifying or amending the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE VII—LEADVILLE MINE DRAINAGE TUNNEL, COLORADO

SEC. 701. AUTHORIZATION.

The Secretary is authorized to construct, operate, and maintain a water treatment plant, including the disposal of sludge produced by said treatment plant as appropriate, and to install concrete lining on the rehabilitated portion of the Leadville Mine Drainage Tunnel, in order that water flowing from the Leadville Tunnel may meet water quality standards, and to contract with the Colorado Division of Wildlife to monitor concentrations of heavy metal contaminants in water, stream sediment, and aquatic life in the Arkansas River downstream of the water treatment plant.

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SEC. 702. COSTS NONREIMBURSABLE.

Construction, operation, and maintenance costs of the works authorized by this title shall be nonreimbursable.

SEC. 703. OPERATION AND MAINTENANCE.

The Secretary shall be responsible for operation and maintenance of the water treatment plant, including sludge disposal authorized by this title. The Secretary may contract for these services.

SEC. 704. APPROPRIATIONS AUTHORIZED.

There is hereby authorized to be appropriated beginning October 1, 1989, for construction of a water treatment plant for water flowing from the Leadville Mine Drainage Tunnel, including sludge disposal, and concrete lining the rehabilitated portion of the tunnel, the sum of $10,700,000 (October 1988 price levels), plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein and, in addition thereto, such sums as may be required for operation and maintenance of the works authorized by this title, including but not limited to $1,250,000 which shall be for a program to be conducted by the Colorado Division of Wildlife to monitor heavy metal concentrations in water, stream sediment, and aquatic life in the Arkansas River.

SEC. 705. LIMITATION.

The treatment plant authorized by this title shall be designed and constructed to treat the quantity and quality of effluent historically discharged from the Leadville Mine Drainage Tunnel.

SEC. 706. DESIGN AND OPERATION NOTIFICATION.

Prior to the initiation of construction and during construction of the works authorized by section 701, the Secretary shall submit the plans for design and operation of the works to the Administrator of the Environmental Protection Agency and the State of Colorado to obtain their views on the design and operation plans. After such review and consultation, the Secretary shall notify the President pro tempore of the Senate and the Speaker of the House of Representatives that the discharge from the works to be constructed will meet the requirements set forth in Federal Facilities Compliance Agreement Number FFCA 89-1, entered into by the Bureau of Reclamation and the Environmental Protection Agency on February 7, 1989, and in National Pollutant Discharge Elimination System permit Number CO 0021717 issued to the Bureau of Reclamation in 1975 and reissued in 1979 and 1981.

SEC. 707. FISH AND WILDLIFE RESTORATION.

(a) The Secretary is authorized, in consultation with the State of Colorado, to formulate and implement, subject to the terms of subsection (b) of this section, a program for the restoration of fish and wildlife resources of those portions of the Arkansas River basin impacted by the effluent discharged from the Leadville Mine Drainage Tunnel. The formulation of the program shall be undertaken with appropriate public consultation.

(b) Prior to implementing the fish and wildlife restoration program, the Secretary shall submit a copy of the proposed restoration program to the President pro tempore of the Senate and the Speaker

of the House of Representatives for a period of not less than sixty days.

SEC. 708. WATER QUALITY RESTORATION.

(a) The Secretary is authorized, in consultation with the State of Colorado, the Administrator of the Environmental Protection Agency, and other Federal entities, to conduct investigations of water pollution sources and impacts attributed to mining-related and other development in the Upper Arkansas River basin, to develop corrective action plans, and to implement corrective action demonstration projects. Neither the Secretary nor any person participating in a corrective action demonstration project shall be liable under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act for costs or damages as a result of actions taken or omitted in the course of implementing an approved work plan developed under this section; *Provided,* That this subsection shall not preclude liability for costs or damages which result from negligence on the part of such persons. The Secretary shall have no authority under this section at facilities which have been listed or proposed for listing on the National Priorities List, or are subject to or covered by the Resource Conservation and Recovery Act. For the purpose of this section, the term "Upper Arkansas River basin" means the Arkansas River hydrologic basin in Colorado extending from Pueblo Dam upstream to its headwaters.

(b) The development of all corrective action plans and subsequent corrective action demonstration projects shall be undertaken with appropriate public involvement pursuant to a public participation plan, consistent with regulations promulgated under the Federal Water Pollution Control Act, developed by the Secretary in consultation with the State of Colorado and the Administrator of the Environmental Protection Agency.

(c) The Secretary shall arrange for cost sharing with the State of Colorado and for the use of non-Federal funds and in-kind services where possible. The Secretary is authorized to fund all State costs required to conduct investigations and develop corrective action plans. The Federal share of costs associated with corrective action plans shall not exceed 60 percent.

(d) Prior to implementing any corrective action demonstration project, the Secretary shall submit a copy of the proposed project plans to the President pro tempore of the Senate and the Speaker of the House of Representatives.

(e) Nothing in this title shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to the discharge or release of hazardous substances, pollutants, or contaminants, as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act.

Appropriation authorization.

(f) There is authorized to be appropriated such sums as may be required to fulfill the provisions of sections 707 and 708 of this title.

TITLE VIII—LAKE MEREDITH SALINITY CONTROL PROJECT, TEXAS AND NEW MEXICO

SEC. 801. AUTHORIZATION TO CONSTRUCT AND TEST.

The Secretary is authorized to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this title and the plan set out in the June 1985 Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water delivered to the Canadian River downstream of Ute Reservoir, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipelines, pumping plants, brine disposal facilities, and other appurtenant facilities.

SEC. 802. CONSTRUCTION CONTRACT WITH THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY.

(a) AUTHORITY TO CONTRACT.—The Secretary is authorized to enter into a contract with the Canadian River Municipal Water Authority of Texas (hereafter in this title the "Authority") for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the Authority. Operation and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Authority.

(b) CONSTRUCTION CONTINGENT ON CONTRACT.—Construction of the project shall not be commenced until a contract has been executed by the Secretary with the Authority, and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 803. PROJECT COSTS.

(a) CANADIAN RIVER MUNICIPAL WATER AUTHORITY SHARE.—All costs of construction of project facilities shall be advanced by the Authority as the non-Federal contribution toward implementation of this title. Pursuant to the terms of the contract authorized by section 802 of this title, these funds shall be advanced on a schedule mutually acceptable to the Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) FEDERAL SHARE.—All project costs for design preparation, and construction management shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement, except that the Federal contribution shall not exceed 33 per centum of the total project costs.

SEC. 804. CONSTRUCTION AND CONTROL.

(a) PRECONSTRUCTION.—The Secretary shall, upon entering into the contract specified in section 802 with the Authority, proceed with preconstruction planning, preparation of designs and specifications, acquiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) TERMINATION OF CONSTRUCTION.—At any time following the first advance of funds, the Authority may request that the Secretary terminate activities then in progress, and such request

shall be binding upon the Secretary, except that, upon termination of construction pursuant to this section, the Authority shall reimburse to the Secretary a sum equal to 67 per centum of all costs incurred by the Secretary in project verification, design and construction management, reduced by any sums previously paid by the Authority to the Secretary for such purposes. Upon such termination, the United States is under no obligation to complete the project as a nonreimbursable development.

(c) TRANSFER OF CONTROL.—Upon completion of construction and testing of the project, or upon termination of activities at the request of the Authority, the Secretary shall transfer the care, operation, and maintenance of the project works to the Authority or to a bona fide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Authority or the bona fide entity the rights to any contract in force, convey to the Authority or the bona fide entity any real estate, easements or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds.

SEC. 805. TRANSFER OF TITLE.

Title to any facilities constructed under the authority of this title shall remain with the United States.

SEC. 806. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title, except that the total Federal contribution to the cost of the activities undertaken under the authority of this title shall not exceed 33 per centum.

TITLE IX—CEDAR BLUFF UNIT, KANSAS

Water supply.

SEC. 901. AUTHORIZATION.

The Secretary, pursuant to the provisions of the Memorandum of Understanding between the Bureau of Reclamation and the Fish and Wildlife Service of the Department of the Interior, the State of Kansas, and the Cedar Bluff Irrigation District Number 6, dated December 17, 1987, is authorized to reformulate the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, including reallocation of the conservation capacity of the Cedar Bluff Reservoir, to create:

(a) a designated operating pool, as defined in such Memorandum of Understanding, for fish, wildlife, and recreation purposes, for groundwater recharge for environmental, domestic, municipal and industrial uses, and for other purposes; and

(b) a joint-use pool, as defined in such Memorandum of Understanding, for flood control, water sales, fish, wildlife, and recreation purposes; and for other purposes.

SEC. 902. CONTRACT.

The Secretary is authorized to enter into a contract with the State of Kansas for the sale, use, and control of the designated operating pool, with the exception of water reserved for the city of Russell, Kansas, and to allow the State of Kansas to acquire use and control of water in the joint-use pool, except that, the

State of Kansas shall not permit utilization of water from Cedar Bluff Reservoir to irrigate lands in the Smoky Hill River Basin from Cedar Bluff Reservoir to its confluence with Big Creek.

SEC. 903. CONTRACT.

(a) The Secretary is authorized to enter into a contract with the State of Kansas, accepting a payment of $365,424, and the State's commitment to pay a proportionate share of the annual operation, maintenance, and replacement charges for the Cedar Bluff Dam and Reservoir, as full satisfaction of reimbursable costs associated with irrigation of the Cedar Bluff Unit, including the Cedar Bluff Irrigation District's obligations under Contract Number 0-07-70-W0064. After the reformulation of the Cedar Bluff Unit authorized by this title, any revenues in excess of operating and maintenance expenses received by the State of Kansas from the sale of water from the Cedar Bluff Unit shall be paid to the United States and covered into the Reclamation Fund to the extent that an operation, maintenance and replacement charge or reimbursable capital obligation exists for the Cedar Bluff Unit under Reclamation law. Once all such operation, maintenance and replacement charges or reimbursable obligations are satisfied, any additional revenues shall be retained by the State of Kansas.

(b) The Secretary is authorized to transfer title of the buildings, fixtures, and equipment of the United States Fish and Wildlife Service fish hatchery facility at Cedar Bluff Dam, and the related water rights, to the State of Kansas for its use and operation for fish, wildlife, and related purposes. If any of the property transferred by this subsection to the State of Kansas is subsequently transferred from State ownership or used for any purpose other than those provided for in this subsection, title to such property shall revert to the United States.

SEC. 904. TRANSFER OF DISTRICT HEADQUARTERS.

The Secretary is authorized to transfer title to all interests in real property, buildings, fixtures, equipment, and tools associated with the Cedar Bluff Irrigation District headquarters located near Hays, Kansas, contingent upon the District's agreement to close down the irrigation system to the satisfaction of the Secretary at no additional cost to the United States, after which all easement rights shall revert to the owners of the lands to which the easements are attached.

SEC. 905. LIABILITY AND INDEMNIFICATION.

The transferee of any interest conveyed pursuant to this title shall assume all liability with respect to such interests and shall indemnify the United States against all such liability.

SEC. 906. ADDITIONAL ACTIONS.

The Secretary is authorized to take all other actions consistent with the provisions of the Memorandum of Understanding referred to in section 901 that the Secretary deems necessary to accomplish the reformulation of the Cedar Bluff Unit.

TITLE X—SOUTH DAKOTA WATER PLANNING STUDIES

SEC. 1001. AUTHORIZATION FOR SOUTH DAKOTA WATER PLANNING STUDIES.

(a) The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may perform the planning studies necessary (including a needs assessment) to determine the feasibility and estimated cost of incorporating all or portions of the Rosebud Sioux Reservation in South Dakota into the service areas of the rural water systems authorized by the Mni Wiconi Project Act of 1988 (Public Law 100–516).

(b) Section 3(f) of Public Law 100–516 is hereby amended to insert a new subsection (3) as follows:

102 Stat. 2567.

"(3) Notwithstanding subsections (1) and (2), the Secretary is authorized and directed to obligate up to $1.466 million of the funds appropriated under Public Law 100–516 to construct an interim water system for the White Clay and Wakpamni Districts of the Pine Ridge Indian Reservation as soon as the final engineering report for that segment of the Oglala Rural Water Supply System has been completed and the requirements of the National Environmental Policy Act of 1969 for that segment of the System have been met."

TITLE XI—SALTON SEA RESEARCH PROJECT, CALIFORNIA

SEC. 1101. RESEARCH PROJECT.

(a) RESEARCH PROJECT.—The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a research project for the development of a method or combination of methods to reduce and control salinity, provide endangered species habitat, enhance fisheries, and protect human recreational values in inland water bodies. Such research shall include testing an enhanced evaporation system for treatment of saline waters, and studies regarding in-water segregation of saline waters and of dilution from other sources. The project shall be located in the area of the Salton Sea of Southern California.

(b) COST SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be 50 percent of the cost of the project.

(c) REPORT.—Not later than September 30, 1996, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives regarding the results of the project referred to in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out the purposes of this title.

TITLE XII—AMENDMENT TO SABINE RIVER COMPACT

SEC. 1201. CONSENT TO AMENDMENT TO SABINE RIVER COMPACT.

The consent of Congress is given to the amendment, described in section 1203, to the interstate compact, described in section 1202, relating to the waters of the Sabine River and its tributaries.

SEC. 1202. COMPACT DESCRIBED.

The compact referred to in the previous section is the compact between the States of Texas and Louisiana, and consented to by Congress in the Act of August 10, 1954 (chapter 668; 68 Stat. 690; Public Law 85–78).

SEC. 1203. AMENDMENT.

The amendment referred to in section 1201 strikes "One of the Louisiana members shall be ex officio the Director of the Louisiana Department of Public Works; the other Louisiana member shall be a resident of the Sabine Watershed and shall be appointed by the Governor of Louisiana for a term of four years: *Provided,* That the first member so appointed shall serve until June 30, 1958." in article VII(c) and inserts "The Louisiana members shall be residents of the Sabine Watershed and shall be appointed by the Governor for a term of four years, which shall run concurrent with the term of the Governor.".

43 USC 1521 note.

TITLE XIII—SALT-GILA AQUEDUCT, ARIZONA

SEC. 1301. DESIGNATION.

The Salt-Gila Aqueduct of the Central Arizona Project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

SEC. 1302. REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in section 1301 hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".

TITLE XIV—VERMEJO PROJECT RELIEF, NEW MEXICO

Section 401 of the Act of December 19, 1980 (94 Stat. 3227), is amended by striking the text that begins: "Transfer of project facilities to the district shall be without . . ." and ends with ". . . shall be maintained consistently with existing arrangements" and inserting in lieu thereof "Effective as of the date of the written consent of the Vermejo Conservancy District to amend contract 178r–458, all facilities are hereby transferred to the District. The transfer to the district of project facilities shall be without any additional consideration in excess of the existing repayment contract of the district and shall include all related lands or interest in lands acquired by the Federal Government for the project, but shall not include any lands or interests in land, or interests in water, purchased by the Federal Government from various landowners in the district, consisting of approximately two thousand eight hundred acres, for the Maxwell Wildlife Refuge and shall not include certain contractual arrangements, namely Contract Number 14–06–500–1713 between the Bureau of Reclamation and the Bureau of Sport Fisheries and Wildlife, and concurred in by the district, dated December 5, 1969, and the lease agreement between the district and the Secretary dated January 17, 1992, and expiring January 17, 1995, for 468.38 acres under the district's Lakes 12 and 14, which contractual arrangements shall be maintained consistent with the terms thereof. The Secretary, acting

through the United States Fish and Wildlife Service, shall retain the right to manage Lake 13 for the conservation, maintenance, and development of the area as a component of the Maxwell National Wildlife Refuge in accordance with Contract Number 14–06–500–1713 and in a manner that does not interfere with operation of the Lake 13 dam and reservoir for the primary purposes of the Vermejo Reclamation Project."

TITLE XV—SAN LUIS VALLEY PROTECTION, COLORADO

SEC. 1501. PERMIT ISSUANCE PROHIBITED.

(a) No agency or instrumentality of the United States shall issue any permit, license, right-of-way, grant, loan or other authorization or assistance for any project or feature of any project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or export to any portion of another State, unless the Secretary of the Interior determines, after due consideration of all findings provided by the Colorado Water Conservation Board, that the project will not:

(1) increase the costs or negatively affect operation of the Closed Basin Project;

(2) adversely affect the purposes of any national wildlife refuge or Federal wildlife habitat area withdrawal located in the San Luis Valley, Colorado; or

(3) adversely affect the purposes of the Great Sand Dunes National Monument, Colorado.

(b) Nothing in this title shall be construed to alter, amend, or limit any provision of Federal or State law that applies to any project or feature of a project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or another State. Nothing in this title shall be construed to limit any agency's authority or responsibility to reject, limit, or condition any such project on any basis independent of the requirements of this title.

SEC. 1502. JUDICIAL REVIEW.

The Secretary's findings required by this title shall be subject to judicial review in the United States district courts.

SEC. 1503. COSTS.

The direct and indirect costs of the findings required by section 1501 of this title shall be paid in advance by the project proponent under terms and conditions set by the Secretary.

SEC. 1504. DISCLAIMERS.

(a) Nothing in this title shall constitute either an expressed or implied reservation of water or water rights.

(b) Nothing in this title shall be construed as establishing a precedent with regard to any other Federal reclamation project.

TITLE XVI—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES

Reclamation Wastewater and Groundwater Study and Facilities Act.
43 USC 390h note.

SEC. 1601. SHORT TITLE.

This title may be referred to as the "Reclamation Wastewater and Groundwater Study and Facilities Act".

43 USC 390h.

SEC. 1602. GENERAL AUTHORITY.

(a) The Secretary of the Interior (hereafter "Secretary"), acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter "Federal reclamation laws"), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including desalting, for the reclamation of wastewater and naturally impaired ground and surface waters.

(b) Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) as amended.

(c) The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of this title.

California.

(d) The Secretary shall not investigate, promote or implement, pursuant to this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

43 USC 390h–1.

SEC. 1603. APPRAISAL INVESTIGATIONS.

(a) The Secretary shall undertake appraisal investigations to identify opportunities for water reclamation and reuse. Each such investigation shall take into account environmental considerations as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provisions thereof, and shall include recommendations as to the preparation of a feasibility study of the potential reclamation and reuse measures.

(b) Appraisal investigations undertaken pursuant to this title shall consider, among other things—

(1) all potential uses of reclaimed water, including, but not limited to, environmental restoration, fish and wildlife, groundwater recharge, municipal, domestic, industrial, agricultural, power generation, and recreation;

(2) the current status of water reclamation technology and opportunities for development of improved technologies;

(3) measures to stimulate demand for and eliminate obstacles to use of reclaimed water, including pricing;

(4) measures to coordinate and streamline local, State and Federal permitting procedures required for the implementation of reclamation projects; and

(5) measures to identify basic research needs required to expand the uses of reclaimed water in a safe and environmentally sound manner.

(c) The Secretary shall consult and cooperate with appropriate State, regional, and local authorities during the conduct of each appraisal investigation conducted pursuant to this title.

(d) Costs of such appraisal investigations shall be nonreimbursable.

SEC. 1604. FEASIBILITY STUDIES.

43 USC 390h-2.

(a) The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 1603 of this title. The Federal share of the costs of such feasibility studies shall not exceed 50 per centum of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 per centum of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) The Federal share of feasibility studies, including those described in sections 1606 and 1608 through 1610 of this title, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

(c) In addition to the requirements of other Federal laws, feasibility studies authorized under this title shall consider, among other things—

(1) near- and long-term water demand and supplies in the study area;

(2) all potential uses for reclaimed water;

(3) measures and technologies available for water reclamation, distribution, and reuse;

(4) public health and environmental quality issues associated with use of reclaimed water; and,

(5) whether development of the water reclamation and reuse measures under study would—

(A) reduce, postpone, or eliminate development of new or expanded water supplies, or

(B) reduce or eliminate the use of existing diversions from natural watercourses or withdrawals from aquifers.

SEC. 1605. RESEARCH AND DEMONSTRATION PROJECTS.

43 USC 390h-3.

The Secretary is authorized to conduct research and to construct, operate, and maintain cooperative demonstration projects for the development and demonstration of appropriate treatment technologies for the reclamation of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters. The Federal share of the costs of demonstration projects shall not exceed 50 per centum of the total cost including operation and maintenance. Rights to inventions developed pursuant to this section shall be governed by the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480) as amended by the Technology Transfer Act of 1986 (Public Law 99-502).

SEC. 1606. SOUTHERN CALIFORNIA COMPREHENSIVE WATER RECLAMATION AND REUSE STUDY.

43 USC 390h-4.

(a) The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose of this title, the

term "Southern California" means those portions of the counties of Imperial, Los Angeles, Orange, San Bernadino, Riverside, San Diego, and Ventura within the south coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(b) The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed 50 per centum of the total.

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(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than six years after appropriation of funds authorized by this title.

43 USC 390h-5.

SEC. 1607. SAN JOSE AREA WATER RECLAMATION AND REUSE PROGRAM.

(a) The Secretary, in cooperation with the city of San Jose, California, and the Santa Clara Valley Water District, and local water suppliers, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Jose metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) shall not exceed 25 per centum of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

43 USC 390h-6.

SEC. 1608. PHOENIX METROPOLITAN WATER RECLAMATION STUDY AND PROGRAM.

(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall conduct a feasibility study of the potential for development of facilities to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge and direct potable reuse in the Phoenix metropolitan area, and in cooperation with the city of Phoenix design and construct facilities for environmental purposes, ground water recharge and direct potable reuse.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total. The Federal share of the costs associated with the project described in subsection (a) shall not exceed 25 per centum of the total. The Secretary shall not provide funds for operation or maintenance of the project.

Reports.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this title.

43 USC 390h-7.

SEC. 1609. TUCSON AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the State of Arizona and appropriate local and regional entities, shall conduct a feasibility study of comprehensive water reclamation and reuse system for Southern Arizona. For the purpose of this section, the term "Southern Arizona" means those portions of the counties of Pima, Santa Cruz, and Pinal within the Tucson Active Management

Hydrologic Area as defined by the Arizona Department of Water Resources.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this title.

Reports.

SEC. 1610. LAKE CHERAW WATER RECLAMATION AND REUSE STUDY.

43 USC 390h-8.

(a) The Secretary is authorized, in cooperation with the State of Colorado and appropriate local and regional entities, to conduct a study to assess and develop means of reclaiming the waters of Lake Cheraw, Colorado, or otherwise ameliorating, controlling and mitigating potential negative impacts of pollution in the waters of Lake Cheraw on groundwater resources or the waters of the Arkansas River.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this title.

Reports.

SEC. 1611. SAN FRANCISCO AREA WATER RECLAMATION STUDY.

43 USC 390h-9.

(a) The Secretary, in cooperation with the city and county of San Francisco, shall conduct a feasibility study of the potential for development of demonstration and permanent facilities to reclaim water in the San Francisco area for the purposes of export and reuse elsewhere in California.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 per centum of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this title.

Reports.

SEC. 1612. SAN DIEGO AREA WATER RECLAMATION PROGRAM.

43 USC 390h-10.

(a) The Secretary, in cooperation with the city of San Diego, California or its successor agency in the management of the San Diego Area Wastewater Management District, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Diego metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) shall not exceed 25 per centum of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

SEC. 1613. LOS ANGELES AREA WATER RECLAMATION AND REUSE PROJECT.

43 USC 390h-11.

(a) The Secretary is authorized to participate with the city and county of Los Angeles, State of California, West Basin Municipal Water District, and other appropriate authorities, in the design, planning, and construction of water reclamation and reuse projects

to treat approximately one hundred and twenty thousand acre-feet per year of effluent from the city and county of Los Angeles, in order to provide new water supplies for industrial, environmental, and other beneficial purposes, to reduce the demand for imported water, and to reduce sewage effluent discharged into Santa Monica Bay.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed 25 per centum of the total. The Secretary shall not provide funds for operation or maintenance of the project.

43 USC 390h-12.

SEC. 1614. SAN GABRIEL BASIN DEMONSTRATION PROJECT.

(a) The Secretary, in cooperation with the Metropolitan Water District of Southern California and the Main San Gabriel Water Quality Authority or a successor public agency, is authorized to participate in the design, planning and construction of a conjunctive-use facility designed to improve the water quality in the San Gabriel groundwater basin and allow the utilization of the basin as a water storage facility; *Provided,* That this authority shall not be construed to limit the authority of the United States under any other Federal statute to pursue remedial actions or recovery of costs for work performed pursuant to this subsection.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed 25 per centum of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

43 USC 390h-13.

SEC. 1615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of sections 1601 through 1614 of this title.

43 USC 390h-14.

SEC. 1616. GROUNDWATER STUDY.

(a) In furtherance of the High Plains Groundwater Demonstration Program Act of 1983 (98 Stat. 1675), the Secretary of the Interior, acting through the Bureau of Reclamation and the Geological Survey, shall conduct an investigation and analysis of the impacts of existing Bureau of Reclamation projects on the quality and quantity of groundwater resources. Based on such investigation and analysis, the Secretary shall prepare a reclamation groundwater management and technical assistance report which shall include—

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(1) a description of the findings of the investigation and analysis, including the methodology employed;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on groundwater, and

(3) the Secretary's recommendations, along with the recommendations of the Governors of the affected States, concerning the establishment of a groundwater management and technical assistance program in the Department of the Interior in order to assist Federal and non-Federal entity development and implementation of groundwater management plans and activities.

(b) In conducting the investigation and analysis, and in preparation of the report referred to in this section, the Secretary shall consult with the Governors of the affected States.

(c) The report shall be submitted to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within three years of the appropriation of funds authorized by section 1617.

Reports.

SEC. 1617. AUTHORIZATION OF APPROPRIATIONS.

43 USC 390h-15.

There is authorized to be appropriated for fiscal years beginning after September 30, 1992, $4,000,000 to carry out the study authorized by section 1616.

TITLE XVII—IRRIGATION ON STANDING ROCK INDIAN RESERVATION, NORTH DAKOTA

SEC. 1701. IRRIGATION ON STANDING ROCK INDIAN RESERVATION.

(a) Section 5(e) of Public Law 89–108, as amended by section 3 of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99–294), is amended by striking "Fort Yates" and inserting "one or more locations within the Standing Rock Indian Reservation".

100 Stat. 419.

(b) Section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, is further amended by adding subsection (e) as follows:

100 Stat. 424.

"(e) The portion of the $61,000,000 authorized for Indian municipal, rural, and industrial water features shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after October 1, 1986, as indicated by engineering costs indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged."

TITLE XVIII—GRAND CANYON PROTECTION

Grand Canyon Protection Act of 1992.

SEC. 1801. SHORT TITLE.

This Act may be cited as the "Grand Canyon Protection Act of 1992".

SEC. 1802. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary shall operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 1804 and exercise other authorities under existing law in such a manner as to project, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use.

(b) COMPLIANCE WITH EXISTING LAW.—The Secretary shall implement this section in a manner fully consistent with and subject to the Colorado River Compact, the Upper Colorado River Basin Compact, the Water Treaty of 1944 with Mexico, the decree of the Supreme Court in Arizona v. California, and the provisions of the Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 that govern allocation, appropriation, development, and exportation of the waters of the Colorado River Basin.

(c) RULE OF CONSTRUCTION.—Nothing in this title alters the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established or affects the

authority and responsibility of the Secretary with respect to the management and administration of the Grand Canyon National Park and Glen Canyon National Recreation Area, including natural and cultural resources and visitor use, under laws applicable to those areas, including, but not limited to, the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented.

SEC. 1803. INTERIM PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) INTERIM OPERATIONS.—Pending compliance by the Secretary with section 1804, the Secretary shall, on an interim basis, continue to operate Glen Canyon Dam under the Secretary's announced interim operating criteria and the Interagency Agreement between the Bureau of Reclamation and the Western Area Power Administration executed October 2, 1991 and exercise other authorities under existing law, in accordance with the standards set forth in section 1802, utilizing the best and most recent scientific data available.

(b) CONSULTATION.—The Secretary shall continue to implement Interim Operations in consultation with—

(1) Appropriate agencies of the Department of the Interior, including the Bureau of Reclamation, United States Fish and Wildlife Service, and the National Park Service;

(2) The Secretary of Energy;

(3) The Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) Indian Tribes; and

(5) The general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

(c) DEVIATION FROM INTERIM OPERATIONS.—The Secretary may deviate from Interim Operations upon a finding that deviation is necessary and in the public interest to—

(1) comply with the requirements of Section 1804(a);

(2) respond to hydrologic extremes or power system operation emergencies;

(3) comply with the standards set forth in Section 1802;

(4) respond to advances in scientific data; or

(5) comply with the terms of the Interagency Agreement.

(d) TERMINATION OF INTERIM OPERATIONS.—Interim operations described in this section shall terminate upon compliance by the Secretary with section 1804.

SEC. 1804. GLEN CANYON DAM ENVIRONMENTAL IMPACT STATEMENT; LONG-TERM OPERATION OF GLEN CANYON DAM.

(a) FINAL ENVIRONMENTAL IMPACT STATEMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a final Glen Canyon Dam environmental impact statement, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) AUDIT.—The Comptroller General shall—

(1) audit the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the environmental impact statement described in subsection (a); and

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(2) report the results of the audit to the Secretary and the Congress.

(c) ADOPTION OF CRITERIA AND PLANS.—(1) Based on the findings, conclusions, and recommendations made in the environmental impact statement prepared pursuant to subsection (a) and the audit performed pursuant to subsection (b), the Secretary shall—

(A) adopt criteria and operating plans separate from and in addition to those specified in section 602(b) of the Colorado River Basin Project Act of 1968; and

(B) exercise other authorities under existing law, so as to ensure that Glen Canyon Dam is operated in a manner consistent with section 1802.

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(2) Each year after the date of the adoption of criteria and operating plans pursuant to paragraph (1), the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report, separate from and in addition to the report specified in section 602(b) of the Colorado River Basin Project Act of 1968 on the preceding year and the projected year operations undertaken pursuant to this Act.

(3) In preparing the criteria and operating plans described in section 602(b) of the Colorado River Basin Project Act of 1968 and in this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including—

(A) representatives of academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) REPORT TO CONGRESS.—Upon implementation of long-term operations under subsection (c), the Secretary shall submit to the Congress the environmental impact statement described in subsection (a) and a report describing the long-term operations and other reasonable mitigation measures taken to protect, mitigate adverse impacts to, and improve the condition of the natural, recreational, and cultural resources of the Colorado River downstream of Glen Canyon Dam.

(e) ALLOCATION OF COSTS.—The Secretary of the Interior, in consultation with the Secretary of Energy, is directed to reallocate the costs of construction, operation, maintenance, replacement and emergency expenditures for Glen Canyon Dam among the purposes directed in section 1802 of this Act and the purposes established in the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 170). Costs allocated to section 1802 purposes shall be nonreimbursable. Except that in fiscal year 1993 through 1997 such costs shall be nonreimbursable only to the extent to which the Secretary finds the effect of all provisions of this Act is to increase net offsetting receipts; *Provided*, That if the Secretary finds in any such year that the enactment of this Act does cause a reduction in net offsetting receipts generated by all provisions of this Act, the costs allocated to section 1802 purposes shall remain reimbursable. The Secretary shall determine the effect of all the provisions of this Act and submit a report to the appropriate House and Senate committees by January 31 of each fiscal year, and such report shall contain for that fiscal year a detailed accounting of expenditures incurred pursuant to this Act, offsetting receipts generated by this Act, and any increase or reduction in net offsetting receipts generated by this Act.

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SEC. 1805. LONG-TERM MONITORING.

(a) IN GENERAL.—The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with that of section 1802.

(b) RESEARCH.—Long-term monitoring of Glen Canyon Dam shall include any necessary research and studies to determine the effect of the Secretary's actions under section 1804(c) on the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(c) CONSULTATION.—The monitoring programs and activities conducted under subsection (a) shall be established and implemented in consultation with—

(1) the Secretary of Energy;

(2) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(3) Indian tribes; and

(4) the general public, including representatives of academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 1806. RULES OF CONSTRUCTION.

Nothing in this title is intended to affect in any way—

(1) the allocations of water secured to the Colorado Basin States by any compact, law, or decree; or

(2) any Federal environmental law, including the Endangered Species Act (16 U.S.C. 1531 et seq.).

SEC. 1807. STUDIES NONREIMBURSABLE.

All costs of preparing the environmental impact statement described in section 1804, including supporting studies, and the long-term monitoring programs and activities described in section 1805 shall be nonreimbursable. The Secretary is authorized to use funds received from the sale of electric power and energy from the Colorado River Storage Project to prepare the environmental impact statement described in section 1804, including supporting studies, and the long-term monitoring programs and activities described in section 1805, except that such funds will be treated as having been repaid and returned to the general fund of the Treasury as costs assigned to power for repayment under section 5 of the Act of April 11, 1956 (70 Stat. 170). Except that in fiscal year 1993 through 1997 such provisions shall take effect only to the extent to which the Secretary finds the effect of all the provisions of this Act is to increase net offsetting receipts; *Provided,* That if the Secretary finds in any such year that the enactment of this Act does cause a reduction in net offsetting receipts generated by all provisions of this Act, all costs described in this section shall remain reimbursable. The Secretary shall determine the effect of all the provisions of this Act and submit a report to the appropriate House and Senate committees by January 31 of each fiscal year, and such report shall contain for that fiscal year a detailed accounting of expenditures incurred pursuant to this Act, offsetting receipts generated by this Act, and any increase or reduction in net offsetting receipts generated by this Act.

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SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 1809. REPLACEMENT POWER.

The Secretary of Energy in consultation with the Secretary of the Interior and with representatives of the Colorado River Storage Project power customers, environmental organizations and the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall identify economically and technically feasible methods of replacing any power generation that is lost through adoption of long-term operational criteria for Glen Canyon Dam as required by section 1804 of this title. The Secretary shall present a report of the findings, and implementing draft legislation, if necessary, not later than two years after adoption of long-term operating criteria. The Secretary shall include an investigation of the feasibility of adjusting operations at Hoover Dam to replace all or part of such lost generation. The Secretary shall include an investigation of the modifications or additions to the transmission system that may be required to acquire and deliver replacement power.

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TITLE XIX—MID-DAKOTA RURAL WATER SYSTEM

Mid-Dakota Rural Water System Act of 1992.
South Dakota.

SEC. 1901. SHORT TITLE.

This title may be cited as the "Mid-Dakota Rural Water System Act of 1992".

SEC. 1902. DEFINITIONS.

For purposes of this title—

(1) the term "feasibility study" means the study entitled "Mid-Dakota Rural Water System Feasibility Study and Report" dated November 1988 and revised January 1989 and March 1989, as supplemented by the "Supplemental Report for Mid-Dakota Rural Water System" dated March 1990 (which supplemental report shall control in the case of any inconsistency between it and the study and report), as modified to reflect consideration of the benefits of the water conservation programs developed and implemented under section 1905 of this title;

(2) the term "pumping and incidental operational requirements" means all power requirements incident to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the Mid-Dakota Rural Water System to—

(A) each entity that distributes water at retail to individual users; or

(B) each rural use location;

(3) the term "rural use location" includes a water use location—

(A) that is located in or in the vicinity of a municipality identified in appendix A of the feasibility report, for which municipality and vicinity there was on December 31, 1988, no entity engaged in the business of distributing water at retail to users in that municipality or vicinity; and

(B) that is one of no more than 40 water use locations in that municipality and vicinity;

through October of each year;

(6) the term "water system" means the Mid-Dakota Rural Water System, substantially in accordance with the feasibility study;

(7) the term "Western" means the Western Area Power Administration;

(8) the term "wetland component" means the wetland development and enhancement component of the water system, substantially in accordance with the wetland component report; and

(9) the term "wetland component report" means the report entitled "Wetlands Development and Enhancement Component of the Mid-Dakota Rural Water System" dated April 1990.

SEC. 1903. FEDERAL ASSISTANCE FOR RURAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water system.

(b) SERVICE AREA.—The water system shall provide for safe and adequate municipal, rural, and industrial water supplies; mitigation of wetland areas; and water conservation in Beadle County (including the city of Huron), Buffalo, Hand, Hughes, Hyde, Jerauld, Potter, Sanborn, Spink, and Sully Counties, and elsewhere in South Dakota.

(c) TERMS AND CONDITIONS.—The Secretary shall make the grants and loans authorized by subsection (a) on terms and conditions equivalent to those applied by the Secretary of Agriculture in providing assistance to projects for the conservation, development, use, and control of water under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), except to the extent that those terms and conditions are inconsistent with this title.

(d) AMOUNT OF GRANTS.—Grants made available under subsection (a) to Mid-Dakota Rural Water System, Inc. and water conservation measures consistent with section 1905 of this title shall not exceed 85 percent of the amount authorized to be appropriated by section 1912 of this title.

(e) LOAN TERMS.—

(1) a loan or loans made to Mid-Dakota Rural Water System, Inc. under the provisions of this title shall be repaid, with interest, within thirty years from the date of each loan or loans and no penalty for pre-payment; and

(2) interest on a loan or loans made under subsection (a) to Mid-Dakota Rural Water System, Inc.—

(A) shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing, marketable issues sold by the Treasury during the fiscal year in which the expenditures by the United States were made; and

(B) shall not accrue during planning and construction of the water system, and the first payment on such a loan shall not be due until after completion of construction of the water system.

(f) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the Mid-Dakota Water Supply System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met; and

(2) a final engineering report has been prepared and submitted to the Congress for a period of not less than ninety days.

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(g) COORDINATION WITH THE DEPARTMENT OF AGRICULTURE.—

(1) The Secretary shall coordinate with the Secretary of Agriculture, to the maximum extent practicable, grant and loan assistance made under this section with similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(2) The Secretary of Agriculture shall take into consideration grant and loan assistance available under this section when considering whether to provide similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) to an applicant in the service area defined in subsection (b).

SEC. 1904. FEDERAL ASSISTANCE FOR WETLAND DEVELOPMENT AND ENHANCEMENT.

(a) INITIAL DEVELOPMENT.—The Secretary shall make grants and otherwise make funds available to Mid-Dakota Rural Water System, Inc. and other private, State, and Federal entities for the initial development of the wetland component.

(b) OPERATION AND MAINTENANCE.—The Secretary shall make a grant, not to exceed $100,000 annually, to the Mid-Dakota Rural Water System, Inc., for the operation and maintenance of the wetland component.

(c) NONREIMBURSEMENT.—Funds provided under this section shall be nonreimbursable and nonreturnable.

SEC. 1905. WATER CONSERVATION.

(a) WITHHOLDING OF FUNDS.—The Secretary shall not obligate Federal funds for construction of the water system until the Secretary finds that non-Federal entities have developed and implemented water conservation programs throughout the service area of the water system.

(b) PURPOSE OF PROGRAMS.—The water conservation programs required by subsection (a) shall be designed to ensure that users of water from the water system will use the best practicable technology and management techniques to reduce water use and water system costs.

(c) DESCRIPTION OF PROGRAMS.—Such water conservation programs shall include (but are not limited to) adoption and enforcement of the following—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) metering for all elements and individual connections of the rural water supply systems to be accomplished within five years. (For purposes of this paragraph, residential buildings of more than four units may be considered as individual customers);

(4) declining block rate schedules shall not be used for municipal households and special water users (as defined in the feasibility study);

(5) public education programs; and

(6) coordinated operation among each rural water system and the preexisting water supply facilities in its service area.

Such programs shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 1906. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction.

SEC. 1907. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, Western shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water system during the summer electrical season.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water system shall be operated on a not-for-profit basis.

(2) The water system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a cooperative power supplier which purchases power from a cooperative power supplier which itself purchases power from Western.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be Western's Pick-Sloan Eastern Division Firm Power Rate Schedule in effect when the power is delivered by Western.

(4) It shall be agreed by contract among—

(A) Western;

(B) the power supplier with which the water system contracts under paragraph (2);

(C) that entity's power supplier; and

(D) Mid-Dakota Rural Water System, Inc.;

that for the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water system, but the water system's power supplier shall not be precluded from including in its charges to the water system for such electric service its other usual and customary charges.

(5) Mid-Dakota Rural Water System, Inc., shall pay its power supplier for electric service, other than for capacity and energy supplied pursuant to subsection (a), in accordance with the power supplier's applicable rate schedule.

SEC. 1908. RULE OF CONSTRUCTION.

This title shall not be construed to limit authorization for water projects in the State of South Dakota under existing law or future enactments.

SEC. 1909. WATER RIGHTS.

Nothing in this title shall be construed to—

(1) invalidate or preempt State water law or an interstate compact governing water;

(2) alter the rights of any State to any appropriated share of the waters of any body of surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

SEC. 1910. USE OF GOVERNMENT FACILITIES.

The use of and connection of water system facilities to Government facilities at the Oahe powerhouse and pumping plant and their use for the purpose of supplying water to the water system may be permitted to the extent that such use does not detrimentally affect the use of those Government facilities for the other purposes for which they are authorized.

SEC. 1911. AUTHORIZATION OF APPROPRIATIONS.

(a) WATER SYSTEM.—There is authorized to be appropriated to the Secretary $100,000,000 for the planning and construction of the water system under section 1903, plus such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after October 1, 1989, such sums to remain available under expended.

(b) WETLAND COMPONENT.—There are authorized to be appropriated to the Secretary—

(1) $2,756,000 for the initial development of the wetland component under section 1904; and

(2) such sums as are necessary for the operation and maintenance of the wetland component, not exceeding $100,000 annually, under section 1904;

TITLE XX—LAKE ANDES-WAGNER/MARTY II, SOUTH DAKOTA

Lake Andes-Wagner/Marty II Act of 1992. Agriculture. Irrigation.

SEC. 2001. SHORT TITLE.

This title may be cited as the "Lake Andes-Wagner/Marty II Act of 1992".

SEC. 2002. DEMONSTRATION PROGRAM.

(a) The Secretary, acting pursuant to existing authority under the Federal reclamation laws, shall, through the Bureau of Reclamation, and in coordination with the Secretary of Agriculture and with the assistance and cooperation of an oversight committee consisting of representatives of the Bureau of Indian Affairs, Department of Agriculture, Environmental Protection Agency, United States Fish and Wildlife Service, United States Geological Survey, South Dakota Department of Game, Fish and Parks, South Dakota Department of Water and Natural Resources, Yankton-Sioux Tribe, and the Lake Andes-Wagner Water Systems, Inc., carry out a demonstration program (hereinafter in this title the "Demonstration Program") in substantial accordance with the "Lake Andes-Wagner-Marty II Demonstration Program Plan of Study," dated May 1990, a copy of which is on file with the Committee

on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(b) The objectives of the Demonstration Program shall include:

(1) development of accurate and definitive means of quantifying projected irrigation and drainage requirements and providing reliable estimates of drainage return flow quality and quantity with respect to glacial till and other soils found in the specific areas to be served with irrigation water by the planned Lake Andes-Wagner Unit and Marty II Unit and which may also have application to the irrigation and drainage of similar soils found in other areas of the United States;

(2) development of best management practices for the purpose of improving the efficiency of irrigation water use and developing and demonstrating management techniques and technologies for glacial till soils which will prevent or otherwise ameliorate the degradation of water quality by irrigation practices;

(3) investigation and demonstration of the potential for development and enhancement of wetlands and fish and wildlife within and adjacent to the service areas of the planned Lake Andes-Wagner Unit and the Marty II Unit through the application of water and other management practices;

(4) investigation and demonstration of the suitability of glacial till soils for crop production under irrigation, giving special emphasis to crops of agricultural commodities for which an acreage reduction program is not in effect under the provisions of the Agriculture Act of 1949 (7 U.S.C. 1461 et seq.) or by any successor programs established for crop years subsequent to 1990.

(c) Study sites shall be obtained through leases from landowners who voluntarily agree to participate in the Demonstration Program under the following conditions:

(1) rentals paid under a lease shall be based on the fair rental market value prevailing for dry land farming of lands of similar quantity and quality plus a payment representing reasonable compensation for inconveniences to be encountered by the lessor;

(2) the Demonstration Program shall provide for the—

(A) supply of all water, delivery system, pivot systems and drains;

(B) operate and maintain the irrigation system;

(C) Secretary of Agriculture to supply all seed, fertilizers and pesticides and make standardized equipment available;

(D) Secretary of Agriculture to determine crop rotations and cultural practices;

(E) have unrestricted access to leased lands;

(3) the Secretary and the Secretary of Agriculture may contract with the lessor and/or custom operators to accomplish agriculture work, which work shall be performed in accordance with the Demonstration Program;

(4) no grazing may be performed on a study site;

(5) crops grown shall be the property of the United States; and

(6) at the conclusion of the lease, the lands involved will, to the extent practicable, be restored by the Secretary to their pre-leased condition at no expense to the lessor.

(d) The Secretary of Agriculture shall offer crops grown under Demonstration Program for sale to the highest bidder under ms and conditions to be prescribed by the Secretary. Any crops sold shall be disposed of as the Secretary determines to be propriate, except that no crop may be given away to any for-fit entity or farm operator. All receipts from crop sales shall covered into the Treasury to the credit of the fund from which propriations for the conduct of the Demonstration Program are ived.

(e) The land from each ownership in a study site shall be ablished by the Secretary as a separate farm. The Secretary Agriculture shall provide for lessors to preserve the cropland e and history on lands leased to the Demonstration Project ler the same terms and conditions provided for under section 36(b) of the Food Security Act of 1985 (7 U.S.C. 3836(b)). ablishment of such study site farms shall not entitle the Sec- ary to participate in farm programs or to build program base.

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(f) The Secretary shall periodically, but not less often than e a year, report to the Committee on Energy and Natural sources of the Senate, to the Committee on Interior and Insular airs and the Committee on Agriculture of the House of Represent- ves, and to the Governor of South Dakota concerning the activi- s undertaken pursuant to this section. The Secretary's reports l other information and data developed pursuant to this section ll be available to the public without charge. Each Demonstration gram report, including the report referred to in paragraph (3) this subsection, shall evaluate data covering the results of the monstration Program as carried out on the six study sites during period covered by the report together with data developed ler the wetlands enhancement aspect during that period. The nonstration phase of the Demonstration Program shall terminate the conclusion of the fifth full irrigation season. Promptly there- er, the Secretary shall:

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(1) remove temporary facilities and equipment and restore the study sites as nearly as practicable to their prelease condition. The Secretary may transfer the pumping plant and/or distribution lines to public agencies for uses other than commercial irrigation if so doing would be less costly than removing such equipment;

(2) otherwise wind up the Demonstration Program; and

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(3) prepare, in coordination with the Secretary of Agriculture, a concluding report and recommendations covering the entire demonstration phase, which report shall be transmitted by the Secretary to the Congress and to the Governor of South Dakota not later than April 1 of the calendar year following the calendar year in which the demonstration phase of the Demonstration Program terminates. The Secretary's concluding report, together with other information and data developed in the course of the Demonstration Program, shall be available to the public without charge.

(g) Costs of the Demonstration Program funded by Congres- nal appropriations shall be accounted for pursuant to the Act October 29, 1971 (85 Stat. 416). Costs incurred by the State South Dakota and any agencies thereof arising out of consultation l participation in the Demonstration Program shall not be mbursed by the United States.

(h) Funding to cover expenses of the Federal agencies participating in the Demonstration Program shall be included in the budget submittals for the Bureau of Reclamation. The Secretary, using only funds appropriated for the Demonstration Program, shall transfer to the other Federal agencies funds appropriated for their expenses.

SEC. 2003. PLANNING REPORTS-ENVIRONMENTAL IMPACT STATEMENTS.

(a) On the basis of the concluding report and recommendations of the Demonstration Program provided for in section 2002, the Secretary, with respect to the Lake Andes-Wagner Unit and the Marty II Unit, shall comply with the study and reporting requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provisions thereof. The final reports prepared under this subsection shall be transmitted to the Congress simultaneously with their filing with the Environmental Protection Agency.

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(b) Each report prepared under subsection (a) shall include a detailed plan providing for the prevention or avoidance of adverse water quality conditions attributable to agricultural drainage water originating from lands to be irrigated by the Unit to which the report pertains. The Secretary shall not recommend that any funds be appropriated for construction of such Unit unless the respective report prepared pursuant to subsection (a) is accompanied by findings by the Secretary of Agriculture, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency that the Unit to which the report pertains can be constructed, operated and maintained so as to comply with all applicable water quality standards and avoid significant adverse effects to fish and wildlife resulting from the bioaccumulation of selenium.

(c) The construction of a Unit may not be undertaken until the final report pertaining to that Unit, and the findings referred to in subsection (b) of this section, have lain before the Congress for not less than one hundred and eighty days and the Congress has appropriated funds for the initiation of construction.

SEC. 2004. AUTHORIZATION OF THE LAKE ANDES-WAGNER UNIT AND THE MARTY II UNIT, SOUTH DAKOTA.

Subject to the requirements of section 2003 of this title, the Secretary is authorized to construct, operate, and maintain the Lake Andes-Wagner Unit and the Marty II Unit, South Dakota, as units of the South Dakota Pumping Divisions, Pick-Sloan Missouri Basin Program. The units shall be integrated physically and financially with other Federal works constructed under the Pick-Sloan Missouri Basin Program.

SEC. 2005. CONDITIONS.

(a) The Lake Andes-Wagner Unit shall be constructed, operated and maintained to irrigate not more than approximately 45,000 acres substantially as provided in the Lake Andes-Wagner Unit Planning Report—Final Environmental Impact Statement filed September 17, 1985, supplemented as provided in section 2003 of this title. The Lake Andes-Wagner Unit shall include on-farm pumps, irrigation sprinkler systems, and other on-farm facilities necessary for the irrigation of not to exceed approximately 1,700 acres of Indian-owned lands. The use of electric power and energy

required to operate the facilities for the irrigation of such Indian-owned lands and to provide pressurization for such Indian-owned lands shall be considered to be a project use.

(b) The Marty II Unit shall include a river pump, irrigation distribution system, booster pumps, irrigation sprinkler systems, farm and project drains, electrical distribution facilities, and the pressurization to irrigate not more than approximately three thousand acres of Indian-owned land in the Yankton-Sioux Indian Reservation, substantially as provided in the final report for the Marty II Unit prepared pursuant to section 2003 of this title.

(c) The construction costs of the Lake Andes-Wagner Unit allocated to irrigation of non-Indian owned lands (both those assigned for return by the water users and those assigned for return from power revenues of the Pick-Sloan Missouri Basin Program) shall be repaid no later than forty years following a determination by the Secretary that the project is substantially complete. Repayment of the construction costs of the Lake Andes-Wagner Unit apportioned to serving Indian-owned lands and of the Marty II Unit allocated to irrigation shall be governed by the Act of July 1, 1932 (47 Stat. 564, Chapter 369; 25 U.S.C. 386a).

(d) Indian-owned lands, or interests therein, required for the Lake Andes-Wagner Unit or the Marty II Unit may, as an alternative to their acquisition pursuant to existing authority under the Federal reclamation laws, be acquired by exchange for land or interests therein of equal or greater value which are owned by the United States and administered by the Secretary or which may be acquired for that purpose by the Secretary.

(e) For purposes of participation of lands in the Lake Andes-Wagner Unit and the Marty II Unit in programs covered by title V of the Agriculture Act of 1949 (7 U.S.C. 1461, et seq.) as amended by subtitle A of title XI of the Food, Agriculture, Conservation and Trade Act of 1990 the crop acreage base determined under title V of that Act as so amended and the program payment yield determined under title V of that Act as so amended shall be the crop acreage base and program payment yield established for the crop year immediately preceding the crop year in which the development period for each Unit is initiated. For any successor programs established for crop years subsequent to 1995, the acreage and yield on which any program payments are based shall be determined without taking into consideration any increase in acreage or yield resulting from the construction and operation of the Units.

(f) Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the facilities authorized by this section shall be concurrent with the construction of the Unit involved and shall be on an acre-for-acre basis, based on ecological equivalency. In addition to the fish and wildlife enhancement to be provided by the fish rearing pond of the Lake Andes Unit, other facilities of that Unit may be utilized to provide fish and wildlife benefits beyond the mitigation required to the extent that such benefits may be provided without increasing costs of construction, operation, maintenance or replacement allocable to irrigation or impairing the efficiency of that Unit for irrigation purposes.

SEC. 2006. INDIAN EMPLOYMENT.

In carrying out sections 2002, 2004 and 2005 of this title, preference shall be given to the employment of members of the Yankton-Sioux Tribe who can perform the work required regardless

of age (subject to existing laws and regulations), sex, or religion, and to the extent feasible in connection with the efficient performance of such functions, training and employment opportunities shall be provided to members of the Yankton-Sioux Tribe regardless of age (subject to existing laws and regulations), sex, or religion who are not fully qualified to perform such functions.

SEC. 2007. FEDERAL RECLAMATION LAWS GOVERN.

This title is a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts supplemental thereto and amendatory thereof). The Federal reclamation laws shall govern all functions undertaken pursuant to this title, except as otherwise provided in this title.

SEC. 2008. COST SHARING.

(a) IN GENERAL.—The Secretary is authorized and directed to enter into negotiations with State and local interests for an agreement providing for the equitable sharing of the costs of constructing the Lake Andes-Wagner Unit.

(b) The agreement shall include provisions for:

(1) the establishment and capitalization of the non-Federal fund, including, subject to the Secretary's approval, investment policies and selection of the administering financial institution, and including also provisions dealing with withdrawals of moneys in the fund for construction purposes;

(2) the District to administer the design and construction, which shall be subject to the approval of the Secretary, of the distribution and drainage systems for the Lake Andes-Wagner Unit;

(3) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the ring dike; and

(4) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the Unit's closed drainage system; subject to the conditions that:

(A) construction of the closed drainage system shall commence not earlier than the sixth year of full operation of the Unit and shall continue over a period of thirty-five years as required by the Secretary subject to such modifications in the commencement date and the construction period as the Secretary determines to be required on the basis of physical conditions; and

(B) the District, in addition to such annual assessment as may be required to meet its expenses (including operation and maintenance costs and any annual repayment installments to the United States) shall, commencing three years after issuance by the Secretary of a notice that construction of the Unit (other than drainage facilities) has been completed, levy assessments annually of not less than $1.00 per irrigable acre calculated to provide moneys sufficient, together with other moneys in the fund, including anticipated accruals, referred to in paragraph (1), to finance the construction of the closed drainage system.

(c) Notwithstanding any other requirements of this section, the Secretary shall require that the agreement to be negotiated pursuant to this section shall provide that the total non-Federal share of the costs of construction allocable to irrigation of the facilities of the Lake Andes-Wagner Unit to be constructed pursuant to subsection (a) of section 2004 of this title (other than the costs

apportionable to serving Indian-owned lands and the facilities described in the second sentence of that subsection) shall be 30 percent. The 30 percent non-Federal share shall include:

(1) funds to be deposited in the non-Federal fund referred to in paragraph (1) of subsection (b) of this section and interest earned thereon;

(2) all funds heretofore or hereafter made available to the United States by non-Federal interests, or expended by such interests, for planning or advance planning assistance for the Lake Andes-Wagner Unit or for the Marty II Unit; and

(3) any feature to which this section applies shall not be initiated until after the District and the State have entered into the cost-share agreement with the United States required by this section.

SEC. 2009. AUTHORIZATION OF APPROPRIATIONS.

(a) LAKE ANDES-WAGNER UNIT.—There are authorized to be appropriated, subject to the findings required pursuant to section 2003(b) of this title—

(1) $175,000,000 (October 1989 price levels) for construction of the Lake Andes-Wagner Unit (other than the facilities described in the second sentence of subsection (a) of section 2005 of this title) less the non-Federal contributions as provided in subsections (b) and (c) of section 2008 of this title; and

(2) $1,350,000 (October 1989 price levels) for construction of the facilities described in the second sentence of subsection (a) of section 2005 of this title, which amounts include costs of the Lake Andes-Wagner Irrigation District in administering design and construction of the irrigation distribution and drainage systems.

(b) MARTY II UNIT.—There are authorized to be appropriated $24,000,000 (January 1989 price levels) for construction by the Bureau of Reclamation in consultation with the Bureau of Indian Affairs of the Marty II Unit.

(c) The amounts authorized to be appropriated by subsections (a) and (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved.

(d) DEMONSTRATION PROGRAM.—There are authorized to be appropriated such amounts as may be necessary to carry out the Demonstration Program.

(e) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such amounts as may be necessary for the operation and maintenance of each Unit.

SEC. 2010. INDIAN WATER RIGHTS.

Nothing in this title shall be construed as affecting any water rights or claims thereto of the Yankton-Sioux tribe.

TITLE XXI—RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE UNIT, NEW MEXICO

SEC. 2101. CLARIFICATION OF COST-SHARE REQUIREMENTS.

Notwithstanding any other provision of law, the project for flood control, Rio Grande Floodway, San Acacia to Bosque del Apache Unit, New Mexico, authorized by section 203 of the Flood

Control Act of 1948 (Public Law 80–858) and amended by section 204 of the Flood Control Act of 1950 (Public Law 82–516) is modified to more equitably reflect the non-Federal benefits from the project in relation to the total benefits of the project by reducing the non-Federal contribution for the project by that percentage of benefits which is attributable to the Federal properties: *Provided, however,* That the Federal property benefits exceed 50 per centum of the total project benefits.

TITLE XXII—SUNNYSIDE VALLEY IRRIGATION DISTRICT, WASHINGTON

SEC. 2201. CONVEYANCE TO SUNNYSIDE VALLEY IRRIGATION DISTRICT.

The Secretary of the Interior shall convey to Sunnyside Valley Irrigation District of Sunnyside, Washington, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other mineral deposits, in and to a parcel of public land described at lots 1 and 2 of block 34 of the town of Sunnyside in section 25, township 10 north, range 22 east, Willamette Meridian, Washington.

TITLE XXIII—PLATORO RESERVOIR AND DAM, SAN LUIS VALLEY PROJECT, COLORADO

SEC. 2301. FINDINGS AND DECLARATIONS.

The Congress finds that and declares the following:

(1) Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project was built in 1951 and for all practical purposes has not been usable because of the constraints imposed by the Rio Grande Compact of 1939 on the use of the Rio Grande River among the States of Colorado, New Mexico, and Texas.

(2) The usefulness of Platoro Reservoir under future compact compliance depends upon the careful conservation and wise management of water and requires the operation of the reservoir project in conjunction with privately owned water rights of the local water users.

(3) It is in the best interest of the people of the United States to—

(A) transfer operation, maintenance, and replacement responsibility for the Platoro Dam and Reservoir to the Conejos Water Conservancy District of the State of Colorado, which is the local water user district with repayment responsibility to the United States, and the local representative of the water users with privately owned water rights;

(B) relieve the people of the United States from further risk or obligation in connection with the collection of construction charge repayments and annual operation and maintenance payments for the Platoro Dam and Reservoir by providing for payment of a one-time fee to the United States in lieu of the scheduled annual payments and termination of any further repayment obligation to the United States and the District (Contract Number Ilr–1529, as amended); and

(C) determine such one-time fee, taking into account the assumption by the District of all of the operations and maintenance costs associated with the reservoir, including the existing Federal obligation for the operation and maintenance of the reservoir for flood control purposes, and maintaining a minimum stream flow as provided in section 2302(d) of this title.

SEC. 2302. TRANSFER OF OPERATION AND MAINTENANCE RESPONSIBILITY OF PLATORO RESERVOIR.

(a) IN GENERAL.—The Secretary is authorized and directed to undertake the following:

(1) Accept a one-time payment of $450,000 from the district in lieu of the repayment obligation of paragraphs 8(d) and 11 of the Repayment Contract between the United States and the District (Number I1r–1529) as amended.

(2) Enter into an agreement for the transfer of all of the operation and maintenance functions of the Platoro Dam and Reservoir, including the operation and maintenance of the reservoir for flood control purposes, to the District. The agreement shall provide—

(A) that the District will have the exclusive responsibility for operations and the sole obligation for all of the maintenance of the reservoir in a satisfactory condition for the life of the reservoir subject to review of such maintenance by the Secretary to ensure compliance with reasonable operation, maintenance and dam safety requirements as they apply to Platoro Dam, and Reservoir under Federal and State law; and,

(B) that the District shall have the exclusive use and sole responsibility for maintenance of all associated facilities, including outlet works, remote control equipment, spillway, and land and buildings in the Platoro townsite. The District shall have sole responsibility for maintaining the land and buildings in a condition satisfactory to the United States Forest Service.

(b) TITLE.—Title to the Platoro Dam and Reservoir and all associated facilities shall remain with the United States, and authority to make recreational use of Platoro Dam and Reservoir shall be under the control and supervision of the United States Forest Service, Department of Agriculture.

(c) AMENDMENTS TO CONTRACT.—The Secretary is authorized to enter into such other amendments to such contract Number I1r–1529, as amended, necessary to facilitate the intended operations of the project by the District. All applicable provisions of the Federal reclamation laws shall remain in effect with respect to such contract.

(d) CONDITIONS IMPOSED UPON THE DISTRICT.—The transfer of operation and maintenance responsibility under subsection (a) shall be subject to the following conditions:

(1)(A) The district will, after consultation with the United States Forest Service, Department of Agriculture, operate the Platoro Dam and Reservoir in such a way as to provide—

(i) that releases of bypass from the reservoir flush out the channel of the Conejos River periodically in the spring or early summer to maintain the hydrologic regime of the river; and

(ii) that any releases from the reservoir contribute to even flows in the river as far as possible from October 1 to December 1 so as to be sensitive to the brown trout spawn.

(B) Operation of the Platoro Dam and Reservoir by the District for water supply uses (including storage and exchange of water rights owned by the District or its constituents), interstate compact and flood control purposes shall be senior and paramount to the channel flushing and fishery objectives referred to in subparagraph (A).

(2) The District will provide and maintain a permanent pool in the Platoro Reservoir for fish, wildlife, and recreation purposes, in the amount of three thousand acre-feet, including the initial filling of the pool and periodic replenishment of seepage and evaporation loss: *Provided, however,* That if necessary to maintain the winter instream flow provided in subparagraph (3), the permanent pool may be allowed to be reduced to two thousand four hundred acre-feet.

(3) In order to preserve fish and wildlife habitat below Platoro Reservoir, the District shall maintain releases of water from Platoro Reservoir of seven cubic feet per second during the months of October through April and shall bypass forty cubic feet per second or natural inflow, whichever is less, during the months of May through September.

(4) The United States Forest Service, Department of Agriculture, is directed to regularly monitor operation of Platoro Reservoir, including releases from it for instream flow purposes, and to enforce the provisions of this subsection under the laws, regulations, and rules applicable to the National Forest System.

(e) FLOOD CONTROL MANAGEMENT.—The Secretary of the Army, acting through the Chief of Engineers, shall retain exclusive authority over Platoro Dam and Reservoir for flood control purposes and shall direct the District in the operation of the dam for such purposes. To the extent possible, management by the Secretary of the Army under this subsection shall be consistent with the water supply use of the reservoir, with the administration of the Rio Grande Compact of 1939 by the Colorado State Engineer and with the provisions of subsection (d) hereof. The Secretary of the Army shall enter into a Letter of Understanding with the District and the United States Bureau of Reclamation prior to transfer of operations which details the responsibility of each party and specifies the flood control criteria for the reservoir.

(f) COMPLIANCE WITH COMPACT AND OTHER LAWS.—The transfer under section 2302 shall be subject to the District's compliance with the Rio Grande Compact of 1939 and all other applicable laws and regulations, whether of the State of Colorado or of the United States.

SEC. 2303. DEFINITIONS.

As used in this title—

(1) the term "District" means the Conejos Water Conservancy District of the State of Colorado;

(2) the term "Federal reclamation laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof;

(3) the term "Platoro Reservoir" means the Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project; and

(4) the term "Secretary" means the Secretary of the Interior.

TITLE XXIV—REDWOOD VALLEY COUNTY WATER DISTRICT, CALIFORNIA

SEC. 2401. SALE OF BUREAU OF RECLAMATION LOANS.

(a) The Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall conduct appropriate investigations regarding, and is authorized to, sell, or accept prepayment on, loans made pursuant to the Small Reclamation Projects Act (43 U.S.C. 422a–422l) to the Redwood Valley County Water District.

(b) Any sale or prepayment of such loans, which are numbered 14–06–200–8423A and 14–06–200–842A Amendatory to the Redwood Valley County Water District, shall realize an amount to the Federal Government calculated by discounting the remaining payments due on the loans by the interest rate determined according to this section.

(c) The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A–129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A–129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any loan sale or prepayment made pursuant to this title.

SEC. 2402. SAVINGS PROVISIONS.

Nothing in this title, including prepayment or other disposition of any loans, shall—

(a) except to the extent that prepayment may have been authorized heretofore, relieve the borrower from the applica-

tions of the provisions of the Federal Reclamation Law (Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, including the Reclamation Reform Act of 1982), including acreage limitations, to the extent such provisions would apply absent such prepayment; or

(b) authorize the transfer of title to any federally owned facilities funded by the loans specified in section 2201 of this title without a specific Act of Congress.

SEC. 2403. FEES AND EXPENSES OF PROGRAM.

In addition to the amount to be realized by the United States as provided in section 2201, the Redwood Valley County Water District shall pay all reasonable fees and expenses incurred by the Secretary relative to the sale.

SEC. 2404. TERMINATION OF AUTHORITY.

The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: *Provided,* That the borrower shall have at least sixty days to respond to any prepayment offer made by the Secretary.

TITLE XXV—UNITED WATER CONSERVATION DISTRICT, CALIFORNIA

SEC. 2501. SALE OF THE FREEMAN DIVERSION IMPROVEMENT PROJECT LOAN.

(a) AGREEMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall conduct appropriate investigations regarding, and is authorized to sell, or accept prepayment on, the loan contract described in paragraph (2) to the United Water Conservation District in California (referred to in this title as the "District") for the Freeman Diversion Improvement Project.

(2) LOAN CONTRACT.—The loan contract described in paragraph (1) is numbered 7–07–20–W0615 and was entered into pursuant to the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).

(b) PAYMENT.—Any agreement negotiated pursuant to subsection (a) shall realize an amount to the Federal Government calculated by discounting the remaining payments due on the loans by the interest rate determined according to this section.

(c) The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A–129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A–129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind

any tax-exempt entity) to finance the transaction, and if the
e of Management and Budget grants the Secretary the right
onduct such a transaction, then the interest rate by which
Secretary discounts the remaining payments due on the loan
l be adjusted by an amount that compensates the Federal
ernment for the direct or indirect loss of future tax revenues.
f) Notwithstanding any other provision in this title, the interest
shall not exceed a composite interest rate consisting of the
ent market yield on Treasury securities of comparable matu-
.

(g) The Secretary shall obtain approval from the Secretary
he Treasury and the Director of the Office of Management
Budget of the final terms of any loan sale or prepayment
e pursuant to this title.

2502. TERMINATION AND CONVEYANCE OF RIGHTS.

Upon receipt of the payment specified in section 2301(b)—

(1) the District's obligation under the loan contract described in section 2301(a)(2) shall be terminated;

(2) the Secretary of the Interior shall convey all right and interest of the United States in the Freeman Diversion Improvement Project to the District; and

(3) the District shall absolve the United States, and its officers and agents, of any liability associated with the Freeman Diversion Improvement Project.

2503. TERMINATION OF AUTHORITY.

The authority granted by this title to sell loans shall terminate
years after the date of enactment of this Act: *Provided,* That
borrower shall have at least sixty days to respond to any
ayment offer made by the Secretary.

TLE XXVI—HIGH PLAINS GROUNDWATER PROGRAM

2601. HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROGRAM ACT.

The High Plains States Groundwater Demonstration Program
of 1983 (43 U.S.C. 390g–1 et seq.) is amended as follows:

(1) Section 4(c)(2) and section 5 are each amended by striking "final report" each place it appears and inserting "summary report".

43 USC 390g-2, 390g-3.

(2) Section 4(c) is amended by adding at the end the following:

"(3) In addition to recommendations made under section 3, the Secretary shall make additional recommendations for design, construction, and operation of demonstration projects. Such projects are authorized to be designed, constructed, and operated in accordance with subsection (a).

"(4) Each project under this section shall terminate five years after the date on which construction on the project is completed.

Reports.

"(5) At the conclusion of phase II the Secretary shall submit a final report to the Congress which shall include, but not be limited to, a detailed evaluation of the projects under this section.".

43 USC 390g-5.

(3) Section 7 is amended by striking "$20,000,000 (October 1983 price levels)" and inserting in lieu thereof "$31,000,000

(October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein".

TITLE XXVII—MONTANA IRRIGATION PROJECTS

SEC. 2701. PICK-SLOAN PROJECT PUMPING POWER.

(a) The Secretary of the Interior, in cooperation with the Secretary of Energy, shall make available, as soon as practicable after the date of enactment of this Act, project pumping power from the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved December 22, 1944 (58 Stat. 891) (commonly known as the "Flood Control Act of 1944") to two existing non-Federal irrigation projects known as the—

(1) Haidle Irrigation Project, Prairie County, Montana; and

(2) Hammond Irrigation District, Rosebud County, Montana.

Provided, That the two districts are determined by the Secretary of Energy to be public agencies, as that term is used in section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. section 485h(c).

(b) Power made available under this section shall be at the firm power rate.

Reclamation Recreation Management Act of 1992.

TITLE XXVIII—RECLAMATION RECREATION MANAGEMENT ACT

16 USC 460*l*-31 note.

SEC. 2801. SHORT TITLE.

This title may be cited as the "Reclamation Recreation Management Act of 1992".

16 USC 460*l*-31.

SEC. 2802. FINDINGS.

The Congress finds and declares the following:

(1) There is a Federal responsibility to provide opportunities for public recreation at Federal water projects.

(2) Some provisions of the Federal Water Project Recreation Act are outdated because of increases in demand for outdoor recreation and changes in the economic climate for recreation managing entities.

(3) Provisions of such Act relating to non-Federal responsibility for all costs of operation, maintenance, and replacement of recreation facilities result in an unfair burden, especially in cases where the facilities are old or underdesigned.

(4) Provisions of such Act that limit the Federal share of recreation facility development at water projects completed before 1965 to $100,000 preclude a responsible Federal share in providing adequate opportunities for safe outdoor recreation.

(5) There should be Federal authority to expand existing recreation facilities to meet public demand, in partnership with non-Federal interests.

(6) Nothing in this title changes the responsibility of the Bureau to meet the purposes for which Federal Reclamation projects were initially authorized and constructed.

(7) It is therefore in the best interest of the people of this Nation to amend the Federal Water Project Recreation Act to remove outdated restrictions and authorize the Secretary of the Interior to undertake specific measures for the management of Reclamation lands.

:C. 2803. DEFINITIONS.

16 USC 460*l*–32.

For the purposes of this title:

(1) The term "Reclamation lands" means real property administered by the Secretary, acting through the Commissioner of Reclamation, and includes all acquired and withdrawn lands and water areas under jurisdiction of the Bureau.

(2) The term "Reclamation program" means any activity authorized under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371)), and Acts supplementary thereto and amendatory thereof).

(3) The term "Reclamation project" means any water supply or water delivery project constructed or administered by the Bureau of Reclamation under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

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

:C. 2804. AMENDMENTS TO THE FEDERAL WATER PROJECT RECREATION ACT.

(a) ALLOCATION OF COSTS.—Section 2(a) of the Federal Water roject Recreation Act (16 U.S.C. 460l–13(a)) is amended, in the atter preceding paragraph (1), by striking "all the costs of oper- ion, maintenance, and replacement" and inserting "not less than e-half the costs of operation, maintenance, and replacement".

(b) RECREATION AND FISH AND WILDLIFE ENHANCEMENT.—Sec- on 3(b)(1) of the Federal Water Project Recreation Act (16 U.S.C. 501–14(b)(1)) is amended—

(1) by striking "within ten years"; and

(2) by striking "all costs of operation, maintenance, and replacement attributable" and inserting "not less than one-half the costs of planning studies, and the costs of operation, maintenance, and replacement attributable".

(c) LEASE OF FACILITIES.—Section 4 of the Federal Water Project ecreation Act (16 U.S.C. 460l–15) is amended by striking "costs operation, maintenance, and replacement of existing" and insert- g "not less than one-half the costs of operation, maintenance, nd replacement of existing".

(d) EXPANSION OR MODIFICATION OF EXISTING FACILITIES.— ection 3 of the Federal Water Project Recreation Act (16 U.S.C. 501–14) is amended by adding at the end the following new sub- ection:

"(c)(1) Any recreation facility constructed under this Act may e expanded or modified if—

"(A) the facility is inadequate to meet recreational demands; and

"(B) a non-Federal public body executes an agreement which provides that such public body—

"(i) will administer the expanded or modified facilities pursuant to a plan for development for the project that

is approved by the agency with administrative jurisdiction over the project; and

"(ii) will bear not less than one-half of the planning and capital costs of such expansion or modification and not less than one-half of the costs of the operation, maintenance, and replacement attributable to the expansion of the facility.

"(2) The Federal share of the cost of expanding or modifying a recreational facility described in paragraph (1) may not exceed 50 percent of the total cost of expanding or modifying the facility.".

(e) LIMITATION.—Section 7(a) of the Federal Water Project Recreation Act (16 U.S.C. 460l–18(a)) is amended—

(1) by striking "purposes: *Provided,*" and all that follows through the end of the sentence and inserting "purposes"; and

(2) by striking "subsection 3(b)" and inserting "subsection (b) or (c) of section 3".

16 USC 460*l*–33.

SEC. 2805. MANAGEMENT OF RECLAMATION LANDS.

(a) ADMINISTRATION.—(1) Upon a determination that any such fee, charge, or commission is reasonable and appropriate, the Secretary acting through the Commissioner of Reclamation, is authorized to establish—

(A) filing fees for applications and other documents concerning entry upon and use of Reclamation lands;

(B) recreation user fees; and

(C) charges or commissions for the use of Reclamation lands.

Regulations.

(2) The Secretary, acting through the Commissioner of Reclamation, shall promulgate such regulations as the Secretary determines to be necessary—

(A) to carry out the provisions of this section and section 2806;

(B) to ensure the protection, comfort, and well-being of the public (including the protection of public safety) with respect to the use of Reclamation lands; and

(C) to ensure the protection of resource values.

(b) INVENTORY.—The Secretary, acting through the Commissioner of Reclamation, is authorized to—

(1) prepare and maintain on a continuing basis an inventory of resources and uses made of Reclamation lands and resources, keep records of such inventory, and make such records available to the public; and

(2) ascertain the boundaries of Reclamation lands and provide a means for public identification (including, where appropriate, providing signs and maps).

(c) PLANNING.—(1)(A) The Secretary, acting through the Commissioner of Reclamation, is authorized to develop, maintain, and revise resource management plans for Reclamation lands.

(B) Each plan described in subparagraph (A)—

(i) shall be consistent with applicable laws (including any applicable statute, regulation, or Executive order);

(ii) shall be developed in consultation with—

(I) such heads of Federal and non-Federal departments or agencies as the Secretary determines to be appropriate; and

(II) the authorized beneficiaries (as determined by the Secretary) of any Reclamation project included in the plan; and

(iii) shall be developed with appropriate public participation.

(C) Each plan described in subparagraph (A) shall provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation lands in a manner that is compatible with the authorized purposes of the Reclamation project associated with the Reclamation lands.

(d) NONREIMBURSABLE FUNDS.—Funds expended by the Secretary in carrying out the provisions of this title shall be nonreimbursable under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

SEC. 2806. PROTECTION OF AUTHORIZED PURPOSES OF RECLAMATION PROJECTS.

16 USC 460*l*-34.

(a) Nothing in this title shall be construed to change, modify, or expand the authorized purposes of any Reclamation project.

(b) The expansion or modification of a recreational facility constructed under this title shall not increase the capital repayment responsibilities or operation and maintenance expenses of the beneficiaries of authorized purposes of the associated Reclamation project. The term "beneficiaries" does not include those entities who sign agreements or enter into contracts for recreation facilities pursuant to the Federal Water Project Recreation Act.

TITLE XXIX—SAN JUAN SUBURBAN WATER DISTRICT

SEC. 2901. REPAYMENT OF WATER PUMPS, SAN JUAN SUBURBAN WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA.

(a) WATER PUMP REPAYMENT.—The Secretary shall credit to the unpaid capital obligation of the San Juan Suburban Water District (District), as calculated in accordance with the Central Valley Project ratesetting policy, an amount equal to the documented price paid by the District for pumps and motors provided by the District to the Bureau of Reclamation, in 1991 and 1992, for installation at Folsom Dam, Central Valley Project, California.

(b) CONDITIONS.—(1) The amount credited shall not include any indirect or overhead costs associated with the acquisition of the pumps and motors, such as those associated with the negotiation of a sales price or procurement contract, inspection, and delivery of the pumps and motors from the seller to the Bureau of Reclamation.

(2) The credit is effective on the dates the pumps and motors were delivered to the Bureau of Reclamation for installation at Folsom Dam.

TITLE XXX—WESTERN WATER POLICY REVIEW

Western Water Policy Review Act of 1992.
43 USC 371 note.

SEC. 3001. SHORT TITLE.

This title may be cited as the "Western Water Policy Review Act of 1992."

SEC. 3002. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Nation needs an adequate water supply for all states at a reasonable cost;

(2) the demands on the Nation's finite water supply are increasing;

(3) coordination on both the Federal level and the local level is needed to achieve water policy objectives;

(4) not less than fourteen agencies of the Federal Government are currently charged with functions relating to the oversight of water policy;

(5) the diverse authority over Federal water policy has resulted in unclear goals and an inefficient handling of the Nation's water policy;

(6) the conflict between competing goals and objectives by Federal, State, and local agencies as well as by private water users is particularly acute in the nineteen Western States which have arid climates which include the seventeen reclamation States, Hawaii, and Alaska;

(7) the appropriations doctrine of water allocation which characterizes most western water management regimes varies from State to State, and results in many instances in increased competition for limited resources;

(8) the Federal Government has recognized and continues to recognize the primary jurisdiction of the several States over the allocation, priority, and use of water resources of the States, except to the extent such jurisdiction has been preempted in whole or in part by the Federal Government, including, but not limited to, express or implied Federal reserved water rights either for itself or for the benefit of Indian Tribes, and that the Federal Government will, in exercising its authorities, comply with applicable State laws;

(9) the Federal Government recognizes its trust responsibilities to protect Indian water rights and assist Tribes in the wise use of those resources;

(10) Federal agencies, such as the Bureau of Reclamation, have had, and will continue to have major responsibilities in assisting States in the wise management and allocation of scarce water resources; and

(11) the Secretary of the Interior, given his responsibilities for management of public land, trust responsibilities for Indians, administration of the reclamation program, investigations and reviews into ground water resources through the Geologic Survey, and the Secretary of the Army, given his responsibilities for flood control, water supply, hydroelectric power, recreation, and fish and wildlife enhancement, have the resources to assist in a comprehensive review, in consultation with appropriate officials from the nineteen Western States, into the problems and potential solutions facing the nineteen Western States and the Federal Government in the increasing competition for the scarce water resources of the Western States.

SEC. 3003. PRESIDENTIAL REVIEW.

Reports.

(a) The President is directed to undertake a comprehensive review of Federal activities in the nineteen Western States which directly or indirectly affect the allocation and use of water resources,

whether surface or subsurface, and to submit a report on the President's findings, together with recommendations, if any, to the Committees on Energy and Natural Resources, Environment and Public Works and Appropriations of the Senate and the Committees on Interior and Insular Affairs, Public Works and Transportation, Merchant Marine and Fisheries and Appropriations of the House of Representatives.

(b) Such report shall be submitted within three years from the date of enactment of this Act.

(c) In conducting the review and preparing the report, the President is directed to consult with the Advisory Commission established under section 3004 of this title, and may request the Secretary of the Interior and the Secretary of the Army or other Federal officials or the Commission to undertake such studies or other analyses as the President determines would assist in the review.

(d) The President shall consult periodically with the Commission, and upon the request of the President, the heads of other Federal agencies are directed to cooperate with and assist the Commission in its activities.

SEC. 3004. THE ADVISORY COMMISSION.

President. Establishment.

(a) The President shall appoint an Advisory Commission (hereafter in this title referred to as the "Commission") to assist in the preparation and review of the report required under this title.

(b) The Commission shall be composed of eighteen members as follows:

(1) Ten members appointed by the President including:

(A) the Secretary of the Interior or his designee;

(B) the Secretary of the Army or his designee;

(C) at least one representative chosen from a list submitted by the Western Governors Association; and

(D) at least one representative chosen from a list submitted by Tribal governments located in the Western States.

(2) In addition to the ten members appointed by the President, twelve Members from the United States Congress shall serve as ex officio members of the Commission. For the United States Senate: the Chairmen and the Ranking Minority Members of the Committees on Energy and Natural Resources, and Appropriations, and the Subcommittee of the Committee on Energy and Natural Resources which has jurisdiction over the Bureau of Reclamation. For the United States House of Representatives: the Chairman and Ranking Minority Members of the Committees on Interior and Insular Affairs, Public Works and Transportation, and Appropriations.

President.

(c) The President shall appoint one member of the Commission to serve as Chairman.

(d) Any vacancy which may occur on the Commission shall be filled in the same manner in which the original appointment was made.

(e) Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3005. DUTIES OF THE COMMISSION.

The Commission shall—

(1) review present and anticipated water resource problems affecting the nineteen Western States, making such projections of water supply requirements as may be necessary and identifying alternative ways of meeting these requirements—giving considerations, among other things, to conservation and more efficient use of existing supplies, innovations to encourage the most beneficial use of water and recent technological advances;

(2) examine the current and proposed Federal programs affecting such States and recommend to the President whether they should be continued or adopted and, if so, how they should be managed for the next twenty years, including the possible reorganization or consolidation of the current water resources development and management agencies;

(3) review the problems of rural communities relating to water supply, potable water treatment, and wastewater treatment;

(4) review the need and opportunities for additional storage or other arrangements to augment existing water supplies including, but not limited to, conservation;

(5) review the history, use, and effectiveness of various institutional arrangements to address problems of water allocation, water quality, planning, flood control and other aspects of water development and use, including, but not limited to, interstate water compacts, Federal-State regional corporations, river basin commissions, the activities of the Water Resources Council, municipal and irrigation districts and other similar entities with specific attention to the authorities of the Bureau of Reclamation under reclamation law and the Secretary of the Army under water resources law;

(6) review the legal regime governing the development and use of water and the respective roles of both the Federal Government and the States over the allocation and use of water, including an examination of riparian zones, appropriation and mixed systems, market transfers, administrative allocations, ground water management, interbasin transfers, recordation of rights, Federal-State relations including the various doctrines of Federal reserved water rights (including Indian water rights and the development in several States of the concept of a public trust doctrine); and

(7) review the activities, authorities, and responsibilities of the various Federal agencies with direct water resources management responsibility, including but not limited to the Bureau of Reclamation, the Department of the Army, and those agencies whose decisions would impact on water resource availability and allocation, including, but not limited to, the Federal Energy Regulatory Commission.

SEC. 3006. REPRESENTATIVES.

(a) The Chairman of the Commission shall invite the Governor of each Western State to designate a representative to work closely with the Commission and its staff in matters pertaining to this title.

(b) The Commission, at its discretion, may invite appropriate public or private interest groups including, but not limited to, Indian and Tribal organizations to designate a representative to work closely with the Commission and its staff in matters pertaining to this title.

SEC. 3007. POWERS OF THE COMMISSION.

(a) The Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it may deem advisable;

(2) use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States;

(3) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out such aspects of the Commission's functions as the Commission determines can best be carried out in that manner; and

(4) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this title.

(b) Any member of the Commission is authorized to administer oaths when it is determined by a majority of the Commission that testimony shall be taken or evidence received under oath.

(c) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for level II of the Executive Schedule.

(1) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate but only to the extent that such personnel cannot be obtained from the Secretary of the Interior or by detail from other Federal agencies. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such Title relating to classification and General Schedule pay rates.

(2) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

(d) The Secretary of the Interior and the Secretary of the Army shall provide such office space, furnishings and equipment as may be required to enable the Commission to perform its functions. The Secretary shall also furnish the Commission with such staff, including clerical support, as the Commission may require.

SEC. 3008. POWERS AND DUTIES OF THE CHAIRMAN.

(a) Subject to general policies adopted by the Commission, the Chairman shall be the chief executive of the Commission and shall exercise its executive and administrative powers as set forth in paragraphs (2) through (4) of section 3007(a).

(b) The Chairman may make such provisions as he shall deem appropriate authorizing the performance of any of his executive and administrative functions by the Director or other personnel of the Commission.

SEC. 3009. OTHER FEDERAL AGENCIES.

(a) The Commission shall, to the extent practicable, utilize the services of the Federal water resource agencies.

(b) Upon request of the Commission, the President may direct the head of any other Federal department or agency to assist the Commission and such head of any Federal department or agency is authorized—

(1) to furnish to the Commission, to the extent permitted by law and within the limits of available funds, including funds transferred for that purpose pursuant to section 3007(a)(7) of this title, such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and

(2) to detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(c) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Secretary of the Interior.

SEC. 3010. APPROPRIATIONS.

There are hereby authorized to be appropriated not to exceed $10,000,000 to carry out the purposes of sections 3001 through 3009 of this title.

TITLE XXXI—MOUNTAIN PARK MASTER CONSERVANCY DISTRICT, OKLAHOMA

SEC. 3101. PAYMENT BY MOUNTAIN PARK MASTER CONSERVANCY DISTRICT.

(a) IN GENERAL.—The Secretary shall conduct appropriate investigations regarding, and is authorized to accept prepayment of, the repayment obligation of the District for the reimbursable construction costs of the project allocated to municipal and industrial water supply for the city, and, upon receipt of such prepayment, the District's obligation to the United States shall be reduced by the amount of such costs.

(b) PAYMENT AMOUNT.—Any prepayment made pursuant to subsection (a) shall realize an amount to the Federal Government calculated by discounting the remaining repayment obligation by the interest rate determined according to this section.

(c) INTEREST RATE.—The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A–129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) INVESTIGATIONS.—In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A–129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective

of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) TAX-EXEMPT FINANCING.—If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) LIMIT ON INTEREST RATE.—Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) APPROVAL.—The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any prepayment made pursuant to this title.

(h) TERMINATION OF AUTHORITY.—The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: *Provided,* That the borrower shall have at least sixty days to respond to any prepayment offer made by the Secretary.

(i) TITLE TO PROJECT FACILITIES.—Notwithstanding any payments made by the District pursuant to this section or pursuant to any contract with the Secretary, title to the project facilities shall remain with the United States.

(j) DEFINITIONS.—For the purposes of this section—

(1) the term "city" means the city of Frederick, Oklahoma; the city of Snyder, Oklahoma; or the city of Altus, Oklahoma;

(2) the term "District" means the Mountain Park Master Conservancy District of Mountain Park, Oklahoma;

(3) the term "project" means the Mountain Park Project, Oklahoma; and

(4) the term "Secretary" means the Secretary of the Interior.

SEC. 3102. RESCHEDULE OF REPAYMENT OBLIGATION.

(a) The Secretary shall conduct appropriate investigations regarding the ability of the District to meet its repayment obligation.

(b) If the Secretary finds that the District does not have the ability to pay its repayment obligation, then the Secretary shall offer the District a revised schedule of payments for purposes of meeting the repayment obligation of the District: *Provided,* That such schedule of payments shall—

(1) be consistent with the ability to pay of the District, and

(2) have the same discounted present value as the repayment obligation of the District.

(c) The Secretary shall conduct the investigations and make any offer of a revised schedule of payments pursuant to this section no later than twelve months after the date of enactment of this section.

TITLE XXXII—SOUTH DAKOTA PRESERVATION AND RESTORATION TRUST

Subpart A—Biological Diversity Trust

SEC. 3201. SOUTH DAKOTA BIOLOGICAL DIVERSITY TRUST.

(a) The Secretary, subject to the provisions of subsection (d) of this section, shall make an annual Federal contribution to a South Dakota Biological Diversity Trust established in accordance with subsection (b) of this section and operated in accordance with subsection (c) of this section. Contributions from the State of South Dakota may be paid to the Trust in such amounts and in such manner as may be agreed upon by the Governor and the Secretary. The total Federal contribution pursuant to this section, including subsection (d), shall not exceed $12,000,000.

(b) A South Dakota Biological Diversity Trust shall be eligible to receive Federal contributions pursuant to subsection (a) of this section if it complies with each of the following requirements:

(1) The Trust is established by non-Federal interests as a nonprofit corporation under the laws of South Dakota with its principal office in South Dakota.

(2) The Trust is under the direction of a Board of Trustees which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

(3) The Board is comprised of five persons appointed as follows, each for a term of five years:

(A) 1 person appointed by the Governor of South Dakota;

(B) 1 person appointed by each United States Senator from South Dakota;

(C) 1 person appointed by the United States Representative from South Dakota; and

(D) 1 person appointed by the South Dakota Academy of Science.

(4) Vacancies on the Board are filled in the manner in which the original appointments were made. Any member of the Board is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office. Members of the Board shall serve without compensation.

(5) The corporate purposes of the Trust are to select and provide funding for projects that protect or restore the best examples of South Dakota's biological diversity, its rare species, exemplary examples of plant and animal communities and large-scale natural ecosystems.

(c) A South Dakota Biological Diversity Trust established by non-Federal interests as provided in subsection (b) shall be deemed to be operating in accordance with this subsection if, in the opinion of the Secretary, each of the following requirements are met:

(1) the Trust is operated to select and provide funding for projects that protect or restore the best examples of South Dakota's biological diversity; its rare species, extraordinary examples of plant and animal communities and large-scale

natural ecosystems in accordance with its corporate purpose; and

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(2) the Trust is managed in a fiscally responsible fashion by investing in private and public financial vehicles with the goal of producing income and preserving principal. The principal will be inviolate, but income will be used to accomplish the goals of the trust.

(3) Proceeds from the Trust are used for the following purposes:

(A) $10,000 per year or 5 percent of the total funds expended by the Trust (whichever is larger) will be provided to the South Dakota Natural Heritage Program (currently as part of the South Dakota Game, Fish, and Parks Departments), in order to do the following:

(i) maintain and update the South Dakota Biodiversity Priority Site List;

(ii) conduct inventory to discover and survey new sites for the Priority Site List; and

(iii) manage data to maintain the Natural Heritage Databases needed to produce and document the Priority Site List.

(B) Up to 5 percent of the costs of each project are used for preserve design or site planning to ensure that sites are selected for funding which are well-designed to maintain the long-term viability of the significant species and communities found at the site.

(C) Proceeds from the Trust may be used to complete land protection projects designed to protect biological diversity.

(D) Projects may include acquisition of land, water rights or other partial interests from willing sellers only, or arranging management agreements, registry and other techniques to protect significant sites.

(E) Ownership of land acquired with Trust proceeds will be held by the public agency or private non-profit organization which proposed and completed the project, or another conservation owner with the approval of the Board. The land will be managed and used for the protection of biological diversity. If the property is used or managed otherwise, title will revert to the Trust for disposition.

(F) Projects eligible for funding must be included on the South Dakota Biodiversity Priority List and located within the borders of South Dakota.

(G) At the discretion of the Board, Trust proceeds may be used for direct project costs including direct expenses incurred during project completion. Land project funding may also include the creation of a stewardship endowment subject to the following terms:

(i) Up to 25 percent of the total fair market value of the project may be placed in a separate endowment.

(ii) The proceeds from the endowment will be used for the ongoing management costs of maintaining the biological integrity and viability of the significant biological features of the site.

(iii) Endowment funds may not be used for activities which primarily promote recreational or economic use of the site.

(iv) The endowment for each site will be held in a separate account from the body of the Trust and other endowments. The endowments will be managed by the Trust Board but the owner or manager of the site may draw upon the proceeds of the stewardship endowment to fund management activities with approval of the Board. Additional management funds may be secured from other public and private sources.

(H) Should the biological significance of a site be destroyed or greatly reduced, the land may be disposed of but the proceeds and any stewardship endowment will revert to the Trust for use in other projects.

(I) Proceeds from the Trust may be used for management of public or private lands, including but not restricted to lands purchased with Trust funds, except that only those management projects that result in the maintenance or restoration of statewide biological diversity are eligible for consideration.

(d) For each fiscal year after 1992, 2 percent of the Federal contributions for the same fiscal year, determined pursuant to subsection (a) of this section, shall be used by the Secretary in order to do the following:

(1) restore damaged natural ecosystems on public lands and waterways affected by the Reclamation program outside South Dakota;

(2) acquire from willing sellers only other lands and properties or appropriate interests therein outside South Dakota with restorable damaged natural ecosystems and restore such ecosystems;

(3) provide jobs and suitable economic development in a manner that carries out the other purposes of this subsection;

(4) provide expanded recreational opportunities; and

(5) support and encourage research, training and education in methods and technologies of ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties (or appropriate interests therein) where repair of compositional, structural and functional values will do the following:

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities and ecosystems that are unable to survive onsite without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna which are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl and other wildlife;

(6) provide additional conservation values to state and local government lands;

(7) add to structural and compositional values of existing preserves or enhance the viability, defensibility and manageability of preserves; and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation and other water quality improvement capacity.

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(f) The Secretary shall annually report on activities under this section to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the House of Representatives.

(g) There are authorized to be appropriated not to exceed $12,000,000 for the purposes of this title.

Subpart B—Wetland Habitat Restoration Program

SEC. 3202. DEFINITIONS.

(1) The term "Foundation" means the South Dakota Game, Fish and Parks Foundation, a nonprofit corporation under the laws of the State of South Dakota with its principal office in South Dakota.

(2) The term "wetland trust" means a trust established in accordance with section 3602(b) and operated in accordance with section 3602(c).

SEC. 3203. WETLAND TRUST.

(a) FEDERAL CONTRIBUTIONS.—Subject to appropriations therefor, the Secretary shall make a Federal contribution to a wetland trust that is—

(1) established in accordance with subsection (b); and

(2) operated in accordance with subsection (c), in the amount of $3,000,000 in the first year in which a contribution is made and $1,000,000 in each of the following four years.

(b) ESTABLISHMENT OF WETLAND TRUST.—A wetland trust is established in accordance with this subsection if—

(1) the wetland trust is administered by the Foundation;

(2) the Foundation is under the direction of a Board of Directors that has power to manage all affairs of the Foundation, including administration, data collection, and implementation of the purposes of the wetland trust;

(3) members of the Board of Directors of the Foundation serve without compensation;

(4) the corporate purposes of the Foundation in administering the wetland trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of South Dakota;

(5) an advisory committee is created to provide the Board of Directors of the Foundation with necessary technical expertise and the benefit of a multiagency perspective;

(6) the advisory committee described in paragraph (5) is composed of—

(A) 1 member of the staff of the Wildlife Division of the South Dakota Department of Game, Fish and Parks, appointed by the Secretary of that department;

(B) 1 member of the United States Fish and Wildlife Service, appointed by the Director of Region 6 of the United States Fish and Wildlife Service;

(C) 1 representative from the Department of Agriculture, as determined by the Secretary of Agriculture; and

(D) 3 residents of the State of South Dakota who are members of wildlife or environmental organizations,

appointed by the Governor of the State of South Dakota; and

(7) the wetland trust is empowered to accept non-Federal donations, gifts, and grants.

(c) OPERATION OF WETLAND TRUST.—The wetland trust shall be considered to be operated in accordance with this subsection if—

(1) the wetland trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of South Dakota;

(2) under the corporate charter of the Foundation, the Board of Directors, acting on behalf of the Foundation, is empowered to—

(A) acquire lands and interests in land and power to acquire water rights (but only with the consent of the owner);

(B) acquire water rights; and

(C) finance wetland preservation, enhancement, and restoration programs;

(3)(A) all funds provided to the wetland trust under subsection (a) are to be invested in accordance with subsection (d);

(B) no part of the principal amount (including capital gains thereon) of such funds are to be expended for any purpose;

(C) the income received from the investment of such funds is to be used only for purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d);

(D) income earned by the wetland trust (including income from investments made with funds other than those provided to the wetland trust under subsection (a)) is used to—

(i) enter into joint ventures, through the Division of Wildlife of the South Dakota Department of Game, Fish and Parks, with public and private entities or with private landowners to acquire easements or leases or to purchase wetland and adjoining upland; or

(ii) pay for operation and maintenance of the wetland component;

(E) when it is necessary to acquire land other than wetland and adjoining upland in connection with an acquisition of wetland and adjoining upland, wetland trust funds (including funds other than those provided to the wetland trust under subsection (a) and income from investments made with such funds) are to be used only for acquisition of the portions of land that contain wetland and adjoining upland that is beneficial to the wetland;

(F) all land purchased in fee simple with wetland trust funds shall be dedicated to wetland preservation and use; and

(G)(i) proceeds of the sale of land or any part thereof that was purchased with wetland trust funds are to be remitted to the wetland trust;

(ii) management, operation, development, and maintenance of lands on which leases or easements are acquired;

(iii) payment of annual lease fees, one-time easement costs, and taxes on land areas containing wetlands purchased in fee simple;

(iv) payment of personnel directly related to the operation of the wetland trust, including administration; and

(v) contractual and service costs related to the management of wetland trust funds, including audits.

(4) the Board of Directors of the Foundation agrees to provide such reports as may be required by the Secretary and makes its records available for audit by Federal agencies; and

Reports.
Records.

(5) the advisory committee created under subsection (b)—

(A) recommends criteria for wetland evaluation and selection: *Provided,* That income earned from the Trust shall not be used to mitigate or compensate for wetland damage caused by Federal water projects;

(B) recommends wetland parcels for lease, easement, or purchase and states reasons for its recommendations; and

(C) recommends management and development plans for parcels of land that are purchased.

(d) INVESTMENT OF WETLAND TRUST FUNDS.—(1) The Secretary, in consultation with the Secretary of the Treasury, shall establish requirements for the investment of all funds received by the wetland trust under subsection (a) or reinvested under subsection (c)(3).

(2) The requirements established under paragraph (1) shall ensure that—

(A) funds are invested in accordance with sound investment principles; and

(B) the Board of Directors of the Foundation manages such investments and exercises its fiduciary responsibilities in an appropriate manner.

(e) COORDINATION WITH THE SECRETARY OF AGRICULTURE.—(1) The Secretary shall make the Federal contribution under subsection (a) after consulting with the Secretary of Agriculture to provide for the coordination of activities under the wetland trust established under subsection (b) with the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

(2) The Secretary of Agriculture shall take into consideration wetland protection activities under the wetland trust established under subsection (b) when considering whether to provide assistance under the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

SEC. 3204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $7,000,000 for the Federal contribution to the wetland trust established under section 3203.

TITLE XXXIII—ELEPHANT BUTTE IRRIGATION DISTRICT, NEW MEXICO

SEC. 3301. TRANSFER.

The Secretary is authorized to transfer to the Elephant Butte Irrigation District, New Mexico, and El Paso County Water Improvement District No. 1, Texas, without cost to the respective district, title to such easements, ditches, laterals, canals, drains, and other rights-of-way, which the United States has acquired on behalf of

the project, that are used solely for the purpose of serving the respective district's lands and which the Secretary determines are necessary to enable the respective district to carry out operation and maintenance with respect to that portion of the Rio Grande project to be transferred. The transfer of the title to such easements, ditches, laterals, canals, drains, and other rights-of-way located in New Mexico, which the Secretary has, that are used for the purpose of jointly serving Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, may be transferred to Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, jointly, upon agreement by the Secretary and both districts. Any transfer under this section shall be subject to the condition that the respective district assume responsibility for operating and maintaining their portion of the project.

SEC. 3302. LIMITATION.

Title to and responsibility for operation and maintenance of Elephant Butte and Caballo dams, and Percha, Leasburg, and Mesilla diversion dams and the works necessary for their protection and operation shall be unaffected by this title.

SEC. 3303. EFFECT OF ACT ON OTHER LAWS.

Nothing in this title shall affect any right, title, interest or claim to land or water, if any, of the Ysleta del Sur Pueblo, a federally recognized Indian Tribe.

Central Valley Project Improvement Act.
Water supply.
California.

TITLE XXXIV—CENTRAL VALLEY PROJECT IMPROVEMENT ACT

SEC. 3401. SHORT TITLE.

This title may be cited as the "Central Valley Project Improvement Act".

SEC. 3402. PURPOSES.

The purposes of this title shall be—

(a) to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River basins of California;

(b) to address impacts of the Central Valley Project on fish, wildlife and associated habitats;

(c) to improve the operational flexibility of the Central Valley Project;

(d) to increase water-related benefits provided by the Central Valley Project to the State of California through expanded use of voluntary water transfers and improved water conservation;

(e) to contribute to the State of California's interim and long-term efforts to protect the San Francisco Bay/Sacramento-San Joaquin Delta Estuary;

(f) to achieve a reasonable balance among competing demands for use of Central Valley Project water, including the requirements of fish and wildlife, agricultural, municipal and industrial and power contractors.

SEC. 3403. DEFINITIONS.

As used in this title—

(a) the term "anadromous fish" means those stocks of salmon (including steelhead), striped bass, sturgeon, and American shad that ascend the Sacramento and San Joaquin rivers and their tributaries and the Sacramento-San Joaquin Delta to reproduce after maturing in San Francisco Bay or the Pacific Ocean;

(b) the terms "artificial propagation" and "artificial production" mean spawning, incubating, hatching, and rearing fish in a hatchery or other facility constructed for fish production;

(c) the term "Central Valley Habitat Joint Venture" means the association of Federal and State agencies and private parties established for the purpose of developing and implementing the North American Waterfowl Management Plan as it pertains to the Central Valley of California;

(d) the terms "Central Valley Project" or "project" mean all Federal reclamation projects located within or diverting water from or to the watershed of the Sacramento and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850) and all Acts amendatory or supplemental thereto, including but not limited to the Act of October 17, 1940 (54 Stat. 1198, 1199), Act of December 22, 1944 (58 Stat. 887), Act of October 14, 1949 (63 Stat. 852), Act of September 26, 1950 (64 Stat. 1036), Act of August 27, 1954 (68 Stat. 879), Act of August 12, 1955 (69 Stat. 719), Act of June 3, 1960 (74 Stat. 156), Act of October 23, 1962 (76 Stat. 1173), Act of September 2, 1965 (79 Stat. 615), Act of August 19, 1967 (81 Stat. 167), Act of August 27, 1967 (81 Stat. 173), Act of October 23, 1970 (84 Stat. 1097), Act of September 28, 1976 (90 Stat. 1324) and Act of October 27, 1986 (100 Stat. 3050);

(e) the term "Central Valley Project service area" means that area of the Central Valley and San Francisco Bay Area where water service has been expressly authorized pursuant to the various feasibility studies and consequent congressional authorizations for the Central Valley Project;

(f) the term "Central Valley Project water" means all water that is developed, diverted, stored, or delivered by the Secretary in accordance with the statutes authorizing the Central Valley Project and in accordance with the terms and conditions of water rights acquired pursuant to California law;

(g) the term "full cost" has the meaning given such term in paragraph (3) of section 202 of the Reclamation Reform Act of 1982;

(h) the term "natural production" means fish produced to adulthood without direct human intervention in the spawning, rearing, or migration processes;

(i) the term "Reclamation laws" means the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto;

(j) the term "Refuge Water Supply Report" means the report issued by the Mid-Pacific Region of the Bureau of Reclamation of the U.S. Department of the Interior entitled Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California (March 1989);

(k) the terms "repayment contract" and "water service contract" have the same meaning as provided in sections 9(d)

and 9(e) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195), as amended;

(l) the terms "Restoration Fund" and "Fund" mean the Central Valley Project Restoration Fund established by this title; and,

(m) the term "Secretary" means the Secretary of the Interior.

SEC. 3404. LIMITATION ON CONTRACTING AND CONTRACT REFORM.

(a) NEW CONTRACTS.—Except as provided in subsection (b) of this section, the Secretary shall not enter into any new short-term, temporary, or long-term contracts or agreements for water supply from the Central Valley Project for any purpose other than fish and wildlife before:

(1) the provisions of subsections 3406(b)–(d) of this title are met;

(2) the California State Water Resources Control Board concludes the review ordered by the California Court of Appeals in United States v. State Water Resources Control Board, 182 Cal. App. 3d 82 (1986) and determines the means of implementing its decision, including the obligations of the Central Valley Project, if any, and the Administrator of the Environmental Protection Agency shall have approved such decision pursuant to existing authorities; and,

(3) at least one hundred and twenty days shall have passed after the Secretary provides a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives explaining the obligations, if any, of the Central Valley Project system, including its component facilities and contracts, with regard to achieving its responsibilities for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary as finally established and approved by relevant State and Federal authorities, and the impact of such obligations on Central Valley Project operations, supplies, and commitments.

(b) EXCEPTIONS TO LIMIT ON NEW CONTRACTS.—The prohibition on execution of new contracts under subsection (a) of this section shall not apply to contracts executed pursuant to section 305 of Public Law 102–250 or section 206 of Public Law 101–514 or to one-year contracts for delivery of surplus flood flows or contracts not to exceed two years in length for delivery of class II water in the Friant Unit. Notwithstanding the prohibition in the Energy and Water Development Appropriations Act of 1990, the Secretary is authorized, pursuant to section 203 of the Flood Control Act of 1962, to enter into a long-term contract in accordance with the Reclamation laws with the Tuolumne Regional Water District, California, for the delivery of water from the New Melones project to the county's water distribution system and a contract with the Secretary of Veteran Affairs to provide for the delivery in perpetuity of water from the project in quantities sufficient, but not to exceed 850 acre-feet per year, to meet the needs of the San Joaquin Valley National Cemetery, California.

(c) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Notwithstanding the provisions of the Act of July 2, 1956 (70 Stat. 483), the Secretary shall, upon request, renew any existing long-term repayment or water service contract for the delivery of water from

the Central Valley Project for a period of twenty-five years and may renew such contracts for successive periods of up to 25 years each.

(1) No such renewals shall be authorized until appropriate environmental review, including the preparation of the environmental impact statement required in section 3409 of this title, has been completed. Contracts which expire prior to the completion of the environmental impact statement required by section 3409 may be renewed for an interim period not to exceed three years in length, and for successive interim periods of not more than two years in length, until the environmental impact statement required by section 3409 has been finally completed, at which time such interim renewal contracts shall be eligible for long-term renewal as provided above. Such interim renewal contracts shall be modified to comply with existing law, including provisions of this title. With respect to all contracts renewed by the Secretary since January 1, 1988, the Secretary shall incorporate in said contracts a provision requiring payment of the charge mandated in subsection 3406(c) and subsection 3407(b) of this title and all other modifications needed to comply with existing law, including provisions of this title. This title shall be deemed "applicable law" as that term is used in Article 14(c) of contracts renewed by the Secretary since January 1, 1988.

(2) Upon renewal of any long-term repayment or water service contract providing for the delivery of water from the Central Valley Project, the Secretary shall incorporate all requirements imposed by existing law, including provisions of this title, within such renewed contracts. The Secretary shall also administer all existing, new, and renewed contracts in conformance with the requirements and goals of this title.

(3) In order to encourage early renewal of project water contracts and facilitate timely implementation of this title, the Secretary shall impose on existing contractors an additional mitigation and restoration payment of one and one-half times the annual mitigation and restoration payment calculated under subsection 3407(d) of this title for every year starting October 1, 1997 or January 1 of the year following the year in which the environmental impact statement required under section 3409 is completed, whichever is sooner, and ending on the effective date of the renewed contract payable prior to the renewal of such contract, to be covered to the Restoration Fund: *Provided, however,* That this paragraph shall not apply to contracts renewed after January 1, 1988, and prior to the date of enactment of this title or, in the event the environmental impact statement required by section 3409 is not completed by October 1, 1997, to any holder of a contract in existence on the date of enactment of this title who enters into a binding agreement with the Secretary prior to October 1, 1997, to renew its contract immediately upon completion of that environmental impact statement, if such contract has not expired prior to such date.

SEC. 3405. WATER TRANSFERS, IMPROVED WATER MANAGEMENT AND CONSERVATION.

Contracts.

(a) WATER TRANSFERS.—In order to assist California urban areas, agricultural water users, and others in meeting their future

water needs, subject to the conditions and requirements of this subsection, all individuals or districts who receive Central Valley Project water under water service or repayment contracts, water rights settlement contracts or exchange contracts entered into prior to or after the date of enactment of this title are authorized to transfer all or a portion of the water subject to such contract to any other California water user or water agency, State or Federal agency, Indian tribe, or private nonprofit organization for project purposes or any purpose recognized as beneficial under applicable State law. Except as provided herein, the terms of such transfers shall be set by mutual agreement between the transferee and the transferor.

(1) CONDITIONS FOR TRANSFERS.—All transfers to Central Valley Project water authorized by this subsection shall be subject to review and approval by the Secretary under the conditions specified in this subsection. Transfers involving more than 20 percent of the Central Valley Project water subject to long-term contract within any contracting district or agency shall also be subject to review and approval by such district or agency under the conditions specified in this subsection:

(A) No transfer to combination of transfers authorized by this subsection shall exceed, in any year, the average annual quantity of water under contract actually delivered to the contracting district or agency during the last three years of normal water delivery prior to the date of enactment of this title.

(B) All water under the contract which is transferred under authority of this subsection to any district or agency which is not a Central Valley Project contractor at the time of enactment of this title shall, if used for irrigation purposes, be repaid at the greater of the full-cost or cost of service rates, or, if the water is used for municipal and industrial purposes, at the greater of the cost of service or municipal and industrial rates.

(C) No transfers authorized by this subsection shall be approved unless the transfer is between a willing buyer and a willing seller under such terms and conditions as may be mutually agreed upon.

(D) No transfer authorized by this subsection shall be approved unless the transfer is consistent with State law, including but not limited to provisions of the California Environmental Quality Act.

(E) All transfers authorized by this subsection shall be deemed a beneficial use of water by the transferor for the purposes of section 8 of the Act of June 17, 1902, 32 Stat. 390, 43 U.S.C. 372.

(F) All transfers entered into pursuant to this subsection for uses outside the Central Valley Project service area shall be subject to a right of first refusal on the same terms and conditions by entities within the Central Valley Project service area. The right of first refusal must be exercised within ninety days from the date that notice is provided of the proposed transfer. Should an entity exercise the right of first refusal, it must compensate the transferee who had negotiated the agreement upon which the right of first refusal is being exercised for that entity's

total costs associated with the development and negotiation of the transfer.

(G) No transfer authorized by this subsection shall be considered by the Secretary as conferring supplemental or additional benefits on Central Valley Project water contractors as provided in section 203 of Public Law 97-293 (43 U.S.C. 390(cc)).

(H) The Secretary shall not approve a transfer authorized by this subsection unless the Secretary has determined, consistent with paragraph 3405(a)(2) of this title, that the transfer will not violate the provisions of this title or other Federal law and will have no significant adverse effect on the Secretary's ability to deliver water pursuant to the Secretary's Central Valley Project contractual obligations or fish and wildlife obligations under this title because of limitations in conveyance or pumping capacity.

(I) The water subject to any transfer undertaken pursuant to this subsection shall be limited to water that would have been consumptively used or irretrievably lost to beneficial use during the year or years of the transfer.

(J) The Secretary shall not approve a transfer authorized by this subsection unless the Secretary determines, consistent with paragraph 3405(a)(2) of this title, that such transfer will have no significant long-term adverse impact on groundwater conditions in the transferor's service area.

(K) The Secretary shall not approve a transfer unless the Secretary determines, consistent with paragraph 3405(a)(2) of this title, that such transfer will have no unreasonable impact on the water supply, operations, or financial conditions of the transferor's contracting district or agency or its water users.

(L) The Secretary shall not approve a transfer if the Secretary determines, consistent with paragraph 3405(a)(2) of this title, that such transfer would result in a significant reduction in the quantity or decrease in the quality of water supplies currently used for fish and wildlife purposes, unless the Secretary determines pursuant to findings setting forth the basis for such determination that such adverse effects would be more than offset by the benefits of the proposed transfer. In the event of such a determination, the Secretary shall develop and implement alternative measures and mitigation activities as integral and concurrent elements of any such transfer to provide fish and wildlife benefits substantially equivalent to those lost as a consequence of such transfer.

(M) Transfers between Central Valley Project contractors within countries, watersheds, or other areas of origin, as those terms are utilized under California law, shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of this paragraph.

(2) REVIEW AND APPROVAL OF TRANSFERS.—All transfers subject to review and approval under this subsection shall be reviewed and approved in a manner consistent with the following:

(A) Decisions on water transfers subject to review by a contracting district or agency or by the Secretary shall

be rendered within ninety days of receiving a written transfer proposal from the transferee or transferor. Such written proposal should provide all information reasonably necessary to determine whether the transfer complies with the terms and conditions of this subsection.

(B) All transfers subject to review by a contracting district or agency shall be reviewed in a public process similar to that provided for in section 226 of Public Law 97–293.

(C) The contracting district or agency or the Secretary shall approve all transfers subject to review and approval by such entity if such transfers are consistent with the terms and conditions of this subsection. To disapprove a transfer, the contracting district or agency or the Secretary shall inform the transferee and transferor, in writing, why the transfer does not comply with the terms and conditions of this subsection and what alternatives, if any, could be included so that the transfer would reasonably comply with the requirements of this subsection.

(D) If the contracting district or agency or the Secretary fails to approve or disapprove a proposed transfer within ninety days of receiving a complete written proposal from the transferee or transferor, then the transfer shall be deemed approved.

(3) Transfers executed after September 30, 1999 shall only be governed by the provisions of subparagraphs 3405(a)(1)(A)–(C), (E), (G), (H), (I), (L), and (M) of this title, and by State law.

(b) METERING OF WATER USE REQUIRED.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this title, shall provide that the contracting district or agency shall ensure that all surface water delivery systems within its boundaries are equipped with water measuring devices or water measuring methods of comparable effectiveness acceptable to the Secretary within five years of the date of contract execution, amendment, or renewal, and that any new surface water delivery systems installed within its boundaries on or after the date of contract renewal are so equipped. The contracting district or agency shall inform the Secretary and the State of California annually as to the monthly volume of surface water delivered within its boundaries.

Intergovernmental relations.

(c) STATE AND FEDERAL WATER QUALITY STANDARDS.—All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this title, shall provide that the contracting district or agency shall be responsible for compliance with all applicable State and Federal water quality standards applicable to surface and subsurface agricultural drainage discharges generated within its boundaries. This subsection shall not affect or alter any legal obligation of the Secretary to provide drainage services.

(d) WATER PRICING REFORM.—All Central Valley Project water service or repayment contracts for a term longer than three years for agricultural, municipal, or industrial purposes that are entered

into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this title shall provide that all project water subject to contract shall be made available to districts, agencies, and other contracting entities pursuant to a system of tiered water pricing. Such a system shall specify rates for each district, agency or entity based on an inverted block rate structure with the following provisions:

(1) the first rate tier shall apply to a quantity of water up to 80 percent of the contract total and shall not be less than the applicable contract rate;

(2) the second rate tier shall apply to that quantity of water over 80 percent and under 90 percent of the contract total and shall be at a level halfway between the rates established under paragraphs (1) and (3) of this subsection;

(3) the third rate tier shall apply to that quantity of water over 90 percent of the contract total and shall not be less than the full cost rate; and

(4) the Secretary shall charge contractors only for water actually delivered.

The Secretary shall waive application of this subsection as it relates to any project water delivered to produce a crop which the Secretary determines will provide significant and quantifiable habitat values for waterfowl in fields where the water is used and the crops are produced: *Provided,* That such waiver shall apply only if such habitat values can be assured consistent with the purposes of this title through binding agreements executed with or approved by the Secretary.

(e) WATER CONSERVATION STANDARDS.—The Secretary shall establish and administer an office of Central Valley Project water conservation best management practices that shall, in consultation with the Secretary of Agriculture, the California Department of Water Resources, California academic institutions, and Central Valley Project water users, develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.

(1) Criteria developed pursuant to this subsection shall be established within six months following enactment of this title and shall be reviewed periodically thereafter, but no less than every three years, with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices. The criteria shall include, but not be limited to agricultural water suppliers' efficient water management practices developed pursuant to California State law or reasonable alternatives.

(2) The Secretary, through the office established under this subsection, shall review and evaluate within 18 months following enactment of this title all existing conservation plans submitted by project contractors to determine whether they meet the conservation and efficiency criteria established pursuant to this subsection.

(3) In developing the water conservation best management practice criteria required by this subsection, the Secretary shall take into account and grant substantial deference to the recommendations for action specific to water conservation and drainage source reduction proposed in the Final Report of the

San Joaquin Valley Drainage Program, entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

(f) INCREASED REVENUES.—All revenues received by the Secretary as a result of the increased repayment rates applicable to water transferred from irrigation use to municipal and industrial use under subsection 3405(a) of this section, and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3405(d) of this section, shall be covered to the Restoration Fund.

SEC. 3406. FISH, WILDLIFE AND HABITAT RESTORATION.

(a) AMENDMENTS TO CENTRAL VALLEY PROJECT AUTHORIZATIONS.—Act of August 26, 1937.—Section 2 of the Act of August 26, 1937 (chapter 832; 50 Stat. 850), as amended, is amended—

(1) in the second proviso of subsection (a), by inserting "and mitigation, protection, and restoration of fish and wildlife" after "Indian reservations,";

(2) in the last proviso of subsection (a), by striking "domestic uses;" and inserting "domestic uses and fish and wildlife mitigation, protection and restoration purposes;" and by striking "power" and inserting "power and fish and wildlife enhancement";

(3) by adding at the end the following: "The mitigation for fish and wildlife losses incurred as a result of construction, operation, or maintenance of the Central Valley Project shall be based on the replacement of ecologically equivalent habitat and shall take place in accordance with the provisions of this title and concurrent with any future actions which adversely affect fish and wildlife populations or their habitat but shall have no priority over them."; and

(4) by adding at the end the following: "(e) Nothing in this title shall affect the State's authority to condition water rights permits for the Central Valley Project."

California.

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES.—The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under State and Federal law, including but not limited to the Federal Endangered Species Act, 16 U.S.C. 1531, et seq., and all decisions of the California State Water Resources Control Board establishing conditions on applicable licenses and permits for the project. The Secretary, in consultation with other State and Federal agencies, Indian tribes, and affected interests, is further authorized and directed to:

(1) develop within three years of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967–1991; *Provided,* That this goal shall not apply to the San Joaquin River between Friant Dam and the Mendota Pool, for which a separate program is authorized under subsection 3406(c) of this title; *Provided further,* That the programs and activities authorized by this section shall, when fully implemented, be deemed to meet the mitigation, protection, restoration, and enhancement purposes established by subsection 3406(a) of this title; *And provided further,* That in the course of developing and implementing

this program the Secretary shall make all reasonable efforts consistent with the requirements of this section to address other identified adverse environmental impacts of the Central Valley Project not specifically enumerated in this section.

(A) This program shall give first priority to measures which protect and restore natural channel and riparian habitat values through habitat restoration actions, modifications to Central Valley Project operations, and implementation of the supporting measures mandated by this subsection; shall be reviewed and updated every five years; and shall describe how the Secretary intends to operate the Central Valley Project to meet the fish, wildlife, and habitat restoration goals and requirements set forth in this title and other project purposes.

(B) As needed to achieve the goals of this program, the Secretary is authorized and directed to modify Central Valley Project operations to provide flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish, except that such flows shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) of this subsection; from the water supplies acquired pursuant to paragraph (3) of this subsection; and from other sources which do not conflict with fulfillment of the Secretary's remaining contractual obligations to provide Central Valley Project water for other authorized purposes. Instream flow needs for all Central Valley Project controlled streams and rivers shall be determined by the Secretary based on recommendations of the United States Fish and Wildlife Service after consultation with the California Department of Fish and Game.

Intergovernmental relations.

(C) The Secretary shall cooperate with the State of California to ensure that, to the greatest degree practicable, the specific quantities of yield dedicated to and managed for fish and wildlife purposes under this title are credited against any additional obligations of the Central Valley Project which may be imposed by the State of California following enactment of this title, including but not limited to increased flow and reduced export obligations which may be imposed by the California State Water Resources Control Board in implementing San Francisco Bay/Sacramento-San Joaquin Delta Estuary standards pursuant to the review ordered by the California Court of Appeals in United States v. State Water Resources Control Board, 182 Cal.App.3d 82 (1986), and that, to the greatest degree practicable, the programs and plans required by this title are developed and implemented in a way that avoids inconsistent or duplicative obligations from being imposed upon Central Valley Project water and power contractors.

(D) Costs associated with this paragraph shall be reimbursable pursuant to existing statutory and regulatory procedures.

Intergovernmental relations.

(2) upon enactment of this title dedicate and manage annually eight hundred thousand acre-feet of Central Valley Project yield for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this title; to assist the State of California in its efforts

to protect the waters of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary; and to help to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following the date of enactment of this title, including but not limited to additional obligations under the Federal Endangered Species Act. For the purpose of this section, the term "Central Valley Project yield" means the delivery capability of the Central Valley Project during the 1928–1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing at the time of enactment of this title have been met.

(A) Such quantity of water shall be in addition to the quantities needed to implement paragraph 3406(d)(1) of this title and in addition to all water allocated pursuant to paragraph (23) of this subsection for release to the Trinity River for the purposes of fishery restoration, propagation, and maintenance; and shall be supplemented by all water that comes under the Secretary's control pursuant to subsections 3406(b)(3), 3408(h)–(i), and through other measures consistent with subparagraph 3406(b)(1)(B) of this title.

(B) Such quantity of water shall be managed pursuant to conditions specified by the United States Fish and Wildlife Service after consultation with the Bureau of Reclamation and the California Department of Water Resources and in cooperation with the California Department of Fish and Game.

(C) The Secretary may temporarily reduce deliveries of the quantity of water dedicated under this paragraph up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water; *Provided,* That such reductions shall not exceed in percentage terms the reductions imposed on agricultural service contractors; *Provided further,* That nothing in this subsection or subsection 3406(e) shall require the Secretary to operate the project in a way that jeopardizes human health or safety.

(D) If the quantity of water dedicated under this paragraph, or any portion thereof, is not needed for the purposes of this section, based on a finding by the Secretary, the Secretary is authorized to make such water available for other project purposes.

(3) develop and implement a program in coordination and in conformance with the plan required under paragraph (1) of this subsection for the acquisition of a water supply to supplement the quantity of water dedicated to fish and wildlife purposes under paragraph (2) of this subsection and to fulfill the Secretary's obligations under paragraph 3406(d)(2) of this title. The program should identify how the Secretary intends to utilize, in particular the following options: improvements in or modifications of the operations of the project; water banking; conservation; transfers; conjunctive use; and temporary and permanent land fallowing, including purchase, lease, and option of water, water rights, and associated agricultural land.

(4) develop and implement a program to mitigate for fishery impacts associated with operations of the Tracy Pumping Plant. Such program shall include, but is not limited to improvement or replacement of the fish screens and fish recovery facilities and practices associated with the Tracy Pumping Plant. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California. The reimbursable share of funding for this and other facility repairs, improvements, and construction shall be allocated among project water and power users in accordance with existing project cost allocation procedures.

(5) develop and implement a program to mitigate for fishery impacts resulting from operations of the Contra Costa Canal Pumping Plant No. 1. Such program shall provide for construction and operation of fish screening and recovery facilities, and for modified practices and operations. Costs associated with this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(6) install and operate a structural temperature control device at Shasta Dam and develop and implement modifications in CVP operations as needed to assist in the Secretary's efforts to control water temperatures in the upper Sacramento River in order to protect anadromous fish in the upper Sacramento River. Costs associated with planning and construction of the structural temperature control device shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(7) meet flow standards and objectives and diversion limits set forth in all laws and judicial decisions that apply to Central Valley Project facilities, including, but not limited to, provisions of this title and all obligations of the United States under the "Agreement Between the United States and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and the State Water Project" dated May 20, 1985, as well as Public Law 99-546.

(8) make use of short pulses of increased water flows to increase the survival of migrating anadromous fish moving into and through the Sacramento-San Joaquin Delta and Central Valley rivers and streams.

(9) develop and implement a program to eliminate, to the extent possible, losses of anadromous fish due to flow fluctuations caused by the operation of any Central Valley Project storage or re-regulating facility. The program shall be patterned where appropriate after the agreement between the California Department of Water Resources and the California Department of Fish and Game with respect to the operation of the California State Water Project Oroville Dam complex.

(10) develop and implement measures to minimize fish passage problems for adult and juvenile anadromous fish at

the Red Bluff Diversion Dam in a manner that provides for the use of associated Central Valley Project conveyance facilities for delivery of water to the Sacramento Valley National Wildlife Refuge complex in accordance with the requirements of subsection (d) of this section. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(11) rehabilitate and expand the Coleman National Fish Hatchery by implementing the United States Fish and Wildlife Service's Coleman National Fish Hatchery Development Plan, and modify the Keswick Dam Fish Trap to provide for its efficient operation at all project flow release levels and modify the basin below the Keswick Dam spillway to prevent the trapping of fish. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 50 percent shall be reimbursed as main project features and 50 percent shall be considered a nonreimbursable Federal expenditure.

(12) develop and implement a comprehensive program to provide flows to allow sufficient spawning, incubation, rearing, and outmigration for salmon and steelhead from Whiskeytown Dam as determined by instream flow studies conducted by the California Department of Fish and Game after Clear Creek has been restored and a new fish ladder has been constructed at the McCormick-Saeltzer Dam. Costs associated with channel restoration, passage improvements, and fish ladder construction required by this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent to the State of California. Costs associated with providing the flows required by this paragraph shall be allocated among project purposes.

(13) develop and implement a continuing program for the purpose of restoring and replenishing, as needed, spawning gravel lost due to the construction and operation of Central Valley Project dams, bank protection projects, and other actions that have reduced the availability of spawning gravel and rearing habitat in the Upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam, and in the American and Stanislaus Rivers downstream from the Nimbus and Goodwin Dams, respectively. The program shall include preventive measures, such as re-establishment of meander belts and limitations on future bank protection activities, in order to avoid further losses of instream and riparian habitat. Costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(14) develop and implement a program which provides for modified operations and new or improved control structures at the Delta Cross Channel and Georgiana Slough during times when significant numbers of striped bass eggs, larvae, and juveniles approach the Sacramento River intake to the Delta Cross Channel or Georgiana Slough. Costs associated with

implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(15) construct, in cooperation with the State of California and in consultation with local interests, a barrier at the head of Old River in the Sacramento-San Joaquin Delta to be operated on a seasonal basis to increase the survival of young outmigrating salmon that are diverted from the San Joaquin River to Central Valley Project and State Water Project pumping plants and in a manner that does not significantly impair the ability of local entities to divert water. The costs associated with implementation of this paragraph shall be reimbursed in accordance with the following formula: 37.5 percent shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(16) establish, in cooperation with independent entities and the State of California, a comprehensive assessment program to monitor fish and wildlife resources in the Central Valley to assess the biological results and effectiveness of actions implemented pursuant to this subsection. 37.5 percent of the costs associated with implementation of this paragraph shall be reimbursed as main project features, 37.5 percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(17) develop and implement a program to resolve fishery passage problems at the Anderson-Cottonwood Irrigation District Diversion Dam as well as upstream stranding problems related to Anderson-Cottonwood Irrigation District Diversion Dam operations. Costs associated with implementation of this paragraph shall be allocated 50 percent to the United States as a nonreimbursable expenditure and 50 percent to the State of California.

(18) if requested by the State of California, assist in developing and implementing management measures to restore the striped bass fishery of the Bay-Delta estuary. Such measures shall be coordinated with efforts to protect and restore native fisheries. Costs associated with implementation of this paragraph shall be allocated 50 percent to the United States and 50 percent to the State of California. The United States' share of costs associated with implementation of this paragraph shall be nonreimbursable.

(19) reevaluate existing operational criteria in order to maintain minimum carryover storage at Sacramento and Trinity River reservoirs to protect and restore the anadromous fish of the Sacramento and Trinity Rivers in accordance with the mandates and requirements of this subsection and subject to the Secretary's responsibility to fulfill all project purposes, including agricultural water delivery.

(20) participate with the State of California and other Federal agencies in the implementation of the on-going program to mitigate fully for the fishery impacts associated with operations of the Glenn-Colusa Irrigation District's Hamilton City Pumping Plant. Such participation shall include replacement of the defective fish screens and fish recovery facilities associ-

ated with the Hamilton City Pumping Plant. This authorization shall not be deemed to supersede or alter existing authorizations for the participation of other Federal agencies in the mitigation program. Seventy-five percent shall be considered a nonreimbursable Federal expenditure, and 25 percent shall be paid by the State of California.

(21) assist the State of California in efforts to develop and implement measures to avoid losses of juvenile anadromous fish resulting from unscreened or inadequately screened diversions on the Sacramento and San Joaquin rivers, their tributaries, the Sacramento-San Joaquin Delta, and the Suisun Marsh. Such measures shall include but shall not be limited to construction of screens on unscreened diversions, rehabilitation of existing screens, replacement of existing non-functioning screens, and relocation of diversions to less fishery-sensitive areas. The Secretary's share of costs associated with activities authorized under this paragraph shall not exceed 50 percent of the total cost of any such activity.

(22) provide such incentives as the Secretary determines to be appropriate or necessary, consistent with the goals and objectives of this title, to encourage farmers to participate in a program, which the Secretary shall develop, under which such farmers will keep fields flooded during appropriate time periods for the purposes of waterfowl habitat creation and maintenance and for Central Valley Project yield enhancement; *Provided,* That such incentives shall not exceed $2,000,000 annually, either directly or through credits against other contractual payment obligations, including the pricing waivers authorized under subsection 3405(d) of this tile; *Provided further,* That the holder of the water contract shall pass such incentives through to farmers participating in the program, less reasonable contractor costs, if any; *And provided further,* That such water may be transferred subject to section 3405(a) of this title only if the farmer waives all rights to such incentives. This provision shall terminate by the year 2002.

(23) in order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe, and to meet the fishery restoration goals of the Act of October 24, 1984, Public Law 98-541, provide through the Trinity River Division, for water years 1992 through 1996, an instream release of water to the Trinity River of not less than three hundred and forty thousand acre-feet per year for the purposes of fishery restoration, propagation, and maintenance and,

(A) by September 30, 1996, the Secretary, after consultation with the Hoopa Valley Tribe, shall complete the Trinity River Flow Evaluation Study currently being conducted by the United States Fish and Wildlife Service under the mandate of the Secretarial Decision of January 14, 1981, in a manner which insures the development of recommendations, based on the best available scientific data, regarding permanent instream fishery flow requirements and Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery; and

(B) not later than December 31, 1996, the Secretary shall forward the recommendations of the Trinity River Flow Evaluation Study, referred to in subparagraph (A)

of this paragraph, to the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives. If the Secretary and the Hoopa Valley Tribe concur in these recommendations, any increase to the minimum Trinity River instream fishery releases established under this paragraph and the operating criteria and procedures referred to in subparagraph (A) shall be implemented accordingly. If the Hoopa Valley Tribe and the Secretary do not concur, the minimum Trinity River instream fishery releases established under this paragraph shall remain in effect unless increased by an Act of Congress, appropriate judicial decree, or agreement between the Secretary and the Hoopa Valley Tribe. Costs associated with implementation of this paragraph shall be reimbursable as operation and maintenance expenditures pursuant to existing law.

If the Secretary and the State of California determine that long-term natural fishery productivity in all Central Valley Project controlled rivers and streams resulting from implementation of this section exceeds that which existed in the absence of Central Valley Project facilities, the costs of implementing those measures which are determined to provide such enhancement shall become credits to offset reimbursable costs associated with implementation of this subsection.

(c) SAN JOAQUIN AND STANISLAUS RIVERS.—The Secretary shall, by not later than September 30, 1996:

(1) develop a comprehensive plan, which is reasonable, prudent, and feasible, to address fish, wildlife, and habitat concerns on the San Joaquin River, including but not limited to the streamflow, channel, riparian habitat, and water quality improvements that would be needed to reestablish where necessary and to sustain naturally reproducing anadromous fisheries from Friant Dam to its confluence with the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Such plan shall be developed in cooperation with the California Department of Fish and Game and in coordination with the San Joaquin River Management Program under development by the State of California; shall comply with and contain any documents required by the National Environmental Policy Act and contain findings setting forth the basis for the Secretary's decision to adopt and implement the plan as well as recommendations concerning the need for subsequent Congressional action, if any; and shall incorporate, among other relevant factors, the potential contributions of tributary streams as well as the alternatives to be investigated under paragraph (2) of this subsection. During the time that the Secretary is developing the plan provided for in this subsection, and until such time as Congress has authorized the Secretary to implement such plan, with or without modifications, the Secretary shall not, as a measure to implement this title, make releases for the restoration of flows between Gravelly Ford and the Mendota Pool and shall not thereafter make such releases as a measure to implement this title without a specific Act of Congress authorizing such releases. In lieu of such requirement, and until such time as flows of sufficient quantity, quality and

timing are provided at and below Gravelly Ford to meet the anadromous fishery needs identified pursuant to such plan, if any, entities who receive water from the Friant Division of the Central Valley Project shall be assessed, in addition to all other applicable charges, a $4 per acre-foot surcharge for all Project water delivered on or before September 30, 1997; a $5 per acre-foot surcharge for all Project water delivered after September 30, 1997 but on or before September 30, 1999; and a $7 per acre-foot surcharge for all Project water delivered thereafter, to be covered into the Restoration Fund.

(2) in the course of preparing the Stanislaus River Basin and Calaveras River Water Use Program Environmental Impact Statement and in consultation with the State of California, affected counties, and other interests, evaluate and determine existing and anticipated future basin needs in the Stanislaus River Basin. In the course of such evaluation, the Secretary shall investigate alternative storage, release, and delivery regimes, including but not limited to conjunctive use operations, conservation strategies, exchange arrangements, and the use of base and channel maintenance flows, in order to best satisfy both basin and out-of-basin needs consistent, on a continuing basis, with the limitations and priorities established in the Act of October 23, 1962 (76 Stat. 173). For the purposes of this subparagraph, "basin needs" shall include water supply for agricultural, municipal and industrial uses, and maintenance and enhancement of water quality, and fish and wildlife resources within the Stanislaus River Basin as established by the Secretary's June 29, 1981 Record of Decision; and "out-of-basin" needs shall include all such needs outside of the Stanislaus River Basin, including those of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and those of the San Joaquin River under paragraph (1) of this subsection.

(d) CENTRAL VALLEY REFUGES AND WILDLIFE HABITAT AREAS.—In support of the objectives of the Central Valley Habitat Joint Venture and in furtherance of the purposes of this title, the Secretary shall provide, either directly or through contractual agreements with other appropriate parties, firm water supplies of suitable quality to maintain and improve wetland habitat areas on units of the National Wildlife Refuge System in the Central Valley of California; on the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota state wildlife management areas; and on the Grasslands Resources Conservation District in the Central Valley of California.

(1) Upon enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with level 2 of the "Dependable Water Supply Needs" table for those habitat areas as set forth in the Refuge Water Supply Report and two-thirds of the water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. Such water shall be provided through long-term contractual agreements with appropriate parties and shall be supplemented by the increment of water provided for in paragraph (1) of this subsection; *Provided,* That the Secretary shall be obligated to provide such water whether or not such long-term contractual

agreements are in effect. In implementing this paragraph, the Secretary shall endeavor to diversify sources of supply in order to minimize possible adverse effects upon Central Valley Project contractors.

(2) Not later than ten years after enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with level 4 of the "Dependable Water Supply Needs" table for those habitat areas as set forth in the Refuge Water Supply Report and the full water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. The quantities of water required to supplement the quantities provided under paragraph (1) of this subsection shall be acquired by the Secretary in cooperation with the State of California and in consultation with the Central Valley Habitat Joint Venture and other interests in cumulating increments of not less than ten percent per annum through voluntary measures which include water conservation, conjunctive use, purchase, lease, donations, or similar activities, or a combination of such activities which do not require involuntary reallocations of project yield.

(3) All costs associated with implementation of paragraph (1) of this subsection shall be reimbursable pursuant to existing law. Incremental costs associated with implementation of paragraph (2) of this subsection shall be fully allocated in accordance with the following formula: 75 percent shall be deemed a nonreimbursable Federal expenditure; and 25 percent shall be allocated to the State of California for recovery through direct reimbursements or through equivalent in-kind contributions.

(4) The Secretary may temporarily reduce deliveries of the quantity of water dedicated under paragraph (1) of this subsection up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water; *Provided*, That such reductions shall not exceed in percentage terms the reductions imposed on agricultural service contractors. For the purpose of shortage allocation, the priority or priorities applicable to the increment of water provided under paragraph (2) of this subsection shall be the priority or priorities which applied to the water in question prior to its transfer to the purpose of providing such increment.

(5) The Secretary is authorized and directed to construct or to acquire from non-Federal entities such water conveyance facilities, conveyance capacity, and wells as are necessary to implement the requirements of this subsection; *Provided*, That such authorization shall not extend to conveyance facilities in or around the Sacramento-San Joaquin Delta Estuary. Associated construction or acquisition costs shall be reimbursable pursuant to existing law in accordance with the cost allocations set forth in paragraph (3) of this subsection.

Reports.

(6) The Secretary, in consultation with the State of California, the Central Valley Habitat Joint Venture, and other interests, shall investigate and report on the following supplemental actions by not later than September 30, 1997:

(A) alternative means of improving the reliability and quality of water supplies currently available to privately owned wetlands in the Central Valley and the need, if any, for additional supplies; and

(B) water supply and delivery requirements necessary to permit full habitat development for water dependent wildlife on one hundred and twenty thousand acres supplemental to the existing wetland habitat acreage identified in Table 8 of the Central Valley Habitat Joint Venture's "Implementation Plan" dated April 19, 1990, as well as feasible means of meeting associated water supply requirements.

(e) SUPPORTING INVESTIGATIONS.—Not later than five years after the date of enactment of this title, the Secretary shall investigate and provide recommendations to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House on the feasibility, cost, and desirability of developing and implementing each of the following, including, but not limited to, the impact on the project, its users, and the State of California:

(1) measures to maintain suitable temperatures for anadromous fish survival in the Sacramento and San Joaquin rivers and their tributaries, and the Sacramento-San Joaquin Delta by controlling or relocating the discharge of irrigation return flows and sewage effluent, and by restoring riparian forests;

(2) opportunities for additional hatchery production to mitigate the impacts of water development and operations on, or enhance efforts to increase Central Valley fisheries; *Provided*, That additional hatchery production shall only be used to supplement or to re-establish natural production while avoiding adverse effects on remaining wild stocks;

(3) measures to eliminate barriers to upstream and downstream migration of salmonids in the Central Valley, including but not limited to screening programs, barrier removal programs and programs for the construction or rehabilitation of fish ladders on tributary streams;

(4) installation and operation of temperature control devices at Trinity Dam and Reservoir to assist in the Secretary's efforts to conserve cold water for fishery protection purposes;

(5) measures to provide for modified operations and new or improved control structures at the Delta Cross Channel and Georgiana Slough to assist in the successful migration of anadromous fish; and

(6) other measures which the Secretary determines would protect, restore, and enhance natural production of salmon and steelhead trout in tributary streams of the Sacramento and San Joaquin Rivers, including but not limited to the Merced, Mokulumne, and Calaveras Rivers and Battle, Butte, Deer, Elder, Mill, and Thomes Creeks.

(f) REPORT ON PROJECT FISHERY IMPACTS.—The Secretary, in consultation with the Secretary of Commerce, the State of California, appropriate Indian tribes, and other appropriate public and private entities, shall investigate and report on all effects of the Central Valley Project on anadromous fish populations and the fisheries, communities, tribes, businesses and other interests and entities that have now or in the past had significant economic, social or cultural association with those fishery resources. The Sec-

retary shall provide such report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House of Representatives not later than two years after the date of enactment of this title.

(g) ECOSYSTEM AND WATER SYSTEM OPERATIONS MODELS.—The Secretary, in cooperation with the State of California and other relevant interests and experts, shall develop readily usable and broadly available models and supporting data to evaluate the ecologic and hydrologic effects of existing and alternative operations of public and private water facilities and systems in the Sacramento, San Joaquin, and Trinity River watersheds. The primary purpose of this effort shall be to support the Secretary's efforts in fulfilling the requirements of this title through improved scientific understanding concerning, but not limited to, the following:

(1) a comprehensive water budget of surface and groundwater supplies, considering all sources of inflow and outflow available over extended periods;

(2) related water quality conditions and improvement alternatives, including improved temperature prediction capabilities as they relate to storage and flows;

(3) surface-ground and stream-wetland interactions;

(4) measures needed to restore anadromous fisheries to optimum and sustainable levels in accordance with the restored carrying capacities of Central Valley rivers, streams, and riparian habitats;

(5) development and use of base flows and channel maintenance flows to protect and restore natural channel and riparian habitat values;

(6) implementation of operational regimes at State and Federal facilities to increase springtime flow releases, retain additional floodwaters, and assist in restoring both upriver and downriver riparian habitats;

(7) measures designed to reach sustainable harvest levels of resident and anadromous fish, including development and use of systems of tradeable harvest rights;

(8) opportunities to protect and restore wetland and upland habitats throughout the Central Valley; and

(9) measures to enhance the firm yield of existing Central Valley Project facilities, including improved management and operations, conjunctive use opportunities, development of offstream storage, levee setbacks, and riparian restoration.

All studies and investigations shall take into account and be fully consistent with the fish, wildlife, and habitat protection and restoration measures required by this title or by any other State or Federal law. Seventy-five percent of the costs associated with implementation of this subsection shall be borne by the United States as a nonreimbursable cost; the remaining 25 percent shall be borne by the State of California.

Contracts. Intergovernmental relations.

(h) The Secretary shall enter into a binding cost-share agreement with the State of California with respect to the timely reimbursement of costs allocated to the State in this title. Such agreement shall provide for consideration of the value of direct reimbursements, specific contributions to the Restoration Fund, and water, conveyance capacity, or other contributions in-kind that would supplement existing programs and that would, as determined

by the Secretary, materially contribute to attainment of the goals and objectives of this title.

SEC. 3407. RESTORATION FUND.

(a) RESTORATION FUND ESTABLISHED.—There is hereby established in the Treasury of the United States the "Central Valley Project Restoration Fund" (hereafter "Restoration Fund") which shall be available for deposit of donations from any source and revenues provided under sections 3404(c)(3), 3405(f), 3406(c)(1), and 3407(d) of this title. Amounts deposited shall be credited as offsetting collections. Not less than 67 percent of all funds made available to the Restoration Fund under this title are authorized to be appropriated to the Secretary to carry out the habitat restoration, improvement and acquisition (from willing sellers) provisions of this title. Not more than 33 percent of all funds made available to the Restoration Fund under this title are authorized to be appropriated to the Secretary to carry out the provisions of paragraphs 3406(b)(4)-(6), (10)-(18), and (20)-(22) of this title. Monies donated to the Restoration Fund by non-Federal entities for specific purposes shall be expended for those purposes only and shall not be subject to appropriation.

(b) AUTHORIZATION OF APPROPRIATIONS.—Such sums as are necessary, up to $50,000,000 per year (October 1992 price levels), are authorized to be appropriated to the Secretary to be derived from the Restoration Fund to carry out programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of this title. Any funds paid into the Restoration Fund by Central Valley Project water and power contractors and which are also used to pay for the projects and facilities set forth in section 3406(b), shall act as an offset against any water and power contractor cost share obligations that are otherwise provided for in this title.

(c) MITIGATION AND RESTORATION PAYMENTS BY WATER AND POWER BENEFICIARIES.—

(1) To the extent required in appropriation Acts, the Secretary shall assess and collect additional annual mitigation and restoration payments, in addition to the charges provided for or collected under sections 3404(c)(3), 3405(a)(1)(C), 3405(f), and 3406(c)(1) of this title, consisting of charges to direct beneficiaries of the Central Valley Project under subsection (d) of this section in order to recover a portion or all of the costs of fish, wildlife, and habitat restoration programs and projects under this title.

(2) The payment described in this subsection shall be established at amounts that will result in collection, during each fiscal year, of an amount that can be reasonably expected to equal the amount appropriated each year, subject to subsection (d) of this section, and in combination with all other receipts identified under this title, to carry out the purposes identified in subsection (b) of this section; *Provided,* That, if the total amount appropriated under subsection (b) of this section for the fiscal years following enactment of this title does not equal $50,000,000 per year (October 1992 price levels) on an average annual basis, the Secretary shall impose such charges in fiscal year 1998 and in each fiscal year thereafter, subject to the limitations in subsection (d) of this section, as may be required to yield in fiscal year 1998 and in each fiscal

year thereafter total collections equal to $50,000,000 per year (October 1992 price levels) on a three-year rolling average basis for each fiscal year that follows enactment of this title.

(d) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—

(1) In assessing the annual payments to carry out subsection (c) of this section, the Secretary shall, prior to each fiscal year, estimate the amount that could be collected in each fiscal year pursuant to subparagraphs 2(A) and (B) of this subsection. The Secretary shall decrease all such payments on a proportionate basis from amounts contained in the estimate so that an aggregate amount is collected pursuant to the requirements of paragraph (c)(2) of this section.

(2) The Secretary shall assess and collect the following mitigation and restoration payments, to be covered to the Restoration Fund, subject to the requirements of paragraph (1) of this subsection:

(A) The Secretary shall require Central Valley Project water and power contractors to make such additional annual payments as are necessary to yield, together with all other receipts, the amount required under paragraph (c)(2) of this subsection; *Provided*, That such additional payments shall not exceed $30,000,000 (October 1992 price levels) on a three-year rolling average basis; *Provided further*, That such additional annual payments shall be allocated so as not to exceed $6 per acre-foot (October 1992 price levels) for agricultural water sold and delivered by the Central Valley Project, and $12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project; *Provided further*, That the charge imposed on agricultural water shall be reduced, if necessary, to an amount within the probable ability of the water users to pay as determined and adjusted by the Secretary no less than every five years, taking into account the benefits resulting from implementation of this title; *Provided further*, That the Secretary shall impose an additional annual charge of $25 per acre-foot (October 1992 price levels) for Central Valley Project water sold or transferred to any State or local agency or other entity which has not previously been a Central Valley Project customer and which contracts with the Secretary or any other individual or district receiving Central Valley Project water to purchase or otherwise transfer any such water for its own use for municipal and industrial purposes, to be deposited in the Restoration Fund; *And Provided further*, That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title, the Secretary shall reduce the sums described in paragraph (c)(2) of this section to $35,000,000 per year (October 1992 price levels) and shall reduce the annual mitigation and restoration payment ceiling established under this subsection to $15,000,000 (October 1992 price levels) on a three-year rolling average basis. The amount of the mitigation and restoration payment made by Central Valley Project water and power users, taking into account all funds collected under this title, shall, to the greatest degree practicable, be assessed in

the same proportion, measured over a ten-year rolling average, as water and power users' respective allocations for repayment of the Central Valley Project.

(e) FUNDING TO NON-FEDERAL ENTITIES.—If the Secretary determines that the State of California or an agency or subdivision thereof, an Indian tribe, or a nonprofit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values is able to assist in implementing any action authorized by this title in an efficient, timely, and cost effective manner, the Secretary is authorized to provide funding to such entity on such terms and conditions as he deems necessary to assist in implementing the identified action.

(f) RESTORATION FUND FINANCIAL REPORTS.—The Secretary shall, not later than the first full fiscal year after enactment of this title, and annually thereafter, submit a detailed report to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, and the Committee on Interior and Insular Affairs, the Committee on Merchant Marine and Fisheries, and the Committee on Appropriations of the House of Representatives. Such report shall describe all receipts to and uses made of monies within the Restoration Fund and the Restoration Account during the prior fiscal year and shall include the Secretary's projection with respect to receipts to and uses to be made of the finds during the next upcoming fiscal year.

SEC. 3408. ADDITIONAL AUTHORITIES.

(a) REGULATIONS AND AGREEMENTS AUTHORIZED.—The Secretary is authorized and directed to promulgate such regulations and enter into such agreements as may be necessary to implement the intent, purposes and provisions of this title.

(b) USE OF ELECTRICAL ENERGY.—Electrical energy used to operate and maintain facilities developed for fish and wildlife purposes pursuant to this title, including that used for groundwater development, shall be deemed as Central Valley Project power and shall, if reimbursable, be repaid in accordance with Reclamation law at a price not higher than the lowest price paid by or charged to other Central Valley Project contractors.

(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—The Secretary is authorized to enter into contracts pursuant to Reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private nonprofit organization for the exchange, impoundment, storage, carriage, and delivery of Central Valley Project and non-project water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose, except that nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

(d) USE OF PROJECT FACILITIES FOR WATER BANKING.—The Secretary, in consultation with the State of California, is authorized to enter into agreements to allow project contracting entities to use project facilities, where such facilities are not otherwise committed or required to fulfill project purposes or other Federal obligations, for supplying carry-over storage of irrigation and other water for drought protection, multiple-benefit credit-storage operations, and other purposes. The use of such water shall be consistent with and subject to State law. All or a portion of the water provided

for fish and wildlife under this title may be banked for fish and wildlife purposes in accordance with this subsection.

(e) LIMITATION ON CONSTRUCTION.—This title does not and shall not be interpreted to authorize construction of water storage facilities, nor shall it limit the Secretary's ability to participate in water banking or conjunctive use programs.

(f) ANNUAL REPORTS TO CONGRESS.—Not later than September 30 of each calendar year after the date of enactment of this title, the Secretary shall submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives. Such report shall describe all significant actions taken by the Secretary pursuant to this title and progress toward achievement of the intent, purposes and provisions of this title. Such report shall include recommendations for authorizing legislation or other measures, if any, needed to implement the intent, purposes and provisions of this title.

(g) RECLAMATION LAW.—This title shall amend and supplement the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof.

(h) LAND RETIREMENT.—

(1) The Secretary is authorized to purchase from willing sellers land and associated water rights and other property interests identified in paragraph (h)(2) which receives Central Valley Project water under a contract executed with the United States, and to target such purchases to areas deemed most beneficial to the overall purchase program, including the purposes of this title.

(2) The Secretary is authorized to purchase, under the authority of paragraph (h)(i), and pursuant to such rules and regulations as may be adopted or promulgated to implement the provisions of this subsection, agricultural land which, in the opinion of the Secretary—

(A) would, if permanently retired from irrigation, improve water conservation by a district, or improve the quality of an irrigation district's agricultural wastewater and assist the district in implementing the provisions of a water conservation plan approved under section 210 of the Reclamation Reform Act of 1982 and agricultural wastewater management activities developed pursuant to recommendations specific to water conservation, drainage source reduction, and land retirement contained in the final report of the San Joaquin Valley Drainage Program (September, 1990); or

(B) are no longer suitable for sustained agricultural production because of permanent damage resulting from severe drainage or agricultural wastewater management problems, groundwater withdrawals, or other causes.

(i) WATER CONSERVATION.—

(1) The Secretary is authorized to undertake, in cooperation with Central Valley Project irrigation contractors, water conservation projects or measures needed to meet the requirements of this title. The Secretary shall execute a cost-sharing agreement for any such project or measure undertaken. Under such agreement, the Secretary is authorized to pay up to 100 percent of the costs of such projects or measures. Any water saved

by such projects or measures shall be governed by the conditions of subparagraph 3405(a)(1) (A) and (J) of this title, and shall be made available to the Secretary in proportion to the Secretary's contribution to the total cost of such project or measure. Such water shall be used by the Secretary to meet the Secretary's obligations under this title, including the requirements of paragraph 3406(b)(3). Such projects or measures must be implemented fully by September 30, 1999.

(2) There are authorized to be appropriated through the end of fiscal year 1998 such sums as may be necessary to carry out the provisions of this subsection. Funds appropriated under this subsection shall be a nonreimbursable Federal expenditure.

(j) PROJECT YIELD INCREASE.—In order to minimize adverse effects, if any, upon existing Central Valley Project water contractors resulting from the water dedicated to fish and wildlife under this title, and to assist the State of California in meeting its future water needs, the Secretary shall, not later than three years after the date of enactment of this title, develop and submit to the Congress, a least-cost plan to increase, within fifteen years after the date of enactment of this title, the yield of the Central Valley Project by the amount dedicated to fish and wildlife purposes under this title. The plan authorized by this subsection shall include, but shall not be limited to a description of how the Secretary intends to use the following options:

(1) improvements in, modification of, or additions to the facilities and operations of the project;

(2) conservation;

(3) transfers;

(4) conjunctive use;

(5) purchase of water;

(6) purchase and idling of agricultural land; and

(7) direct purchase of water rights.

Such plan shall include recommendations on appropriate cost-sharing arrangements and shall be developed in a manner consistent with all applicable State and Federal law.

(k) Except as specifically provided in this title, nothing in this title is intended to alter the terms of any final judicial decree confirming or determining water rights.

SEC. 3409. ENVIRONMENTAL REVIEW.

Not later than three years after the date of enactment of this title, the Secretary shall prepare and complete a programmatic environmental impact statement pursuant to the National Environmental Policy Act analyzing the direct and indirect impacts and benefits of implementing this title, including all fish, wildlife, and habitat restoration actions and the potential renewal of all existing Central Valley Project water contracts. Such statement shall consider impacts and benefits within the Sacramento, San Joaquin, and Trinity River basins, and the San Francisco Bay/Sacramento-San Joaquin River Delta Estuary. The cost of the environmental impact statement described in this section shall be treated as a capital expense in accordance with Reclamation law.

SEC. 3410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Funds appro-

priated under this title shall remain available until expended without fiscal year limitation.

SEC. 3411. COMPLIANCE WITH STATE WATER LAW AND COORDINATED OPERATIONS AGREEMENT.

(a) Nothwithstanding any other provision of this title, the Secretary shall, prior to the reallocation of water from any purpose of use or place of use specified within applicable Central Valley Project water rights permits and licenses to a purpose of use or place of use not specified within said permits or licenses, obtain a modification in those permits and licenses, in a manner consistent with the provisions of applicable State law, to allow such change in purpose of use or place of use.

(b) The Secretary, in the implementation of the provisions of this title, shall fully comply with the United States' obligations as set forth in the "Agreement Between the United States of America and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and the State Water Project" dated May 20, 1985, and the provisions of Public Law 99–546; and shall take no action which shifts an obligation that otherwise should be borne by the Central Valley Project to any other lawful water rights permittee or licensee.

SEC. 3412. EXTENSION OF THE TEHAMA-COLUSA CANAL SERVICE AREA.

The first paragraph of section 2 of the Act of September 26, 1950 (64 Stat. 1036), as amended by the Act of August 19, 1967 (81 Stat. 167), and the Act of December 22, 1980 (94 Stat. 3339), authorizing the Sacramento Valley Irrigation Canals, Central Valley Project, California, is further amended by striking "Tehama, Glenn, and Colusa Counties, and those portions of Yolo County within the boundaries of the Colusa County, Dunnigan, and Yolo-Zamora water districts or" and inserting "Tehama, Glenn, Colusa, Solano, and Napa Counties, those portions of Yolo County within the boundaries of Colusa County Water District, Dunnigan Water District, Yolo-Zamora Water District, and Yolo County Flood Control and Water Conservation District, or".

TITLE XXXV—THREE AFFILIATED TRIBES AND STANDING ROCK SIOUX TRIBE EQUITABLE COMPENSATION PROGRAM, NORTH DAKOTA

Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act.

SEC. 3501. SHORT TITLE.

This title may be cited as the "Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act".

SEC. 3502. DEFINITIONS.

As used in this title, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Three Affiliated Tribes" means the Mandan, Hidatsa, and Arikara Tribes that reside on the Fort Berthold Indian Reservation, a Federal reservation established by treaty and agreement between the Tribes and the United States;

(3) "Standing Rock Sioux Tribe" means the members of the Great Sioux Nation that reside on the Standing Rock Indian Reservation, established by treaty between the Tribe and the United States; and

(4) "Joint Tribal Advisory Committee" means the commission established by the Secretary on May 10, 1985, for the purpose of assessing the impacts of the Garrison and Oahe Dams on the Three Affiliated Tribes and the Standing Rock Sioux Tribe.

SEC. 3503. FINDINGS; DECLARATIONS.

(a) FINDINGS.—In recognition of the findings, conclusions, and recommendations of the Secretary's Joint Tribal Advisory Committee, Congress finds that the Three Affiliated Tribes and the Standing Rock Sioux Tribe should be adequately compensated for the taking, in the case of the Three Affiliated Tribes, of one hundred and fifty-six thousand acres of reservation lands and, in the case of the Standing Rock Sioux Tribe, fifty-six thousand acres of reservation lands, as the site for the Garrison Dam and Reservoir, and the Oahe Dam and Reservoir. Congress concurs in the Advisory Committee's findings and conclusions that the Untied States Government did not justly compensate such Tribes when it acquired those lands.

(b) DECLARATIONS.—(1) The Congress declares that the Three Affiliated Tribes are entitled to additional financial compensation for the taking of one hundred and fifty-six thousand acres of their reservation lands, including thousands of acres of prime agricultural bottom lands, as the site for the Garrison Dam and Reservoir, and that such amounts should be deposited in the Recovery Fund established by section 3504(a) for use in accordance with this title.

(2) The Congress declares that the Standing Rock Sioux Tribe is entitled to additional financial compensation for the taking of over fifty-six thousand acres of its reservation lands, as the site for the Oahe Dam and Reservoir, and that such amounts should be deposited in the Standing Rock Sioux Tribe Economic Recovery Fund established by section 3504(b) for use in accordance with this title.

SEC. 3504. FUNDS.

(a) THREE AFFILIATED TRIBES ECONOMIC RECOVERY FUND.—(1) There is established in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund" (hereinafter referred to as the "Recovery Fund").

(2) Commencing with fiscal year 1993, and each fiscal year thereafter, the Secretary of the Treasury shall deposit in the Three Affiliated Tribes Economic Recovery Fund an amount, which shall be nonreimbursable and nonreturnable equal to 25 percent of the receipts from deposits to the United States Treasury for the preceding fiscal year from the integrated programs of the Eastern Division of the Pick-Sloan Missouri River Basin Project administered by the Western Area Power Administration, but in no event shall the aggregate of the amounts deposited to the Fund established by this subsection for compensation for the Three Affiliated Tribes pursuant to this paragraph and paragraph (3) exceed $149,200,000.

(3) For payment to the Three Affiliated Tribes of amounts to which they remain entitled pursuant to the Act entitled "An Act to make certain provisions in connection with the construction of the Garrison Diversion unit, Missouri River Basin Project, by the Secretary of the Interior," approved August 5, 1965 (79 Stat. 433), there is authorized to be appropriated to the Recovery Fund established by subsection (a) for fiscal year 1994 and each of the next following nine fiscal years, the sum of $6,000,000.

(4) The Secretary of the Treasury shall deposit the interest which accrues on deposits to the Three Affiliated Tribes Economic Recovery Fund in a separate account in the Treasury of the United States. Such interest shall be available, without fiscal year limitation, for use by the Secretary of the Interior, commencing with fiscal year 1998, and each fiscal year thereafter, in making payments to the Three Affiliated Tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary. No part of the principal of the Three Affiliated Tribes Economic Development Fund shall be available for making such payments.

(b) STANDING ROCK SIOUX TRIBE ECONOMIC RECOVERY FUND.—(1) There is established in the Treasury of the United States the "Standing Rock Sioux Tribe Economic Recovery Fund."

(2) Commencing with fiscal year 1993, and for each fiscal year thereafter, the Secretary of the Treasury shall deposit in the Standing Rock Sioux Tribe Economic Recovery Fund an amount, which shall be nonreimbursable and nonreturnable equal to 25 percent of the receipts from deposits to the United States Treasury for the preceding fiscal year from the integrated programs of the Eastern Division of the Pick-Sloan Missouri River Basin Project administered by the Western Area Power Administration, but in no event shall the aggregate of the amounts deposited to the Recovery Fund established by this subsection for compensation for the Standing Rock Sioux Tribe pursuant to this paragraph exceed $90,600,000.

(3) The Secretary of the Treasury shall deposit the interest which accrues on deposits to the Standing Rock Sioux Tribe Economic Recovery Fund in a separate account in the Treasury of the United States. Such interest shall be available, without fiscal year limitation, for use by the Secretary of the Interior, commencing with fiscal year 1998, and each fiscal year thereafter, in making payments to the Standing Rock Sioux Tribe for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary. No part of the principal of the Standing Rock Sioux Tribe Economic Recovery Fund shall be available for making such payments.

SEC. 3505. ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.

No payments pursuant to this title shall result in the reduction, or the denial, of any Federal services or programs that the Three Affiliated Tribes or the Standing Rock Sioux Tribe, or any of their members, are otherwise entitled to, or eligible for, because of their status as a federally recognized Indian tribe or member pursuant to Federal law. No payments pursuant to this title shall be subject to Federal or State income tax, or affect Pick-Sloan Missouri River Basin power rates in any way.

SEC. 3506. PER CAPITA PAYMENTS PROHIBITED.

No part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a per capita basis.

SEC. 3507. STANDING ROCK SIOUX INDIAN RESERVATION.

(a) IRRIGATION.—The Secretary of the Interior is authorized to develop irrigation within the boundaries of the Standing Rock Indian Reservation in a two thousand three hundred and eighty acre project service area, except that no appropriated funds are authorized to be expended for construction of this project unless

the Secretary has made a finding of irrigability of the lands to receive water as required by the Act of July 31, 1953 (43 U.S.C. 390a). Repayment for the units authorized under this subsection shall be made pursuant to the Act of July 1, 1932 (25 U.S.C. 386a).

(b) SPECIFIC.—There is authorized to be appropriated, in addition to any other amounts authorized by this title, or any other law, to the Secretary of the Interior $4,660,000 for use by the Secretary of the Interior in carrying out irrigation projects for the Standing Rock Sioux Tribe.

(c) DISCLAIMER.—This section shall not limit future irrigation development, in the event that such irrigation is subsequently authorized.

SEC. 3508. TRANSFER OF LANDS.

(a) FORMER TRIBAL LANDS.—(1) Except as provided in subsection (j), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (d).

(2) The lands referred to in paragraph (1) are those Federal lands which were acquired from the Three Affiliated Tribes by the United States for the Garrison Dam Project pursuant to the Act of October 29, 1949 and which are within the external boundary of the Fort Berthold Indian Reservation and located at or above contour elevation one thousand eight hundred and sixty feet mean sea level.

(b) FOUR BEARS AREA.—All rights, title, and interest of the United States in the following described lands (including the improvements thereon) and underlying Federal minerals are hereby declared to be held in trust by the United States for the Three Affiliated Tribes as part of the Fort Berthold Indian Reservation:

(1) approximately 142.2 acres, more or less, lying above contour elevation one thousand eight hundred and fifty-four feet mean sea level and located south of the southerly right-of-way line of North Dakota State Highway No. 23, in the following sections of Township 152 North, range 93 west of the 5th principal meridian, McKenzie County, North Dakota:

Section 15: south half of the southwest quarter;

Section 21: northeast quarter and northwest quarter of the southeast quarter;

Section 22: north half of the northwest quarter; and

(2) approximately 45.80 acres, more or less, situated in the east half of the southwest quarter and the east half of the west half of the southwest quarter of section 15, lying at or above contour elevation one thousand eight hundred and fifty-four mean sea level, located north of the northerly right-of-way line of North Dakota State Highway No. 23 and Southeasterly of the following described line:

Commencing at a point on the west line of said section 15, said point being 528.00 feet Northerly of the existing northerly right-of-way line of North Dakota State Highway No. 23; thence north 77 00′ 00″ east to the west line of said east half of the west half of the southwest quarter of section 15, and the point of beginning of such line; thence northeasterly to the northwest corner of the east half of the southwest quarter and the point of termination.

(c) FORMER NONTRIBAL LANDS.—(1) Except as provided in subsection (j), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (d).

(2) The lands referred to in paragraph (1) are—

(A) those Federal lands acquired from individual Indian owners by the United States for the Garrison Dam Project pursuant to the Act of October 29, 1949; and

(B) those lands acquired from non-Indian owners by the United States for such Project (either by purchase or condemnation);

and which are within the external boundary of the Fort Berthold Reservation, and located at or above contour elevation one thousand eight hundred and sixty feet mean sea level.

(d) RIGHT OF FIRST REFUSAL.—(1) The Secretary of the Interior shall, within one year following the date of the enactment of this title, offer to the Three Affiliated Tribes, and to such individual Indian owners and non-Indian owners from whom such lands were acquired, or their heirs or assigns, a right of first refusal, for a period to be determined by the Secretary of the Interior not to exceed twelve months following notice of the offer to such Tribes, owners, heirs, or assigns, to purchase at fair market value any land, in the case of the Three Affiliated Tribes, described in subsection (b), and in the case of individual Indian and non-Indian owners, described in subsection (c), which was so acquired. If any such former owner, or his or her heirs or assigns, refuses or fails to exercise his or her right to repurchase, an option to purchase such land shall be afforded to the Three Affiliated Tribes.

(2) Lands purchased from the Secretary of the Interior by former owners, or their heirs or assigns, under this subsection shall not be sold by former owners, their heirs or assigns, within the 5-year period following such purchase, unless the Three Affiliated Tribes has been afforded a right of first refusal to purchase such lands. Such right of first refusal shall afford the Tribes—

(A) thirty days from such notification to inform the prospective seller whether the Tribes intend to exercise their right of first refusal to purchase such lands at the price of the bona fide offer; and

(B) one year from such notification to complete the purchase of such lands under their right of first refusal.

(e) CONSIDERATION.—In consideration for the transfer of the lands described above, the Secretary of the Interior, or his designee, shall be responsible for determining the location of contour elevations one thousand eight hundred and sixty feet mean sea level (for subsections (a) and (c)) and one thousand eight hundred and fifty-four feet mean sea level (for subsection (b)) by surveying and monumenting such contour at intervals no greater than five hundred feet. The survey and monumentation shall be completed within two years after the date of the enactment of this title.

(f) RESERVATIONS.—The United States hereby reserves the perpetual right, power, privilege, and easement permanently to overflow, flood, submerge, saturate, percolate, and erode the land described in subsections (a), (b), and (c) in connection with the operation and maintenance of the Garrison Dam Project, as authorized by the Act of Congress approved December 22, 1944, and the continuing right to clear and remove any brush, debris, and

natural obstructions which, in the opinion of the Secretary of the Army, may be detrimental to the Project. The Three Affiliated Tribes, and the owners or their heirs or assigns who reacquired such lands pursuant to this title may exercise all other rights and privileges on the land except for those rights and privileges which would interfere with or abridge the rights and easements hereby reserved.

(g) PROHIBITIONS.—With respect to any lands described in this section that are below one thousand eight hundred and sixty feet mean sea level, no structures for human habitation shall be constructed or maintained on the land, and no other structures shall be constructed or maintained on the land except as may be approved in writing by the Secretary of the Army.

(h) EXCAVATION.—With respect to lands described in subsection (a), (b), or (c), no excavation shall be conducted and no landfill placed on the land without approval by the Secretary of the Army as to the location and method of excavation or placement of landfill.

(i) DISCLAIMER.—Nothing in this section shall deprive any person of any right-of-way, leasehold, or other right, interest, or claim which such person may have in the lands described in subsections (a), (b), and (c) prior to the date of the enactment of this title.

(j) TRUST LANDS.—(1) All rights, title, and interest of the United States in the improvements and recreation facilities described in paragraph (2) are hereby declared to be held in trust by the United States for the Three Affiliated Tribes.

(2) The improvements and facilities referred to in paragraph (1) are the Red Butte Bay Public Use Area and the Deepwater Bay Public Use Area. The recreation facilities include those facilities located both above and below contour elevation 1,860 feet mean sea level.

(3) The improvements and facilities described in this subsection are transferred as is and without warranty of any kind, and the Corps of Engineers shall have no obligation or responsibility to operate, maintain, repair, or replace any of such improvements or facilities. Operation and maintenance of the improvements and recreational facilities in this subsection shall be the responsibility of the Department of the Interior.

SEC. 3509. TRANSFER OF LANDS AT OAHE DAM AND LAKE PROJECT.

(a) FORMER TRIBAL LANDS.—(1) Except as provided in subsection (i), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (c).

(2) The lands referred to in paragraph (1) are those Federal lands which were acquired from the Standing Rock Sioux Tribe by the United States for the Oahe Dam Reservoir Project pursuant to the Act of September 2, 1958 (Public Law 85-915), and—

(A) which extend southerly from the south shore of Cannonball River, in Sioux County, North Dakota, to a point along the boundary between the Standing Rock and Cheyenne River Indian Reservations, in Dewey County, South Dakota; and

(B) which are located at or above contour elevation one thousand six hundred and twenty feet mean sea level.

(b) FORMER NONTRIBAL LANDS.—(1) Except as provided in subsection (i), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including

the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (c).

(2) The lands referred to in paragraph (1) are those Federal lands acquired from individual Indian owners by the United States for the Oahe Dam and Reservoir Project pursuant to the Act of September 2, 1958 (Public Law 85–915), and from non-Indian owners (either by purchase or condemnation), and

(A) which extend southerly from the south shore of the Cannonball River, in Sioux County, North Dakota to a point along the boundary between the Standing Rock and Cheyenne River Indian Reservations, in Dewey County, South Dakota; and

(B) which are located at or above contour elevation one thousand six hundred and twenty feet mean sea level.

(c) RIGHT OF FIRST REFUSAL.—(1) The Secretary of the Interior shall, within one year following the date of the enactment of this title, offer to the Standing Rock Sioux Tribe, and to such individual Indian owners and non-Indian owners from whom such lands were acquired, or their heirs or assigns, a right of first refusal, for a period to be determined by the Secretary of the Interior not to exceed twelve months following notice of the offer to the Standing Rock Sioux Tribe, owners, heirs or assigns, to purchase at fair market value any land, in the case of the Standing Rock Sioux Tribe, described in subsection (a), and in the case of individual Indian and non-Indian owners, described in subsection (b), which was so acquired. If any such owner, or his or her heirs or assigns, refuses or fails to exercise their right to repurchase, an option to purchase such lands shall be afforded to the Standing Rock Sioux Tribe.

(2) Lands purchased from the Secretary of the Interior by such former owners, or their heirs or assigns, under this subsection shall not be sold by the former owners, their heirs or assigns, within the five-year period following such purchase, unless the Standing Rock Sioux Tribe has been afforded a right of first refusal to purchase such lands. Such right of first refusal shall afford the Tribe—

(A) thirty days from such notification to inform the prospective seller whether the Tribe intends to exercise its right of first refusal to purchase such lands at the price of the bona fide offer, and

(B) one year from such notification to complete the purchase of such lands under its right of first refusal.

(d) CONSIDERATION.—In consideration for the transfer of the lands described above, the Secretary of the Interior, or his designee, shall be responsible for determining the location of contour elevation one thousand six hundred and twenty feet mean sea level by surveying and monumenting such contour at intervals no greater than five hundred feet. The survey and monumentation shall be completed within two years after the date of the enactment of this title.

(e) RESERVATIONS.—The United States hereby reserves the perpetual right, power, privilege and easement permanently to overflow, flood, submerge, saturate, percolate and erode the land described in subsections (a) and (b) in connection with the operation and maintenance of the Oahe Dam and Lake Project, as authorized by the Act of Congress approved December 22, 1944, and the continuing right to clear and remove any brush, debris and natural

obstructions which, in the opinion of the Secretary of the Army may be detrimental to the Project. The Standing Rock Sioux Tribe, and the owners or their heirs and assigns, who reacquired any such lands pursuant to this title, may exercise all other rights and privileges on the land except for those rights and privileges which would interfere with or abridge the rights and easement hereby reserved.

(f) PROHIBITIONS.—With respect to lands described in this section that are below one thousand six hundred and twenty feet mean sea level, no structures for human habitation shall be constructed or maintained on the land and no other structures shall be constructed or maintained on the land except as may be approved in writing by the Secretary of the Army.

(g) EXCAVATION.—With respect to lands described in subsections (a) or (b), no excavation shall be conducted and no landfill placed on the land without approval by the Secretary of the Army as to the location and method of excavation or placement of landfill.

(h) DISCLAIMER.—Nothing in this section shall deprive any person of any right-of-way, leasehold, or other right, interest, or claim which such person may have in the lands described in subsections (a) and (b) prior to the date of the enactment of this title.

(i) TRUST LANDS.—(1) All rights, title and interest of the United States in the improvements and recreation facilities described in paragraph (2) are hereby declared to be held in trust by the United States for the Standing Rock Sioux Tribe.

(2) The improvements and facilities referred to in paragraph (1) are the levee around the City of Fort Yates, North Dakota, and the recreation facilities located at the Fort Yates Recreation Area, the Walker Bottoms Recreation Area, and the Grand River Recreation Area, including those recreation facilities located both above and below contour elevation one thousand six hundred and twenty feet mean sea level.

(3) The improvements and facilities described in this subsection are transferred as is and without warranty of any kind, and the Corps of Engineers shall have no obligation or responsibility to operate, maintain, repair or replace any of such improvements or facilities. Operation and maintenance of the improvements and recreational facilities in this subsection shall be the responsibility of the Department of the Interior.

(j) EXCEPTION.—Notwithstanding subsection (i), the transfer of such improvements and facilities pursuant to subsection (i) does not include the improvements and facilities located at the Indian Memorial Recreation Area and the Grand River Fish Spawning Station, unless and until the State of South Dakota consents in writing and then only upon amendment of the "Agreement Between the United States and the State of South Dakota for Recreation and Fish and Wildlife Development at Lake Oahe, South Dakota" entered into on September 2, 1983, which amendment shall specifically provide for such transfer.

(k) FISH AND WILDLIFE.—Notwithstanding any other provision of law, the lands transferred under subsection (a) which, prior to the date of enactment of this title, were designated by the Corps of Engineers as mitigation lands for purposes of fish and wildlife conservation in accordance with the Fish and Wildlife Conservation Act of 1958, shall be included in any subsequent determination of the Corps' compliance with the fish and wildlife mitigation requirements of the Fish and Wildlife Conservation Act

of 1958. The Standing Rock Sioux Tribe shall use its best efforts to conduct fish and wildlife conservation and mitigation on such lands. Notwithstanding the provisions of the Fish and Wildlife Conservation Act of 1958, the State of South Dakota shall have no claim, right, or cause of action pursuant to Federal law to compel designation of additional lands currently under the jurisdiction of the Corps of Engineers, for purposes of fish and wildlife conservation in lieu of the lands transferred by subsection (a).

SEC. 3510. CONFORMING AMENDMENT.

Section 10(a)(2) of Public Law 89–108 is amended by striking "$67,910,000" and inserting "$7,910,000."

79 Stat. 433.

SEC. 3511. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 3504 of this title.

TITLE XXXVI—SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT, CALIFORNIA

SEC. 3601. SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of the Army is directed to develop and carry out in accordance with this section a three hundred and twenty-acre Sonoma Baylands wetland demonstration project in the San Francisco Bay-Delta estuary, California. The project shall utilize dredged material suitable for aquatic disposal to restore, protect, and expand the Sonoma Baylands for the purposes of preserving waterfowl, fish, and other wetland dependent species of plants and animals and to provide flood control, water quality improvement, and sedimentation control.

(b) ADDITIONAL PROJECT PURPOSES.—In addition to the purposes described in subsection (a), the purposes of the project under this section are to restore tidal wetlands, provide habitat for endangered species, expand the feeding and nesting areas for waterfowl along the Pacific flyway, and demonstrate the use of suitable dredged material as a resource, facilitating the completion of Bay Area dredging projects in an environmentally sound manner.

(c) PLAN.—

(1) GENERAL REQUIREMENT.—The Secretary, in cooperation with appropriate Federal and State agencies, and in accordance with applicable Federal and State environmental laws, shall develop in accordance with this subsection a plan for implementation of the Sonoma Baylands project under this section.

(2) CONTENTS.—The plan shall include initial design and engineering, construction, general implementation and site monitoring.

(3) TARGET DATES.—

(A) FIRST PHASE.—The first phase of the plan for final design and engineering shall be completed within six months of the date of the enactment of this Act.

(B) SECOND PHASE.—The second phase of the plan, including the construction of on-site improvements, shall be completed within ten months of the date of the enactment of this Act.

(C) THIRD PHASE.—The third phase of the plan, including dredging, transportation, and placement of material, shall be started no later than July 1, 1994.

(D) FOURTH PHASE.—The final phase of the plan shall include monitoring of project success and function and remediation if necessary.

Contracts.

(d) NON-FEDERAL PARTICIPATION.—Any work undertaken pursuant to this title shall be initiated only after non-Federal interests have entered into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to:

(1) provide 25 percent of the cost associated with the project, including provision of all lands, easements, rights-of-way, and necessary relocations; and

(2) pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation costs associated with the project.

(e) REPORTS TO CONGRESS.—The Secretary shall report to Congress at the end of each of the time periods referred to in subsection (c)(3) on the progress being made toward development and implementation of the project under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for carrying out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

San Carlos Apache Tribe Water Rights Settlement Act of 1992. Contracts. Claims.

TITLE XXXVII—SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT, ARIZONA

SEC. 3701. SHORT TITLE.

This title may be cited as the "San Carlos Apache Tribe Water Rights Settlement Act of 1992".

SEC. 3702. CONGRESSIONAL FINDINGS.

(a) SPECIFIC FINDINGS.—The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) qualification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation economies, particularly in arid western States;

(4) on November 9, 1871, and by actions subsequent thereto, the United States Government established a reservation for the San Carlos Apache Tribe in Arizona;

(5) the United States, as trustee for the San Carlos Apache Tribe, obtained water entitlements for the Tribe pursuant to the Globe Equity Decree of 1935; however, continued uncertainty as to the full extent of the Tribe's entitlement to water has severely limited the Tribe's access to water and financial resources necessary to develop its valuable agricultural lands and frustrated its efforts to reduce its dependence

on Federal program funding and achieve meaningful self-determination and self-sufficiency;

(6) proceedings to determine the full extent and nature of the Tribe's water rights are currently pending before the United States District Court in Arizona and in the Superior Court of the State of Arizona in and for Maricopa County, as part of the General Adjudication of the Gila River System and Source;

(7) recognizing that final resolution of pending litigation will take many years and entail great expense to all parties, continue economically and socially damaging limits to the Tribe's access to water, prolong uncertainty as to the availability of water supplies and seriously impair the long-term economic planning and development of all parties, the Tribe and its neighboring non-Indian communities have sought to settle their dispute to water and reduce the burdens of litigation;

(8) after lengthy negotiations, which included participation by representatives of the United States Government, the Tribe, and neighboring non-Indian communities of the Salt River and Gila River Valleys, who are all party to the General Adjudication of the Gila River System and Source, the parties are prepared to enter into an Agreement to resolve all water rights claims between and among themselves, to quantify the Tribe's entitlement to water, and to provide for the orderly development of the Tribe's lands;

(9) pursuant to the Agreement, the neighboring non-Indian communities will relinquish claims to approximately fifty-eight thousand seven hundred and thirty-five acre-feet of surface water to the Tribe, provide the means of storing water supplies of the Tribe behind Coolidge Dam on the Gila River in Arizona to enhance fishing, recreation, and other environmental benefits, and make substantial additional contributions to carry out the Agreement's provisions; and

(10) to advance the goal of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Agreement and contribute funds for the rehabilitation and expansion of existing reservation irrigation facilities so as to enable the Tribe to utilize fully its water resources in developing a diverse, efficient reservation economy.

(b) PURPOSES OF TITLE.—It is the purpose of this title—

(1) to approve, ratify, and confirm the Agreement to be entered into by the Tribe and its neighboring non-Indian communities,

(2) to authorize and direct the Secretary of the Interior to execute and perform such Agreement, and

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Tribe as provided in the Agreement and this title.

SEC. 3703. DEFINITIONS.

For purposes of this title:

(1) "Active conservation capacity" means that storage space, exclusive of bank storage, available to store water which can be released through existing reservoir outlet works.

(2) "Agreement" means that agreement among the San Carlos Apache Tribe; the United States of America; the State

of Arizona; the Salt River Project Agricultural Improvement and Power District; the Salt River Valley Water Users' Association; the Roosevelt Water Conservation District; the Arizona cities of Chandler, Glendale, Globe, Mesa, Safford, Scottsdale and Tempe, the town of Gilbert; Buckeye Water Conservation and Drainage District, Buckeye Irrigation Company, the Phelps Dodge Corporation and the Central Arizona Water Conservation District, together with all exhibits thereto, as the same is executed by the Secretary of the Interior pursuant to sections 3710(c) and 3711(a)(7) of this title.

(3) "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(4) "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 15, 1972, for the delivery of water and repayment of costs of the Central Arizona Project.

(5) "Globe Equity Decree" means the decree dated June 29, 1935, entered in the United States of America v. Gila Valley Irrigation District, et al., Globe Equity 59, in the District Court of the United States in and for the District of Arizona, and all decrees and decisions supplemental thereto.

(6) "Reservation" means the reservation authorized by the Treaty with the Apache Nation dated July 1, 1852 (10 Stat. 979), established by the Executive orders of November 9, 1871 and December 14, 1872, as modified by subsequent Executive orders and Acts of Congress including the Executive order of August 5, 1873.

(7) "RWCD" means the Roosevelt Water Conservation District, an irrigation district organized under the laws of the State of Arizona.

(8) "Secretary" means the Secretary of the Interior.

(9) "SRP" means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona Corporation.

(10) "SCIP" means the San Carlos Irrigation Project authorized pursuant to the Act of June 7, 1924 (42 Stat. 475), expanded pursuant to the Act of March 7, 1928 (45 Stat. 200, 210), and administered by the Bureau of Indian Affairs.

(11) "Tribe" means the San Carlos Apache Tribe, a tribe of Apache Indians organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and duly recognized by the Secretary.

SEC. 3704. WATER.

(a) REALLOCATION OF WATER.—The Secretary shall reallocate, for the exclusive use of the Tribe, all of the water referred to in subsection (f)(2) of section 2 of the Act of October 19, 1984 (98 Stat. 2698), which is not required for delivery to the Ak-Chin Indian Reservation under that Act. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-0906-09W-09245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from

CAWCD's repayment obligation and such costs shall be nonreimbursable.

(b) PARTIAL SATISFACTION OF CLAIMS.—Notwithstanding any other provision of this title, in the event the authorizations contained in section 3708(b) do not become effective, the water referred to in subsection 3704(a) of this title shall constitute partial satisfaction of the Tribe's claims for water in the proceeding entitled "In Re the General Adjudication of All Rights To Use Water in the Gila River System and Source", Maricopa County Superior Court Nos. W–091, W–092, W–093, and W–094 (consolidated), as against the parties identified in section 3703(2) of this title.

(c) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe an annual entitlement to fourteen thousand six hundred and fifty-five acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to Phelps Dodge Corporation in the Notice of Final Water Allocations to Indian and Non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 F.R. 12446 et seq.). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Except as provided in subsection (e)(3) of section 3706, water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14–0906–09W–09245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(d) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe an annual entitlement to three thousand four hundred and eighty acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to the city of Globe, Arizona, in the Notice of Final Water Allocations to Indian and Non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 F.R. 12466 et seq.). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Except as provided in subsection (e)(3) of section 3706, water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14–0906–09W–09245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be reimbursable.

(e) WATER STORAGE POOL.—Notwithstanding the Act of June 7, 1924 (43 Stat. 475), as amended by the Act of March 7, 1928 (45 Stat. 200, 210), in order to permit the Tribe to maintain permanently a pool of stored water for fish, wildlife, recreation and other purposes, the Secretary shall designate for the benefit of the Tribe such active conservation capacity behind Coolidge Dam

on the Gila River in Arizona as is not being used by the Secretary to meet the obligations of SCIP for irrigation storage, except that any water stored by the Tribe shall be the first water to spill ("spill water") from Coolidge Dam. The water stored by the Tribe shall be, at the Tribe's designation, the water provided to the Tribe pursuant to subsections (a), (c) and (d) of this section, its entitlement of twelve thousand and seven hundred acre-feet of water under its Tribal CAP Delivery Contract dated December 11, 1981; the water referred to in section 3710(f), or any combination thereof. A pro rata share of evaporation and seepage losses shall be deducted daily from the Tribe's stored water balance as provided in the Agreement. The Tribe shall pay an equitable share of the operation and maintenance costs for the water stored for the benefit of the Tribe, subject to the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386 et seq.). The water stored by the Tribe pursuant to this subsection shall not be subject to apportionments pursuant to Article VIII (2) of the Globe Equity Decree. Not later than January 31 of each year, the Secretary shall notify the United States District Court for the District of Arizona of the Tribe's stored water balance as of January 1 of that year. The Secretary shall notify said Court of the Tribe's stored water balance at least once per calendar month and at such more frequent intervals as conditions, in the Secretary's judgment, may require.

(f) EXECUTION OF AGREEMENT.—The Secretary shall execute the Agreement which establishes, as between and among the parties to Agreement, the Tribe's permanent right, except as provided in paragraphs 13.0, 14.0 and 15.0 of the Agreement, to the on-reservation diversion and use of all ground water beneath the Tribe's Reservation, subject to the management plan referred to in section 3710(d) of this title, and all surface water in all tributaries within the Tribe's Reservation to the mainstreams of: The Black River, the Salt River below its confluence with the Black River, the San Pedro River and the Gila River, including the right, except as provided in paragraphs 14.0 and 15.0 of the Agreement, to fully regulate and store such water on the tributaries. The Tribe's rights to the mainstream of Black River, San Pedro River and the Gila River shall be as provided in the Agreement and the Globe Equity Decree. With respect to parties not subject to the waiver authorized by subsection 3708(b) of this title, the claims of the Tribe and the United States, as trustee for the Tribe, are preserved.

(g) GILA RIVER EXCHANGES.—Any exchange pursuant to this legislation of Gila River water for water supplied by the CAP shall not amend, alter or conflict with the exchanges authorized by section 304(f) of the Colorado River Basin Project Act (43 U.S.C. 1524(f)).

SEC. 3705. RATIFICATION AND CONFIRMATION OF CONTRACTS.

(a) RATIFICATION OF CONTRACT.—Except as provided in section 3710(i), the contract between the SRP and RWCD District dated October 24, 1924, together with all amendments thereto and any extension thereto entered into pursuant to the Agreement, is ratified, confirmed, and declared to be valid.

(b) SUBCONTRACT.—The Secretary shall revise the subcontract of the Roosevelt Water Conservation District for agricultural water service from the CAP to include an addendum substantially in the form of exhibit "A" to the Agreement and to execute the sub-

contract as revised. Notwithstanding any other provision of law, the Secretary shall approve the conversions of agricultural water to municipal and industrial uses authorized by the addendum at such time or times as the conditions authorizing such conversions, as set forth in the addendum, are found to exist.

(c) RESTRICTIONS.—The lands within RWCD and SRP shall be free from the ownership and full cost pricing limitations of Federal reclamation law and from all full cost pricing provisions of Federal law.

(d) DISCLAIMER.—No person, entity or lands shall become subject to the provisions of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) or any full cost pricing provision of Federal law by virtue of their participation in the settlement or their execution and performance of the Agreement, or the use, storage or delivery of CAP water pursuant to a lease, sublease or exchange of water to which the Tribe is entitled under this title.

(e) FULL COST PRICING PROVISIONS.—The lands within the Tribe's Reservation shall be free from all full cost pricing provisions of Federal law.

(f) CERTAIN EXTENSIONS AUTHORIZED.—Notwithstanding any other provision of law or any other provision of this title, the Secretary, subject to tribal approval, is authorized and directed to: extend the term of that right-of-way permit granted to Phelps Dodge Corporation on March 8, 1950, and all amendments thereto, for the construction, operation and maintenance of an electrical transmission line and existing road for access to those facilities over the lands of the Tribe; extend the term of that right-of-way permit numbered 2000089 granted on July 25, 1944, to Phelps Dodge Corporation, and all amendments thereto, for the construction, use, operation and maintenance of a water plant, pipeline, canal, water flowage easement through Willow Creek and existing road for access to those facilities over the lands of the Tribe; and grant a water flowage easement through the portions of Eagle Creek flowing through the Tribe's Reservation. Notwithstanding any other provision of law, each such right-of-way and flowage easement shall be for a term expiring on March 8, 2090, and shall be subject to the right of Phelps Dodge to renew the rights-of-way and flowage easements for an additional term of up to one hundred years, subject to payment of rental at a rate based upon fair market retail value.

SEC. 3706. WATER DELIVERY CONTRACT AMENDMENTS; WATER LEASE, WATER WITHDRAWAL.

(a) AMENDMENT OF CONTRACT.—The Secretary shall amend the CAP water delivery contract between the United States and the Ak-Chin Indian Community dated December 11, 1980, and the contract between the United States and the Ak-Chin Indian Community dated October 2, 1985, as is necessary to satisfy the requirements of section 3704(a) of this title.

(b) CONTRACT AMENDMENT.—The Secretary shall amend the CAP water delivery contract between the United States and the Tribe dated December 11, 1980 (hereinafter referred to as the "Tribal CAP Delivery Contract"), as follows:

(1) To include the obligation by the United States to deliver water to the Tribe upon the same terms and conditions set forth in the Tribal CAP Delivery Contract as follows: water from those sources described in subsections (a), (c), and (d)

of section 3704 of this title; except that the water reallocated pursuant to such subsections shall retain the priority such water had prior to its reallocation. The cost to the United States to meet the Secretary's obligation to design and construct new facilities to deliver CAP water shall not exceed the cost of construction of the delivery and distribution system for the twelve thousand and seven hundred acre-feet of CAP water originally allocated to the Tribe.

(2) To extend the term of such contract to December 31, 2100, and to provide for its subsequent renewal upon the same terms and conditions as the Tribal CAP Delivery Contract, as amended.

(3) To authorize the Tribe to lease or to enter into an option or options to lease the water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, within Maricopa, Pinal and Pima Counties for terms not exceeding one hundred years and to renew such leases.

(4) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, to the city of Scottsdale under the terms and conditions of the Water Lease set forth in Exhibit "B" to the Agreement.

(5) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, including, but not limited to, the cities of Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe and the town of Gilbert.

(c) APPROVAL OF AMENDMENTS.—Notwithstanding any other provision of law, the amendments to the Tribal CAP Delivery Contract set forth in Exhibit "C" to the Agreement are hereby authorized, approved and confirmed.

(d) CHARGES NOT TO BE IMPOSED.—The United States shall not impose upon the Tribe the operation, maintenance and replacement charges described and set forth in section 6 of the Tribal CAP Delivery Contract or any other charge with respect to CAP water delivered or required to be delivered to the lessee or lessees of the options to lease or leases herein authorized.

(e) WATER LEASE.—Except as provided in paragraph (3) of this subsection, any Water Lease entered into by the Tribe as authorized by section 3706 shall specifically provide that—

(1) the lessee shall pay all operation, maintenance and replacement costs of such water to the United States, or if directed by the Secretary, to CAWCD;

(2) except as provided in paragraph (3) of this subsection, the lessee shall not be obligated to pay water service capital charges or municipal and industrial subcontract charges or any other charges or payment for such CAP water other than the operation, maintenance and replacement costs and lease payments; and

(3) with respect to the water reallocated to the Tribe pursuant to subsections (c) and (d) of section 3704, the Tribe or lessee shall pay any water service capital charges or municipal and industrial subcontract charges for any water use or lease from the effective date of this title through September 30, 1995.

(f) ALLOCATION AND REPAYMENT OF COSTS.—For the purpose of determining allocation and repayment of costs of the CAP as

rovided in Article 9.3 of Contract Numbered 14–0906–09W–09245, mendment No. 1, between the United States of America and AWCD dated December 1, 1988, and any amendment or revision ereof, the costs associated with the delivery of water to which e Tribe is entitled under the Tribal Delivery Contract, as amend-l, to the lessee or lessees of the options to lease or leases herein ithorized shall be nonreimbursable, and such costs shall be cluded from CAWCD's repayment obligation.

(g) AGREEMENTS.—The Secretary shall, in consultation with e Tribe, enter into agreements necessary to permit the Tribe exchange, within the State of Arizona, all or part of the water railable to it under its Tribal CAP Delivery Contract, as amended.

(h) RATIFICATION.—As among the parties to the Agreement, e right of the city of Globe to withdraw and use water from ider the Cutter subarea under the Agreement, as limited and nditioned thereunder, is hereby ratified and confirmed.

(i) USE OF WATER.—As among the parties to the Agreement, e right of the city of Safford to withdraw and use water from e Bonita Creek watershed as provided in the Agreement, as mited and conditioned thereunder, is hereby ratified and con-rmed.

(j) WITHDRAWAL AND USE OF WATER.—As between the Tribe d Phelps Dodge, the right of Phelps Dodge to divert, withdraw id use water as provided in the Agreement, as limited and condi-oned thereunder, is hereby ratified and confirmed.

(k) PROHIBITIONS.—Except as authorized by this section, no ater made available to the Tribe pursuant to the Agreement, e Globe Equity Decree, or this title may be sold, leased, trans-rred or in any way used off the Tribe's Reservation.

EC. 3707. CONSTRUCTION AND REHABILITATION; TRUST FUND.

(a) DUTIES.—

(1) The Secretary is directed, pursuant to the existing authority of the Colorado River Basin Project Act (43 U.S.C. 1501 et. seq.), to design and construct new facilities for the delivery of 12,700 acre-feet of CAP water originally allocated to the Tribe to tribal reservation lands at a cost which shall not exceed the cost for such design and construction which would have been incurred by the Secretary in the absence of the Agreement and this title;

(2) The Secretary of Commerce is directed to amend the contract between the United States Economic Development Administration and the Tribe relating to the construction of Elgo Dam on the San Carlos Apache Indian Reservation, Project No. 07–0981–09000210, to provide that all remaining repayment obligations owing to the United States on the date of the enactment of this title are discharged.

(b) FUND.—There is established in the Treasury of the United tates a fund to be known as the "San Carlos Apache Tribe Develop-ient Trust Fund" (hereinafter called the "Fund") for the exclusive se and benefit of the Tribe. The Secretary shall deposit into e Fund the funds authorized to be appropriated in subsection) and the $3,000,000 provided by the State of Arizona pursuant the Agreement. There shall be deposited into the Fund any ionies paid to the Tribe or to the Secretary on behalf of the ribe from leases or options to lease water authorized by section 706 of this title. Such sums shall be invested in interest-bearing

Securities.

1938 (25 U.S.C. 162(a)).

(c) AUTHORIZATION.—There are authorized to be appropriated $38,400,000 in fiscal year 1994, together with interest accruing thereon beginning one year from the date of enactment of this title at rates determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, to carry out the provisions of subsection (b).

(d) USE OF FUND.—When the authorizations contained in section 3708(b) of this title are effective, the principal of the Fund and any interest or income accruing thereon may be used by the Tribe to put to beneficial use the Tribe's water entitlement, to defray the cost to the Tribe of CAP operation, maintenance and replacement charges as appropriate, and for other economic and community development purposes. The income from the Fund shall be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The principal from the Fund may be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council and the Secretary. Such principal may thereafter be expended only in accordance with such budget: *Provided, however,* That the principal may only be utilized for long-term economic development projects. In approving a budget for the distribution of income or principal, the Secretary shall, in accordance with regulations promulgated pursuant to subsection (e) of this section, be assured that methods exist and will be employed to ensure that use of the funds shall be in accordance with the approved budget.

(e) REGULATIONS.—The Secretary shall, no later than thirty days after the date the authorizations contained in section 3708(b) are effective, promulgate regulations necessary to carry out the purposes of subsection (d).

(f) DISCLAIMER.—The United States shall not be liable for any claim or cause of action arising from the Tribe's use or expenditure of moneys distributed from the Fund.

SEC. 3708. SATISFACTION OF CLAIMS.

(a) FULL SATISFACTION OF CLAIMS.—Except as provided in subsection (e) of this section, the benefits realized by the Tribe and its members under this title shall constitute full and complete satisfaction of all members' claims for water rights or injuries to water rights under Federal, State, and other laws (including claims for water rights in ground water, surface water, and effluent) from time immemorial to the effective date of this title. Notwithstanding the foregoing, nothing in this title shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's Reservation.

(b) RELEASE.—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, are authorized, as part of the performance of the obligations under the Agreement,

execute a waiver and release, except as provided in the Agree-
ent, of all claims of water rights or injuries to water rights
cluding water rights in ground water, surface water and effluent),
m time immemorial to the effective date of this title, and any
d all future claims of water rights (including water rights in
ound water, surface water and effluent), from and after the effec-
e date of this title, which the Tribe and its members may have,
ainst the United States, the State of Arizona or any agency
political subdivision thereof, or any other person, corporation,
municipal corporation, arising under the laws of the United
tes, the State of Arizona or otherwise.

(c) ADDITIONAL RELEASES.—Except as provided in the Agree-
ent, the United States shall not assert any claim against the
te of Arizona or any political subdivision thereof, or any person,
rporation or municipal corporation, arising under the laws of
e United States, the State of Arizona or otherwise in its own
ht or on behalf of the Tribe based upon—

(1) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) of the Tribe and its members, or

(2) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) held by the United States on behalf of the Tribe and its members.

(d) SAVINGS PROVISION.—In the event the authorizations con-
ined in subsection (b) of this section do not become effective
rsuant to section 3711(a), the Tribe and the United States shall
tain the right to assert past and future water rights claims
to all Reservation lands.

(e) DISCLAIMER.—Nothing in this title shall affect the water
ht or claims related to the San Carlos Apache Allotments outside
e exterior boundaries of the Reservation.

(f) CLAIMS.—(1) The United States District Court for the Dis-
ict of Arizona and the United States Claims Court are authorized
hear and decide any claim brought by the Central Arizona
ater Conservation District or other contractors of CAP water.
ny such claim shall be filed within two years of the date of
actment of this Act, and shall be heard by the court on an
pedited basis. If such a claim is filed and the court grants judg-
nt for the plaintiff(s), the court shall award such relief as it
eems proper, and shall award costs and attorneys' fees to the
intiff(s). Any judgment of the court shall be subject to appeal
the same basis that other judgments of that court are subject
review under existing law.

(2) For purposes of this subsection, "claim" means a claim
at the reallocation of water to the Tribe pursuant to section
704(a) of this Act has unlawfully deprived the Central Arizona
ater Conservation District or other contractors of CAP water
legal rights to such water.

EC. 3709. ENVIRONMENTAL COMPLIANCE.

(a) NO MAJOR FEDERAL ACTION.—Execution of the settlement
greement by the Secretary as provided for in section 3710(c) shall
ot constitute major Federal action under the National Environ-
ental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall
rry out all necessary environmental compliance during the
plementation phase of this settlement.

(b) AUTHORIZATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out all necessary environmental compliance associated with the settlement under this title, including mitigation measures adopted by the Secretary.

(c) LEAD AGENCY.—With respect to such settlement, the Bureau of Reclamation shall be designated as the lead agency in regard to environmental compliance, and shall coordinate and cooperate with the other affected Federal agencies as required under applicable Federal environmental laws.

(d) ENVIRONMENTAL ACTS.—The Secretary shall comply with all aspects of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq.), and other applicable Federal environmental Acts and regulations in proceeding through the implementation phase of such settlement.

SEC. 3710. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—In the event any party to the Agreement files a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of this title or the Agreement, naming the United States of America or the Tribe as parties, authorization is hereby granted to joining the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived.

(b) CERTAIN CLAIMS PROHIBITED.—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of this title or the Agreement against any lands within the San Carlos Apache Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) APPROVAL OF AGREEMENT.—Except to the extent that the Agreement conflicts with the provisions of this title, such Agreement is hereby approved, ratified and confirmed. The Secretary shall execute and perform such Agreement as approved, ratified and confirmed. The Secretary is authorized to execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(d) GROUND WATER MANAGEMENT PLAN.—The Secretary shall establish a ground water management plan for the San Carlos Apache Reservation which, except as is necessary to be consistent with the provisions of this title, will have the same effect as a management plan developed under Arizona law.

(e) AMENDMENT TO THE ACT OF APRIL 4, 1938.—The Act of April 4, 1938 (52 Stat. 193; 25 U.S.C. 390), is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided further,* That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe".

(f) SAN CARLOS RESERVOIR.—There is hereby transferred to the Tribe the Secretary's entitlement of 30,000 acre-feet of water, less any evaporation and seepage losses from the date of acquisition by the Secretary to the date of transfer, which the Secretary may have acquired through substituting CAP water for water to which

Gila River Indian Community and the San Carlos Irrigation
l Drainage District had a right to be released from San Carlos
ervoir and delivered to them in 1990.

(g) LIMITATION.—No part of the Fund established by section
)7(b) of this title, including principal and income, or income
n options to lease water or water leases authorized by section
)6, may be used to make per capita payments to members of
Tribe.

(h) DISCLAIMER.—Nothing in this title shall be construed to
al, modify, amend, change or affect the Secretary's obligations
the Ak-Chin Indian Community pursuant to the Act of
ober 19, 1984 (98 Stat. 2698).

(i) WATER RIGHTS.—Nothing in this title shall be construed
quantify or otherwise affect the water rights, claims or entitle-
nts to water of any Arizona tribe, band or community, other
n the San Carlos Apache Tribe.

(j) PLANET RANCH.—The Secretary is authorized and directed
acquire, with the consent of and upon terms mutually acceptable
the city of Scottsdale ("city") and the Secretary, all of the city's
nt, title and interest in Planet Ranch located on the Bill Williams
er in Arizona, including all water rights appurtenant to that
perty, and the city's January 1988 application filed with the
ona Department of Water Resources to appropriate water from
Bill Williams River through a land exchange based on fair
ket value. If an exchange is made with land purchased by
Bureau of Reclamation for the construction and operation of
Central Arizona Project, then, upon commencement of repay-
nt by CAWCD of the reimbursable costs of the Central Arizona
ject, the fair market value of those lands so exchanged shall
credited in full against the annual payments due from CAWCD
der Article 9.4(a) of Contract No. 14–0906–09W–09245, Amend-
t No. 1, between the United States and CAWCD dated Decem-
1, 1988, and any amendment or revision thereof, until
austed: *Provided, however,* That the authorized appropriation
ling of the Central Arizona Project shall not be affected in any
nner by the provisions of this subsection.

(k) REPEAL.—Section 304(c)(3) of the Colorado River Basin
ject Act (43 U.S.C. 1524(c)(3)) is hereby repealed. This subsection
es not authorize transportation of water pumped within the exte-
r boundary of a Federal reclamation project established prior
September 30, 1968, pursuant to the Act of June 17, 1902
Stat. 388; 43 U.S.C. 391), as amended and supplemented, across
ject boundaries.

43 USC 1524 note.

(l) WATER RIGHTS.—Nothing in this title shall be construed
affect the water rights or the water rights claims of any Federal
ency other than the Bureau of Indian Affairs on behalf of the
Carlos Apache Tribe, nor shall anything in this title be con-
ued to prohibit the United States from confirming in the Agree-
ent, except on behalf of Indian tribes other than the San Carlos
ache Tribe, the Gila River and Little Colorado River watershed
ter rights of other parties to the Agreement by making express
visions for the same in the Agreement.

C. 3711. EFFECTIVE DATE.

25 USC 390 note.

Federal Register, publication.

(a) EFFECTIVE DATE OF AUTHORIZATION.—The authorization
tained in section 3708(b) of this title shall become effective

as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the Secretary has fulfilled the requirements of sections 3704 and 3706;

(2) the Roosevelt Water Conservation District subcontract for agricultural water service from CAP has been revised and executed as provided in section 3705(b);

(3) the funds authorized by section 3707(c) have been appropriated and deposited into the Fund;

(4) the contract referred to in section 3707(a)(2) has been amended;

(5) the State of Arizona has appropriated and deposited into the Fund $3,000,000 as required by the Agreement;

(6) the stipulations attached to the Agreement as Exhibits "D" and "E" have been approved; and

(7) the Agreement has been modified, to the extent it is in conflict with this title, and has been executed by the Secretary.

(b) CONDITIONS.—(1) If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) of this section have not occurred by December 31, 1994, subsections (c) and (d) of section 3704, subsections (a) and (b) of section 3705, section 3706, subsections (a)(2), (c), (d), and (f) of section 3707, subsections (b) and (c) of section 3708, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of this title, together with any contracts entered into pursuant to any such section or subsection, shall not be effective on and after the date of enactment of this title, and any funds appropriated pursuant to section 3707(c), and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the Treasury, as general revenues, and any funds appropriated by the State of Arizona pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the State of Arizona.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, if the provisions of subsections (a) and (b) of section 3705 of this title have been otherwise accomplished pursuant to provisions of the Act of October 20, 1988, the provisions of paragraph (1) of this subsection shall not be construed as affecting such subsections.

TITLE XXXVIII—SAN FRANCISCO WATER RECLAMATION AND REUSE DEMONSTRATION PROJECT

The Secretary of the Interior is authorized and directed to undertake a demonstration project in the City and County of San Francisco to examine the feasibility and effectiveness of using advanced ecologically engineered technology for water reclamation and reuse in accordance with the title 22 standards of the California Water Code. "Advanced Ecologically Engineered Technology" refers to a greenhouse-based, ecologically engineered technology which employs highly populated pond and marsh ecosystems to produce water for reclamation and reuse. One-half of the costs associated with implementation of this title shall be borne by the United States as a nonreimbursable cost; the other one-half shall be borne by the State of California and the City and County of San Francisco.

TITLE XXXIX—SIPHON REPAIR AND REPLACEMENT

(a) Congress finds that the prestressed concrete pipe siphons installed in the Hayden-Rhodes Aqueduct portion of the Central Arizona Project designed and constructed by the Secretary pursuant to the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) have been determined to be defective, inadequate and unsuitable for aquaduct purposes and must be replaced or substantial repairs completed for the transfer of the operation of the Project to its local sponsors.

(b) Notwithstanding any other provision of law or contract, 50 percent of the costs incurred in the repair, modification or replacement, together with associated costs, of the Hayden-Rhodes Aqueduct siphons at Salt River, New River, Hassayampa River, Jackrabbit Wash, Centennial Wash and Aqua Fria River, all features of the Central Arizona Project, shall be borne by the United States and shall be nonreimbursable and nonreturnable and the remaining costs shall be allocated to the authorized purposes of the project.

TITLE XL—NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

National Historic Preservation Act Amendments of 1992.

16 USC 470 note.

SEC. 4001. SHORT TITLE.

This title may be cited as the "National Historic Preservation Act Amendments of 1992".

SEC. 4002. POLICY.

Section 2 of the National Historic Preservation Act (16 U.S.C. 470–1) is amended as follows—

(1) In paragraph (2) insert "and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments" after "community of nations".

(2) In paragraph (6) insert ", Indian tribes and Native Hawaiian organizations" after "local governments".

SEC. 4003. REVIEW OF THREATS TO PROPERTIES.

Section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)) is amended by adding the following new paragraph at the end thereof:

"(8) The Secretary shall, at least once every 4 years, in consultation with the Council and with State Historic Preservation Officers, review significant threats to properties included in, or eligible for inclusion on, the National Register, in order to—

"(A) determine the kinds of properties that may be threatened;

"(B) ascertain the causes of the threats; and

"(C) develop and submit to the President and Congress recommendations for appropriate action.".

SEC. 4004. STATE HISTORIC PRESERVATION PROGRAMS.

Section 101(b) of the National Historic Preservation Act (16 U.S.C. 470a(b)) is amended as follows:

(1) Amend paragraph (2) to read as follows:

"(2)(A) Periodically, but not less than every 4 years after the approval of any State program under this subsection, the Secretary, in consultation with the Council on the appropriate provisions of

this Act, and in cooperation with the State Historic Preservatio Officer, shall evaluate the program to determine whether it i consistent with this Act.

Contracts.

"(B) If, at any time, the Secretary determines that a majo aspect of a State program is not consistent with this Act, th Secretary shall disapprove the program and suspend in whole o in part any contracts or cooperative agreements with the Stat and the State Historic Preservation Officer under this Act, unti the program is consistent with this Act, unless the Secretary deter mines that the program will be made consistent with this Ac within a reasonable period of time.

"(C) The Secretary, in consultation with State Histori Preservation Officers, shall establish oversight methods to ensur State program consistency and quality without imposing undu review burdens on State Historic Preservation Officers.

"(D) At the discretion of the Secretary, a State system of fisca audit and management may be substituted for comparable Federa systems so long as the State system—

"(i) establishes and maintains substantially simila accountability standards; and

"(ii) provides for independent professional peer review.

The Secretary may also conduct periodic fiscal audits of Stat programs approved under this section as needed and shall ensur that such programs meet applicable accountability standards.".

(2) Amend paragraph (3) as follows:

(A) In subparagraph (G), strike "relating to the Federa and State Historic Preservation Programs; and" and inse "in historic preservation;".

(B) In subparagraph (H), strike the period at the en thereof and insert a semicolon.

(C) Add at the end thereof the following ne subparagraphs—

"(I) consult with appropriate Federal agencies i accordance with this Act on—

"(i) Federal undertakings that may affect histor properties; and

"(ii) the content and sufficiency of any plans deve oped to protect, manage, or reduce or mitigate har to such properties; and

"(J) advise and assist in the evaluation of proposa for rehabilitation projects that may qualify for Feder assistance.".

(3) Amend paragraph (5) by striking "1980" and insertir "1992".

(4) Add at the end thereof the following new paragraph

"(6)(A) Subject to subparagraphs (C) and (D), the Secreta may enter into contracts or cooperative agreements with a Sta Historic Preservation Officer for any State authorizing such Offic to assist the Secretary in carrying out one or more of the followi responsibilities within that State—

"(i) Identification and preservation of historic propertie

"(ii) Determination of the eligibility of properties for listi on the National Register.

"(iii) Preparation of nominations for inclusion on t National Register.

"(iv) Maintenance of historical and archaeological da bases.

"(v) Evaluation of eligibility for Federal preservation incentives.

Nothing in this paragraph shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

"(B) The Secretary may enter into a contract or cooperative agreement under subparagraph (A) only if—

"(i) the State Historic Preservation Officer has requested the additional responsibility;

"(ii) the Secretary has approved the State historic preservation program pursuant to section 101(b) (1) and (2);

"(iii) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that such Officer is fully capable of carrying out such responsibility in such manner;

"(iv) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to such contract or cooperative agreement; and

"(v) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out such responsibility.

"(C) For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by State Historic Preservation Officers of the Secretary's duties in each such program.

"(D) Nothing in this subsection shall have the effect of diminishing the preservation programs and activities of the National Park Service.".

SEC. 4005. CERTIFICATION OF LOCAL GOVERNMENTS.

Section 101(c) of the National Historic Preservation Act (16 U.S.C. 470a(c)) is amended by adding at the end thereof the following new paragraph:

"(4) For the purposes of this section the term—

"(A) 'designation' means the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government; and

"(B) 'protection' means a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to subsection (c).".

SEC. 4006. TRIBAL HISTORIC PRESERVATION PROGRAMS.

(a) REVISION OF EXISTING LAW.—Section 101 of the National Historic Preservation Act (16 U.S.C. 470a) is amended as follows—

(1) Redesignate subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (h), and (i), respectively.

(2) Insert after subsection (c) the following new subsection:

"(d)(1)(A) The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their particular historic properties. The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation

Regulations.

program to ensure that all types of historic properties and al public interests in such properties are given due consideration and to encourage coordination among Indian tribes, State Histori Preservation Officers, and Federal agencies in historic preservatio planning and in the identification, evaluation, protection, an interpretation of historic properties.

"(B) The program under subparagraph (A) shall be develope in such a manner as to ensure that tribal values are taken int account to the extent feasible. The Secretary may waive or modif requirements of this section to conform to the cultural settin of tribal heritage preservation goals and objectives. The tribal pro grams implemented by specific tribal organizations may vary i scope, as determined by each tribe's chief governing authorit

"(C) The Secretary shall consult with Indian tribes, other Fed eral agencies, State Historic Preservation Officers, and othe interested parties and initiate the program under subparagrap (A) by not later than October 1, 1994.

"(2) A tribe may assume all or any part of the functions o a State Historic Preservation Officer in accordance with subsection (b)(2) and (b)(3), with respect to tribal lands, as such responsibilitie may be modified for tribal programs through regulations issue by the Secretary, if—

"(A) the tribe's chief governing authority so requests;

"(B) the tribe designates a tribal preservation official t administer the tribal historic preservation program, throug appointment by the tribe's chief governing authority or as tribal ordinance may otherwise provide;

"(C) the tribal preservation official provides the Secretar with a plan describing how the functions the tribal preservatio official proposes to assume will be carried out;

"(D) the Secretary determines, after consulting with th tribe, the appropriate State Historic Preservation Officer, th Council (if the tribe proposes to assume the functions of th State Historic Preservation Officer with respect to review o undertakings under section 106), and other tribes, if any, whos tribal or aboriginal lands may be affected by conduct of th tribal preservation program—

"(i) that the tribal preservation program is fully capab of carrying out the functions specified in the plan provide under subparagraph (C);

"(ii) that the plan defines the remaining responsibiliti of the Secretary and the State Historic Preservation Office

"(iii) that the plan provides, with respect to properti neither owned by a member of the tribe nor held in tru by the Secretary for the benefit of the tribe, at the reque of the owner thereof, the State Historic Preservation Off cer, in addition to the tribal preservation official, ma exercise the historic preservation responsibilities in accor ance with subsections (b)(2) and (b)(3); and

"(E) based on satisfaction of the conditions stated in su paragraphs (A), (B), (C), and (D), the Secretary approves th plan.

"(3) In consultation with interested Indian tribes, other Nati American organizations and affected State Historic Preservati Officers, the Secretary shall establish and implement procedur for carrying out section 103(a) with respect to tribal progran that assume responsibilities under paragraph (2).

"(4) At the request of a tribe whose preservation program has been approved to assume functions and responsibilities pursuant to paragraph (2), the Secretary shall enter into contracts or cooperative agreements with such tribe permitting the assumption by the tribe of any part of the responsibilities referred to in subsection (b)(6) on tribal land, if— Contracts.

"(A) the Secretary and the tribe agree on additional financial assistance, if any, to the tribe for the costs of carrying out such authorities;

"(B) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this Act; and

"(C) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

"(i) the tribe's traditional cultural authorities;

"(ii) representatives of other tribes whose traditional lands are under the jurisdiction of the tribe assuming responsibilities; and

"(iii) the interested public.

"(5) The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 106, if the Council, after consultation with the tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic properties consideration equivalent to those afforded by the Council's regulations.

"(6)(A) Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

"(B) In carrying out its responsibilities under section 106, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A).

"(C) In carrying out his or her responsibilities under subsection (b)(3), the State Historic Preservation Officer for the State of Hawaii shall— Hawaii.

"(i) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate such property to the National Register;

"(ii) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for such property; and

"(iii) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate such property to the National Register and to carry out the cultural component of such preservation program or plan.".

(b) CONFORMING AMENDMENT.—Section 110(c) of the National Historic Preservation Act (16 U.S.C. 470h–2(c)) is amended by striking "101(g)" and inserting "101(h)".

16 USC 470a.

Section 101(e) of the National Historic Preservation Act, as redesignated by section 4006(a)(1) of this title, is amended as follows—

(1) Amend paragraph (1) to read as follows:

"(1) The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this Act.".

(2) Add the following at the end thereof:

"(4) Grants may be made under this subsection for the preservation, stabilization, restoration, or rehabilitation of religious properties listed in the National Register of Historic Places, provided that the purpose of the grant is secular, does not promote religion, and seeks to protect those qualities that are historically significant. Nothing in this paragraph shall be construed to authorize the use of any funds made available under this section for the acquisition of any property referred to in the preceding sentence.".

"(5) The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this Act as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to a tribe or Native Hawaiian organization may be used as matching funds for the purposes of the tribe's or organization's conducting its responsibilities pursuant to this section.

Territories.

"(6)(A) As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau (referred to as the Micronesian States) in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1681 note), the Trusteeship Agreement for the Trust Territory of the Pacific Islands, and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled 'Joint Resolution to approve the "Compact of Free Association" between the United States and Government of Palau, and for other purposes' (48 U.S.C. 1681 note). The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each Micronesian State so that at the termination of the compacts the programs shall be firmly established. The Secretary may waive or modify the requirements of this section to conform to the cultural setting of those nations.

Historic preservation.

"(B) The amounts to be made available to the Micronesian States shall be allocated by the Secretary on the basis of needs as determined by the Secretary. Matching funds may be waived or modified.".

SEC. 4008. EDUCATION AND TRAINING.

Section 101 of the National Historic Preservation Act (16 U.S.C. 470a), as amended by section 4005 of this Act, is further amended by adding at the end thereof the following new subsection:

"(j)(1) The Secretary shall, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-

Federal organizations, develop and implement a comprehensive preservation education and training program.

"(2) The education and training program described in paragraph (1) shall include—

"(A) new standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

"(B) increased preservation training opportunities for other Federal, State, tribal and local government workers, and students;

"(C) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs;

"(D) coordination of the following activities, where appropriate, with the National Center for Preservation Technology and Training—

"(i) distribution of information on preservation technologies;

"(ii) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

"(iii) support for research, analysis, conservation, curation, interpretation, and display related to preservation.".

SEC. 4009. REQUIREMENTS FOR AWARDING OF GRANTS.

Section 102 of the National Historic Preservation Act (16 U.S.C. 470b) is amended as follows:

(1) Amend paragraph (3) of subsection (a) to read as follows:

"(3) for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 101(b)(3) in any one fiscal year.".

(2) In subsection (b) strike ", in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory for the Secretary".

(3) Add at the end thereof the following new subsections:

"(d) The Secretary shall make funding available to individual States and the National Trust for Historic Preservation as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be considered to be one grant and shall be administered by the National Park Service as such.

"(e) The total administrative costs, direct and indirect, charged for carrying out State projects and programs may not exceed 25 percent of the aggregate costs except in the case of grants under section 101(e)(6).".

SEC. 4010. APPORTIONMENT OF GRANT FUNDS.

Section 103 of the National Historic Preservation Act (16 U.S.C. 470c) is amended as follows—

(1) In subsection (a) strike "for comprehensive statewide historic surveys and plans under this Act", and insert "for the purposes this Act".

(2) In subsection (b) strike "by the Secretary in accordance with needs as disclosed in approved statewide historic preserva-

tion plans." and insert "as the Secretary determines to be appropriate.".

(3) At the end of subsection (b) insert "The Secretary shall analyze and revise as necessary the method of apportionment. Such method and any revision thereof shall be published by the Secretary in the Federal Register.".

Federal Register, publication.

SEC. 4011. EXTENSION OF AUTHORIZATION FOR HISTORIC PRESERVATION FUND.

16 USC 470h.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h–2) is amended by striking "1992" and inserting "1997".

SEC. 4012. FEDERAL AGENCY HISTORIC PRESERVATION PROGRAMS.

Section 110 of the National Historic Preservation Act (16 U.S.C. 470h–2) is amended as follows—

(1) In subsection (a)(1) strike "101(f)" and insert "101(g)".

(2) Amend subsection (a)(2) to read as follows:

"(2) Each Federal agency shall establish (unless exempted pursuant to section 214), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure—

"(A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register;

"(B) that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 106 and gives special consideration to the preservation of such values in the case of properties designated as having National significance;

"(C) that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning;

"(D) that the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and with the private sector; and

"(E) that the agency's procedures for compliance with section 106—

"(i) are consistent with regulations issued by the Council pursuant to section 211;

"(ii) provide a process for the identification and evaluation of historic properties for listing in the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered; and

"(iii) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(c)).".

(3) Add at the end thereof the following new subsection:

"(k) Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

"(l) With respect to any undertaking subject to section 106 which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement with the Council, the head of such agency shall document any decision made pursuant to section 106. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.".

SEC. 4013. LEASE OR EXCHANGE OF FEDERAL HOUSING PROPERTIES.

Section 111(a) of the National Historic Preservation Act (16 U.S.C. 470h–3(a)) is amended by striking "may, after consultation with the Advisory Council on Historic Preservation," and inserting "after consultation with the Council, shall, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes, and may".

SEC. 4014. PROFESSIONAL STANDARDS.

Title I of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 112. PROFESSIONAL STANDARDS.

16 USC 470h–4.

"(a) IN GENERAL.—Each Federal agency that is responsible for the protection of historic resources, including archaeological resources pursuant to this Act or any other law shall ensure each of the following—

Contracts.

"(1)(A) All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning.

"(B) Agency personnel or contractors responsible for historic resources shall meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of the disciplines involved. The Office of Personnel Management shall revise qualification standards within 2 years after the date of enactment of this Act for the disciplines involved, specifically archaeology, architecture, conservation, curation, history, landscape architecture, and planning. Such standards shall consider the particular skills and expertise needed for the preservation of historic resources and shall be equivalent requirements for the disciplines involved.

Records.
Regulations.

"(2) Records and other data, including data produced by historical research and archaeological surveys and excavations are permanently maintained in appropriate data bases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

"(b) GUIDELINES.—In order to promote the preservation of historic resources on properties eligible for listing in the National Register, the Secretary shall, in consultation with the Council promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this Act include plans to—

"(1) provide information to the owners of properties containing historic (including architectural, curatorial, and archaeological) resources with demonstrated or likely research significance about the need for protection of such resources, and the available means of protection;

"(2) encourage owners to preserve such resources intact and in place and offer the owners of such resources information on the tax and grant assistance available for the donation of the resources or of a preservation easement of the resources

"(3) encourage the protection of Native American cultural items (within the meaning of section 2 (3) and (9) of the Native American Grave Protection and Repatriation Act (2 U.S.C. 3001 (3) and (9)) and of properties of religious or cultural importance to Indian tribes, Native Hawaiians, or other Native American groups; and

"(4) encourage owners who are undertaking archaeological excavations to—

"(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

"(B) donate or lend artifacts of research significance to an appropriate research institution;

"(C) allow access to artifacts for research purposes and

"(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under section 3(a)(2) (B) or (C) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(a)(2) (B) and (C) given notice to and consult with such Indian tribe or Native Hawaiian organization.".

SEC. 4015. INTERSTATE AND INTERNATIONAL TRAFFIC IN ANTIQUITIES.

Title I of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended by adding at the end thereof of the following new section after section 112:

16 USC 470h-5.

"SEC. 113. INTERSTATE AND INTERNATIONAL TRAFFIC IN ANTIQUITIES.

Reports.

"(a) STUDY.—In order to help control illegal interstate and international traffic in antiquities, including archaeological, curatorial, and architectural objects, and historical documents of all kinds the Secretary shall study and report on the suitability and feasibility of alternatives for controlling illegal interstate and international traffic in antiquities.

"(b) CONSULTATION.—In conducting the study described in subsection (a) the Secretary shall consult with the Council and other Federal agencies that conduct, cause to be conducted, or permit archaeological surveys or excavations or that have responsibilities for other kinds of antiquities and with State Historic Preservation Officers, archaeological, architectural, historical, conservation, and curatorial organizations, Indian tribes, Native Hawaiian organizations, and other Native American organizations, international organizations and other interested persons.

"(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Secretary shall submit to Congress a report detailing the Secretary's findings and recommendations from the study described in subsection (a).

Appropriation authorization.

"(d) AUTHORIZATION.—There are authorized to be appropriated not more than $500,000 for the study described in subsection (a), such sums to remain available until expended.".

SEC. 4016. MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 201(a) of the National Historic Preservation Act (16 U.S.C. 470i(a)) is amended as follows:

(1) Strike "and" at the end of paragraph (9).

(2) Strike the period at the end of paragraph (10) and insert "; and".

(3) Add at the end thereof the following new paragraph:

"(11) one member of an Indian tribe or Native Hawaiian organization who represents the interests of the tribe or organization of which he or she is a member, appointed by the President.".

16 USC 470t.

SEC. 4017. AUTHORIZATION OF APPROPRIATONS FOR ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470) and following is amended by striking the last sentence thereof and inserting "There are authorized to be appropriated for purposes of this title not to exceed $5,000,000 for each of the fiscal years 1993 through 1996.".

SEC. 4018. ADVISORY COUNCIL REGULATIONS.

Section 211 of the National Historic Preservation Act (16 U.S.C. 470s) is amended by striking the period at the end of the first sentence and inserting "in its entirety.".

SEC. 4019. DEFINITIONS.

(a) AMENDMENT AND ADDITION OF DEFINITIONS.—Section 301 of the National Historic Preservation Act (16 U.S.C. 470w) is amended as follows—

(1) In paragraph (1) strike "Code," and all that follows through the end of the paragraph, and insert in lieu thereof "Code.".

(2) In paragraph (2) strike "the Trust Territories of the Pacific Islands" and insert "the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and, upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau".

(3) Amend paragraph (4) to read as follows:

"(4) 'Indian tribe' or 'tribe' means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(4) In paragraph (5) strike "Register" and all that follows through the end of the paragraph and insert "Register, including artifacts, records, and material remains related to such a property or resource.".

(5) Amend paragraph (7) to read as follows:

"(7) 'Undertaking' means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

"(A) those carried out by or on behalf of the agency;

"(B) those carried out with Federal financial assistance;

"(C) those requiring a Federal permit license, or approval; and

"(D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.".

(6) In paragraph (8) strike "maintenance and reconstruction," and insert "maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities,".

(7) In paragraph (9) strike "urban area" and insert "area".

(8) In paragraph (10) strike "urban area of one or more neighborhoods and" and insert "area".

(9) In paragraph (11) after "of the Interior" insert "acting through the Director of the National Park Service".

(10) In paragraph (12) strike "and architecture" and insert "architecture, folklore, cultural anthropology, curation, conservation, and landscape architecture".

(11) In paragraph (13) strike "archaeology" and insert "prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture".

(12) Add at the end thereof the following new paragraphs:

"(14) 'Tribal lands' means—

"(A) all lands within the exterior boundaries of any Indian reservation; and

"(B) all dependent Indian communities.

"(15) 'Certified local government' means a local government whose local historic preservation program has been certified pursuant to section 101(c).

"(16) 'Council' means the Advisory Council on Historic Preservation established by section 201.

"(17) 'Native Hawaiian' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

"(18) 'Native Hawaiian organization' means any organization which—

"(A) serves and represents the interests of Native Hawaiians;

"(B) has as a primary and stated purpose the provision of services to Native Hawaiians; and

"(C) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.".

(b) TECHNICAL AMENDMENT.—Section 201(a) of the National Historic Preservation Act (16 U.S.C. 470i(a)) is amended by striking "(hereafter referred to as the 'Council')".

SEC. 4020. ACCESS TO INFORMATION.

Section 304 of the National Historic Preservation Act (16 U.S.C. 4702–3) is amended to read as follows:

16 USC 470w-3.

"SEC. 304. ACCESS TO INFORMATION.

"(a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may—

"(1) cause a significant invasion of privacy;

"(2) risk harm to the historic resources; or

"(3) impede the use of a traditional religious site by practitioners.

"(b) ACCESS DETERMINATION.—When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this Act.

"(c) CONSULTATION WITH COUNCIL.—When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f), the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).".

SEC. 4021. RECOMMENDATIONS.

16 USC 470a note.

The Secretary of the Interior, in consultation with the Advisory Council, shall seek to ensure that historic properties preserved under the National Historic Preservation Act fully reflect the historical experience of this nation.

SEC. 4022. NATIONAL CENTER FOR PRESERVATION TECHNOLOGY AND TRAINING.

The National Historic Preservation Act (16 U.S.C. 470 and following) is amended by adding the following at the end thereof:

"TITLE IV—NATIONAL CENTER FOR PRESERVATION TECHNOLOGY AND TRAINING

"SEC. 401. FINDINGS.

16 USC 470x.

"The Congress finds and declares that, given the complexity of technical problems encountered in preserving historic properties and the lack of adequate distribution of technical information to preserve such properties, a national initiative to coordinate and

promote research, distribute information, and provide training about preservation skills and technologies would be beneficial.

16 USC 470x-1.

"SEC. 402. DEFINITIONS.

"For the purposes of this title—

"(1) The term 'Board' means the National Preservation Technology and Training Board established pursuant to section 404.

"(2) The term 'Center' means the National Center for Preservation Technology and Training established pursuant to section 403.

"(3) The term 'Secretary' means the Secretary of the Interior.

Louisiana.
16 USC 470x-2.

"SEC. 403. ESTABLISHMENT OF NATIONAL CENTER.

"(a) ESTABLISHMENT.—There is hereby established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

"(b) PURPOSES.—The purposes of the Center shall be to—

"(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of prehistoric and historic resources;

"(2) develop and facilitate training for Federal, State and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

"(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

"(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities international organizations, and the private sector; and

"(5) cooperate with related international organizations including, but not limited to the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

"(c) PROGRAMS.—Such purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 405.

"(d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

"(e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

16 USC 470x-3.

"SEC. 404. PRESERVATION TECHNOLOGY AND TRAINING BOARD.

"(a) ESTABLISHMENT.—There is established a Preservation Technology and Training Board.

"(b) DUTIES.—The Board shall—

"(1) provide leadership, policy advice, and professional oversight to the Center;

"(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

"(3) submit an annual report to the President and the Congress.

Reports.

"(c) MEMBERSHIP.—The Board shall be comprised of—

"(1) the Secretary, or the Secretary's designee;

"(2) 6 members appointed by the Secretary who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations, and

"(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications who represent major organizations in the fields of archaeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

"SEC. 405. PRESERVATION GRANTS.

16 USC 470x-4.

"(a) IN GENERAL.—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution and skills training in all the related historic preservation fields.

"(b) GRANT REQUIREMENTS.—(1) Grants provided under this section shall be allocated in such a fashion to reflect the diversity of the historic preservation fields and shall be geographically distributed.

"(2) No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

"(3) The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

"(c) ELIGIBLE APPLICANTS.—Eligible applicants may include Federal and non-Federal laboratories, accredited museums, universities, nonprofit organizations; offices, units, and Cooperative Park Study Units of the National Park System, State Historic Preservation Offices, tribal preservation offices, and Native Hawaiian organizations.

"(d) STANDARDS.—All such grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary.

"SEC. 406. GENERAL PROVISIONS.

16 USC 470x-5.

"(a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

"(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

"(2) transfers of funds from other Federal agencies.

"(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this title.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the establish-

ment, operation, and maintenance of the Center. Funds for the Center shall be in addition to existing National Park Service programs, centers, and offices.

16 USC 470x-6.

"SEC. 407. NATIONAL PARK SERVICE PRESERVATION.

"In order to improve the use of existing National Park Service resources, the Secretary shall fully utilize and further develop the National Park Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of such centers and offices within the National Park Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.".

SEC. 4023. REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR PROJECTS UNDER THE HISTORIC SITES, BUILDINGS, AND ANTIQUITIES ACT.

Section 6 of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (16 U.S.C. 461–467) is amended to read as follows:

16 USC 466.

"SEC. 6. REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR PROJECTS UNDER THE HISTORIC SITES, BUILDINGS, AND ANTIQUITIES ACT.

"(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of the Interior to carry out section 2(e) or 2(f) may be obligated or expended after the date of enactment of this section—

"(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after the date of enactment of this section; or

"(2) in excess of the amount prescribed by law enacted on or after such date.

"(b) SAVINGS PROVISION.—Nothing in this section shall prohibit or limit the expenditure or obligation of any funds appropriated prior to January 1, 1993.

"(c) AUTHORIZATION OF APPROPRIATIONS.—Except as provided by subsection (a), there is authorized to be appropriated for carrying out the purposes of this Act such sums as the Congress may from time to time determine.".

Georgia.

SEC. 4024. MARTIN LUTHER KING, JUNIOR, NATIONAL HISTORIC SITE AND PRESERVATION DISTRICT.

(a) BOUNDARY MODIFICATION.—Subsection (a) of the first section of the Act entitled "An Act to establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes" (Public Law 96–428; 94 Stat. 1839), establishing the Martin Luther King, Junior, National Historic Site and Preservation District, is amended by striking "numbered NASM/SERO/20, 109–C, and dated May 1980" and inserting in lieu thereof "number 489/80,013B, and dated September 1992".

16 USC 461 note.

(b) LIMITATION ON APPROPRIATIONS.—Section 6 of Public Law 96–0428 (94 Stat. 1842) is amended by striking ", but not to exceed $1,000,000 for development, $100,000 for local planning, and $3,500,000 for the acquisition of lands and interests therein".

16 USC 461 note.

SEC. 4025. SECRETARIAL REPORT.

16 USC 470a note.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall prepare and submit to the Congress a report on the manner in which properties are listed or determined to be eligible for listing on the National Register, including but not limited to, the appropriateness of the criteria used in determining such eligibility, and the effect, if any, of such listing or finding of eligibility.

(b) PREPARATION.—In preparing the report, the Secretary shall consult with, and consider the views and comments of other Federal agencies, as well as interested individuals and public and private organizations, and shall include representative comments received as an appendix to the report.

Approved October 30, 1992.

LEGISLATIVE HISTORY—H.R. 429:

HOUSE REPORTS: Nos. 102-114, Pt. 1 (Comm. on Interior and Insular Affairs) and 102-1016 (Comm. of Conference).
SENATE REPORTS: No. 102-267 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 137 (1991): June 20, considered and passed House.
Vol. 138 (1992): Apr. 10, considered and passed Senate, amended.
June 18, House concurred in Senate amendment with an amendment.
July 31, Senate concurred in House amendment with an amendment; vitiated concurrence in House amendment with an amendment; and insisted on its amendment.
Oct. 5, House agreed to conference report.
Oct. 8, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Oct. 30, Presidential statement.

102d Congress

An Act

Oct. 30, 1992
[H.R. 2032]

To amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nez Perce National Historical Park Additions Act of 1991.
16 USC 281 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nez Perce National Historical Park Additions Act of 1991".

SEC. 2. AMENDMENTS TO ACT DESIGNATING NEZ PERCE NATIONAL HISTORICAL PARK.

The Act entitled "An Act to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes", approved May 15, 1965 (79 Stat. 110; 16 U.S.C. 281 and following) is amended as follows:

16 USC 281.

(1) In section 1, insert after "the Nez Perce Country of Idaho" the words "and in the States of Oregon, Washington, Montana, and Wyoming".

16 USC 281a.

(2) Add the following at the end of section 2:

"Sites to be so designated shall include—

"(1) Tolo Lake, Idaho;
"(2) Looking Glass' 1877 Campsite, Idaho;
"(3) Buffalo Eddy, Washington and Idaho;
"(4) Traditional Crossing Near Doug Bar, Oregon and Idaho;
"(5) Camas Meadows Battle Sites, Idaho;
"(6) Joseph Canyon Viewpoint, Oregon;
"(7) Traditional Campsite at the Fork of the Lostine and Wallowa Rivers, Oregon;
"(8) Burial Site of Chief Joseph the Younger, Washington;
"(9) Nez Perce Campsites, Washington;
"(10) Big Hole National Battlefield, Montana;
"(11) Bear's Paw Battleground, Montana;
"(12) Canyon Creek, Montana; and
"(13) Hasotino Village, Idaho;

each as described in the National Park Service document entitled 'Nez Perce National Historical Park Additions Study', dated 1990 and Old Chief Joseph's Gravesite and Cemetery, Oregon, as depicted on the map entitled 'Nez Perce Additions', numbered 429–20–018, and dated September, 1991. Lands added to the Big Hole National Battlefield, Montana, pursuant to paragraph (10) shall become part of, and be placed under the administrative jurisdiction of, the Big Hole National Battlefield, but may be interpreted in accordance with the purposes of this Act.".

16 USC 281b.

(3) In section 3, strike the proviso in the first sentence and insert in lieu thereof the following: "Lands or interests

therein owned by a State or political subdivision of a State may be acquired under this section only by donation or exchange. In the case of sites designated as components of the Nez Perce National Historical Park after November 1, 1991, the Secretary may not acquire privately owned land or interests in land without the consent of the owner unless the Secretary finds that—

"(1) the nature of land use has changed significantly or that the landowner has demonstrated intent to change the land use significantly from the condition which existed on the date of the enactment of the Nez Perce National Historical Park Addition Act of 1991;

"(2) the acquisition by the Secretary of such land or interest in land is essential to assure its use for purposes set forth in this Act; and

"(3) such lands or interests are located—

"(A) within an area depicted on Sheet 3, 4, or 5 of the map entitled 'Nez Perce Additions', numbered 429–20018, and dated September 1991, or

"(B) within the 8-acre parcel of Old Chief Joseph's Gravesite and Cemetery, Oregon, depicted as 'Parcel A' on Sheet 2 of such map.".

(4) In section 4(a) strike the third sentence. 16 USC 281c.

(5) In section 6(a) strike the words "State of Idaho, its" and insert in lieu thereof the words "States of Idaho, Oregon, Washington, Montana, Wyoming, their". 16 USC 281e.

(6) Add the following new subsection at the end of section 6:

"(c) The Secretary shall consult with officials of the Nez Perce Tribe on the interpretation of the park and its history.".

(7) Section 7 strike "$630,000" and insert "$2,130,000" and strike "$4,100,000" and insert "$9,300,000". 16 USC 281f.

Approved October 30, 1992.

LEGISLATIVE HISTORY—H.R. 2032 (S. 550):

HOUSE REPORTS: No. 102-258 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-130 accompanying S. 550 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 137 (1991): July 31, S. 550 considered and passed Senate, amended.
Oct. 21, 22, H.R. 2032 considered and passed House.
Nov. 27, considered and passed Senate, amended.
Vol. 138 (1992): June 29, House concurred in certain Senate amendments, in another with an amendment.
Oct. 8, Senate concurred in House amendment.

Public Law 102-577
102d Congress

Joint Resolution

Oct. 30, 1992
[H.J. Res. 422]

Designating November 1992 as "Neurofibromatosis Awareness Month".

Whereas neurofibromatosis is a genetic disorder that causes tumors to grow in the human nervous system;
Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;
Whereas neurofibromatosis leads to disfigurement, blindness, deafness, loss of limbs, scoliosis, and brain and spinal tumors;
Whereas neurofibromatosis is a potentially debilitating disorder that strikes males and females of all races and ethnic groups;
Whereas great strides have been made in neurofibromatosis research with the discovery of the neurofibromatosis gene and its product and function as well as the cloning of the NF1 gene;
Whereas the neurofibromatosis gene is known to be a tumor suppressor gene, research into neurofibromatosis has profound significance for investigations into the causes of cancer;
Whereas an animal model for NF1 has recently been found;
Whereas a candidate gene for NF2 has also been discovered;
Whereas because the incidence of learning disabilities in the population of individuals suffering from neurofibromatosis is 5 times greater than in the general population, progress in neurofibromatosis research is important to achieving a better understanding of the causes of learning disabilities, which affect more than 30 million Americans; and
Whereas the National Neurofibromatosis Foundation, Inc., a voluntary health organization with chapters across the United States, was established to serve individuals with neurofibromatosis and their families, to promote and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 1992 is designated as "Neurofibromatosis Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

Approved October 30, 1992.

LEGISLATIVE HISTORY—H.J. Res. 422:

CONGRESSIONAL RECORD, Vol. 138 (1992):
Sept. 10, considered and passed House.
Oct. 8, considered and passed Senate.

Public Law 102-578
102d Congress

An Act

Oct. 30, 1992
[S. 775]

To improve the program of compensation for veterans exposed to ionizing radiation while in military service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Radiation Exposure Amendments of 1992.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Radiation Exposure Amendments of 1992".

SEC. 2. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE CONNECTED FOR CERTAIN RADIATION-EXPOSED VETERANS AND ELIMINATION OF LATENCY-PERIOD LIMITATIONS.

(a) IN GENERAL.—Section 1112(c) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out "to a degree" and all that follows through "subsection)";

(2) in paragraph (2), by adding at the end the following new subparagraphs:

"(N) Cancer of the salivary gland.

"(O) Cancer of the urinary tract.";

(3) by striking out paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

38 USC 1112 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1992.

SEC. 3. IDENTIFICATION OF CERTAIN ACTIVITIES RELATING TO EXPOSURE TO IONIZING RADIATION.

The Veterans' Dioxin and Radiation Exposure Compensation Standards Act (38 U.S.C. 1154 note) is amended by adding at the end the following new section:

"IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE BEFORE JANUARY 1, 1970

38 USC 1154 note.

"SEC. 10. (a) IN GENERAL.—(1) In order to determine whether activities (other than the tests or occupation activities referred to in section 5(a)(1)(B)) resulted in the exposure of veterans to ionizing radiation during the service of such veterans that occurred before January 1, 1970, and whether adverse health effects have been observed or may have resulted from such exposure in a significant number of such veterans, the Advisory Committee established under section 6 shall—

"(A) review all available scientific studies and other relevant information relating to the exposure of such veterans to ionizing radiation during such service;

"(B) identify any activity during which significant numbers of veterans received exposure; and

"(C) on the basis of such review, submit to the Secretary of Veterans Affairs a report containing the recommendation of the Advisory Committee on the feasibility and appropriateness for the purpose of the determination under this paragraph of any additional investigation with respect to any activity of such veterans during such service.

Reports.

"(2) Upon the request of the Advisory Committee, the Secretary of Veterans Affairs (after seeking such assistance from the Secretary of Defense as is necessary and appropriate) shall make available to the Advisory Committee records and other information relating to the service referred to in paragraph (1) that may assist the Advisory Committee in carrying out the review and recommendation referred to in that paragraph.

Records.

"(3) The Advisory Committee shall submit to the Secretary of Veterans Affairs the report referred to in paragraph (1)(C) not later than August 1, 1993.

"(b) INVESTIGATION PLAN AND REPORT.—(1) Upon receipt of the report referred to in subparagraph (C) of subsection (a)(1), the Secretary of Veterans Affairs shall—

"(A) identify which of the activities referred to in that subparagraph, if any, that the Secretary intends to investigate more fully for the purpose of making the determination referred to in that subsection; and

"(B) prepare a plan (including a deadline for the plan) to carry out that investigation and make that determination.

"(2) Not later than December 1, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

Reports.

"(A) a list of the activities identified by the Secretary pursuant to paragraph (1)(A) and the basis of such identification;

"(B) a copy of the report of the Advisory Committee referred to in subsection (a)(1)(C); and

"(C) the plan referred to in paragraph (1)(B).".

SEC. 4. REVIEW OF BRONCHIO-ALVEOLAR CARCINOMA.

(a) ADVISORY COMMITTEE REVIEW.—The Secretary of Veterans Affairs shall direct the Advisory Committee on Environmental Hazards to review pertinent scientific data relating to bronchio-alveolar carcinoma to determine whether such disease entity should be considered to be radiogenic. Based on its review, the Advisory Committee shall report its findings to the Secretary.

Reports.

Reports.

(b) DECISION BY SECRETARY.—The Secretary, based on the Advisory Committee's findings, shall, not later than April 1, 1993, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the Secretary's decision as to whether such disease entity should be presumed to be service connected if suffered by a radiation-exposed veteran (as defined by section 1112(c)(4)(A) of title 38, United States Code).

Approved October 30, 1992.

LEGISLATIVE HISTORY—S. 775:

SENATE REPORTS: No. 102-139 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 137 (1991): Nov. 20, considered and passed Senate.
Vol. 138 (1992): Sept. 30, considered and passed House, amended.
Oct. 7, Senate concurred in House amendments.

Public Law 102-579
102d Congress

An Act

To withdraw land for the Waste Isolation Pilot Plant, and for other purposes.

Oct. 30, 1992
[S. 1671]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Waste Isolation Pilot Plant Land Withdrawal Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Waste Isolation Pilot Plant Land Withdrawal Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Land withdrawal and reservation for WIPP.
Sec. 4. Establishment of management responsibilities.
Sec. 5. Test phase and retrieval plans.
Sec. 6. Test phase activities.
Sec. 7. Disposal operations.
Sec. 8. Environmental Protection Agency disposal regulations.
Sec. 9. Compliance with environmental laws and regulations.
Sec. 10. Retrievability.
Sec. 11. Mine safety.
Sec. 12. Ban on high-level radioactive waste and spent nuclear fuel.
Sec. 13. Decommissioning of WIPP.
Sec. 14. Savings provisions.
Sec. 15. Economic assistance and miscellaneous payments.
Sec. 16. Transportation.
Sec. 17. Access to information.
Sec. 18. Judicial review of EPA actions.
Sec. 19. Technology study.
Sec. 20. Statement for purposes of Public Law 96–164.
Sec. 21. Consultation and cooperation agreement.
Sec. 22. Buy American requirements.
Sec. 23. Authorizations of appropriations.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGREEMENT.—The term "Agreement" means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 "First Modification", the August 4, 1987 "Second Modification", and the March 18, 1988 "Third Modification", or as it may be amended after the date of enactment of this Act, between the State and the United States Department of Energy as authorized by section 213(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164; 93 Stat. 1259, 1265).

(3) CONTACT-HANDLED TRANSURANIC WASTE.—The term "contact-handled transuranic waste" means transuranic waste with a surface dose rate not greater than 200 millirem per hour.

(4) DECOMMISSIONING PHASE.—The term "decommissioning phase" means the period of time beginning with the end of the disposal phase and ending when all shafts at the WIPP repository have been back-filled and sealed.

(5) DISPOSAL.—The term "disposal" means permanent isolation of transuranic waste from the accessible environment with no intent of recovery, whether or not such isolation permits the recovery of such waste.

(6) DISPOSAL PHASE.—The term "disposal phase" means the period of time, during which transuranic waste is disposed of at WIPP, beginning with the initial emplacement of transuranic waste underground for disposal and ending when the last container of transuranic waste, as determined by the Secretary, is emplaced underground for disposal.

(7) DISPOSAL REGULATIONS.—The term "disposal regulations" means the environmental regulations for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic waste under section 8.

(8) EEG.—The term "EEG" means the Environmental Evaluation Group for the Waste Isolation Pilot Plant referred to in section 1433 of the National Defense Authorization Act, Fiscal Year 1989 (Pub. L. 100–456; 102 Stat. 1918, 2073).

(9) ENGINEERED BARRIERS.—The term "engineered barriers" means backfill, room seals, panel seals, and any other manmade barrier components of the disposal system.

(10) HIGH-LEVEL RADIOACTIVE WASTE.—The term "high-level radioactive waste" has the meaning given such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)).

(11) NO-MIGRATION DETERMINATION.—The term "No-Migration Determination" means the Final Conditional No-Migration Determination for the Department of Energy Waste Isolation Pilot Plant published by the Environmental Protection Agency on November 14, 1990 (55 Fed. Reg. 47700), and any amendments thereto, pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(12) REMOTE-HANDLED TRANSURANIC WASTE.—The term "remote-handled transuranic waste" means transuranic waste with a surface dose rate of 200 millirem per hour or greater.

(13) RETRIEVAL.—The term "retrieval" means the removal of transuranic waste and the container in which it has been retained and any material contaminated by such waste from the underground repository at WIPP.

(14) SECRETARY.—The term "the Secretary" means the Secretary of Energy.

(15) SPENT NUCLEAR FUEL.—The term "spent nuclear fuel" has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

(16) STATE.—The term "the State" means the State of New Mexico.

(17) SUPPLEMENTAL STIPULATED AGREEMENT.—The term "Supplemental Stipulated Agreement" means the Supplemental Stipulated Agreement Resolving Certain State Off-Site Concerns Over WIPP, dated December 27, 1982, to the Stipulated Agreement Between DOE and the State in *State of New Mexico ex rel. Bingaman v. DOE,* Case No. CA 81–0363 JB (D. N. Mex.), dated July 1, 1981.

(18) TEST PHASE.—The term "test phase" means the period of time, during which test phase activities are conducted, beginning with the initial receipt of transuranic waste at WIPP and ending when the earliest of the following events occurs:

(A) The requirements described in section 7(b) are met.

(B) The Administrator determines under section 8(d)(1)(B) that the WIPP facility will not comply with the disposal regulations.

(C) The time period described in paragraphs (2) and (3) of section 8(d) expires.

(D) The Secretary is required by section 9(b)(2) to implement the retrieval plan.

(19) TEST PHASE ACTIVITIES.—The term "test phase activities" means the testing and experimentation activities to determine the suitability of WIPP as a repository for the permanent isolation of transuranic waste.

(20) TRANSURANIC WASTE.—The term "transuranic waste" means waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for—

(A) high-level radioactive waste;

(B) waste that the Secretary has determined, with the concurrence of the Administrator, does not need the degree of isolation required by the disposal regulations; or

(C) waste that the Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with part 61 of title 10, Code of Federal Regulations.

(21) WIPP.—The term "WIPP" means the Waste Isolation Pilot Plant project authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164; 93 Stat. 1259, 1265) to demonstrate the safe disposal of radioactive waste materials generated by atomic energy defense activities.

(22) WITHDRAWAL.—The term "Withdrawal" means the geographical area consisting of the lands described in section 3(c).

SEC. 3. LAND WITHDRAWAL AND RESERVATION FOR WIPP.

(a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this Act, the lands described in subsection (c) are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws (except as provided in section 4(b)(4) of this Act), and the mining laws.

(2) JURISDICTION.—Except as otherwise provided in this Act, jurisdiction over the Withdrawal is transferred from the Secretary of the Interior to the Secretary.

(3) RESERVATION.—Such lands are reserved for the use of the Secretary for the construction, experimentation, operation, repair and maintenance, disposal, shutdown, monitoring, decommissioning, and other authorized activities associated with the purposes of WIPP as set forth in section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164; 93 Stat. 1259, 1265), and this Act.

(b) REVOCATION OF PUBLIC LAND ORDERS.—Public Land Order 6403 of June 29, 1983, as modified by Public Land Order 6826

of January 28, 1991, and any memoranda of understanding accompanying such land orders, are revoked.

(c) LAND DESCRIPTION.—

(1) BOUNDARIES.—The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled "WIPP Withdrawal Site Map," dated October 9, 1990, and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.

(2) LEGAL DESCRIPTION AND MAP.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall—

Federal Register, publication.

(A) publish in the Federal Register a notice containing a legal description of the Withdrawal; and

(B) file copies of the map described in paragraph (1) and the legal description of the Withdrawal with the Congress, the Secretary, the Governor of the State, and the Archivist of the United States.

(d) TECHNICAL CORRECTIONS.—The map and legal description referred to in subsection (c) shall have the same force and effect as if they were included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(e) WATER RIGHTS.—This Act does not establish, nor may any provision be construed to establish, a reservation to the United States with respect to any water or water rights. Nothing in this Act shall affect any water rights acquired by the United States prior to the date of enactment of this Act. The United States may apply for and obtain water rights for purposes associated with this Act only in accordance with the substantive and procedural requirements of the laws of the State.

SEC. 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES.

(a) GENERAL AUTHORITY.—The Secretary shall be responsible for the management of the Withdrawal, consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law, and shall consult with the Secretary of the Interior and the State in discharging such responsibility.

(b) MANAGEMENT PLAN.—

(1) DEVELOPMENT.—Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and the State, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.

(2) PRIORITY OF WIPP-RELATED USES.—Any use of the Withdrawal for activities not associated with WIPP shall be subject to such conditions and restrictions as may be necessary to permit the conduct of WIPP-related activities.

(3) NON-WIPP RELATED USES.—The management plan developed under paragraph (1) shall provide for the maintenance of wildlife habitat and shall provide that the Secretary may permit such non-WIPP related uses of the Withdrawal as the Secretary determines to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with the following requirements:

(A) GRAZING.—The Secretary may permit grazing to continue where established before the date of the enactment of this Act, subject to such regulations, policies, and practices as the Secretary, in consultation with the Secretary of the Interior, determines to be necessary or appropriate. The management of grazing shall be conducted in accord with applicable grazing laws and policies, including—

(i) the Act entitled "An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the "Taylor Grazing Act");

(ii) title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(B) HUNTING AND TRAPPING.—The Secretary may permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State, except that the Secretary, after consultation with the Secretary of the Interior and the State, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.

(4) DISPOSAL OF SALT TAILINGS.—The Secretary shall dispose of salt tailings extracted from the Withdrawal that the Secretary determines are not needed for backfill at WIPP. Disposition of such tailings shall be made under sections 2 and 3 of the Act of July 31, 1947, (30 U.S.C. 602, 603; commonly referred to as the "Materials Act of 1947").

(5) MINING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no surface or subsurface mining or oil or gas production, including slant drilling from outside the boundaries of the Withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the Withdrawal.

(B) EXCEPTION.—Existing rights under Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C shall not be affected unless the Administrator determines, after consultation with the Secretary and the Secretary of the Interior, that the acquisition of such leases by the Secretary is required to comply with the final disposal regulations or with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(c) CLOSURE TO PUBLIC.—If during the land withdrawal made by section 3(a) the Secretary determines, in consultation with the Secretary of the Interior, that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary may take whatever action the Secretary determines

to be necessary to effect and maintain the closure and shall provide notice to the public of such closure.

(d) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan developed under subsection (b). Such memorandum shall remain in effect until the end of the decommissioning phase.

(e) SUBMISSION OF PLAN.—Within 1 year after the date of the enactment of this Act, the Secretary shall submit the management plan developed under subsection (b) to the Congress and the State. Any amendments to the plan shall be submitted promptly to the Congress and the State.

SEC. 5. TEST PHASE AND RETRIEVAL PLANS.

(a) IN GENERAL.—Not later than 7 months after the date of the enactment of this Act, the Secretary shall prepare, and submit to the Administrator for review, a test phase plan and a retrieval plan in accordance with this section. The Secretary shall give notice in the Federal Register of submission of such plans and provide an opportunity for public access to such plans.

Federal Register, publication.

(b) TEST PHASE PLAN.—The test phase plan and any modification of the plan, as appropriate, shall—

(1) set forth the test phase activities to be conducted at WIPP;

(2) specify the quantities and types of transuranic waste required for such activities;

(3) provide a detailed description of how the test phase activities will provide information directly relevant to a certification of compliance with the final disposal regulations or to compliance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); and

(4) include justification for all such activities.

(c) RETRIEVAL PLAN.—The retrieval plan and any modification of the plan, as appropriate, shall set forth a detailed plan for the removal of transuranic waste emplaced at WIPP during the test phase, if such removal is required under any provision of this Act.

(d) APPROVAL BY ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall determine, in a single rulemaking procedure, whether to approve, in whole or in part, or disapprove the test phase plan and whether to approve or disapprove the retrieval plan. The Administrator shall, in accordance with paragraph (3), publish in the Federal Register a final rule setting forth the approval or disapproval in accordance with this subsection not later than 10 months after the date of the enactment of this Act.

Federal Register, publication.

(2) STANDARDS FOR APPROVAL.—

(A) TEST PHASE PLAN.—The Administrator shall approve the test phase plan, or any modification to the plan, in whole or in part, if the Administrator determines that the experiments will provide data that are directly relevant to a certification of compliance with the final disposal regulations or to compliance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(B) RETRIEVAL PLAN.—The Administrator shall approve the retrieval plan, or any modification to the plan, if the Administrator determines that it will provide for satisfac-

tory retrieval of all transuranic waste emplaced during the test phase from WIPP should retrieval of such waste be required.

(3) RULEMAKING PROCEDURE.—The Administrator shall conduct the rulemaking required in paragraph (1) under section 553 of title 5, United States Code, except that sections 556 and 557 of such title shall not apply.

(4) CONSEQUENCES OF APPROVAL.—If the Administrator approves the test phase plan, in whole or in part, and the retrieval plan under this subsection, the Secretary may immediately proceed with test phase activities to the extent they have been approved in the rule described in paragraph (3) and to the extent the requirements of section 6(b) have been met.

(e) RECONSIDERATION OF DISAPPROVED PLANS.—If any plan, or portion of a plan, is not approved under subsection (d), the Secretary may submit a revised plan, or portion, to the Administrator. Such revised plan, or portion, shall be considered in accordance with the procedures applicable under such subsection, except that final action shall be completed within 3 months of submission to the Administrator.

(f) MODIFICATIONS TO TEST PHASE PLAN OR RETRIEVAL PLAN.—The Secretary may submit modifications to the test phase plan or retrieval plan. Such modifications shall be considered in accordance with the procedures applicable under subsection (d), except that final action shall be completed within 3 months of submission to the Administrator.

SEC. 6. TEST PHASE ACTIVITIES.

(a) GENERAL AUTHORITY.—The Secretary is authorized, subject to subsections (b) and (c), to conduct test phase activities in accordance with the test phase plan.

(b) REQUIREMENTS FOR COMMENCEMENT OF TEST PHASE ACTIVITIES.—The Secretary may not transport any transuranic waste to WIPP to conduct test phase activities under subsection (a) unless the following requirements are met:

(1) FINAL DISPOSAL REGULATIONS ISSUED.—The final disposal regulations are issued and published in the Federal Register under section 8(b).

Federal Register, publication.

(2) TERMS OF NO-MIGRATION DETERMINATION COMPLIED WITH.—The Administrator has determined that the Secretary has complied with the terms and conditions of the No-Migration Determination. The determination of the Administrator under this paragraph shall not be subject to rulemaking or judicial review.

(3) TEST PHASE AND RETRIEVAL PLANS APPROVED.—The Secretary has issued, and the Administrator has approved, the test phase plan and the retrieval plan under section 5.

(4) EMERGENCY RESPONSE TRAINING.—

(A) REVIEW.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has reviewed the emergency response training programs of the Department of Energy that apply to WIPP.

(B) CERTIFICATION.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has certified that the Department of Labor has reviewed emergency response training programs of the

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Department of Energy that apply to WIPP and has concurred that such programs are in compliance with part 1910.120 of title 29, Code of Federal Regulations. Such certification shall not be subject to rulemaking or judicial review.

(5) CERTIFICATION OF SAFETY.—The Secretary has certified, through the issuance of safety analysis documents, that the safety of test phase activities to be completed at WIPP can be ensured through procedures that would not compromise the type, quantity, or quality of data collected from such test phase activities. Such certification shall not be subject to rulemaking or judicial review.

(6) STABILITY OF ROOMS USED FOR TESTING.—The Secretary of Energy shall issue a plan to ensure that the mined rooms in the underground repository at WIPP in which transuranic waste may be emplaced will remain sufficiently stable and safe to permit uninterrupted testing for the duration of such activities. The Secretary of Labor, acting through the Mine Safety and Health Administration, shall review such plan and concur that the plan ensures that the mined rooms in the underground repository at WIPP in which transuranic waste may be emplaced will remain sufficiently stable and safe to permit uninterrupted testing for the duration of such activities. Such issuance and concurrence shall not be subject to rulemaking or judicial review.

(c) LIMITATIONS.—Test phase activities conducted under subsection (a) shall be subject to the following limitations:

(1) QUANTITY OF WASTE THAT MAY BE TRANSPORTED.—During the test phase, the Secretary may transport to WIPP—

(A) only such quantities of transuranic waste as the Administrator has approved for test phase activities under section 5; and

(B) in no event more than ½ of 1 percent of the total capacity of WIPP as described in section 7(a)(3).

(2) REMOTE-HANDLED WASTE.—

(A) TRANSPORTATION AND EMPLACEMENT.—The Secretary may not transport to or emplace remote-handled transuranic waste at WIPP during the test phase.

(B) STUDY.—

(i) IN GENERAL.—Within 3 years after the date of the enactment of this Act, the Secretary shall complete a study on remote-handled transuranic waste in consultation with affected States, the Administrator, and after the solicitation of views of other interested parties.

(ii) REQUIREMENTS OF STUDY.—Such study shall include an analysis of the impact of remote-handled transuranic waste on the performance assessment of WIPP and a comparison of remote-handled transuranic waste with contact-handled transuranic waste on such issues as gas generation, flammability, explosiveness, solubility, and brine and geochemical interactions.

Federal Register, publication.

(iii) PUBLICATION.—The Secretary shall publish the findings of such study in the Federal Register.

(d) PERFORMANCE ASSESSMENT REPORT.—

(1) IN GENERAL.—The Secretary shall publish, during the test phase, a biennial performance assessment report, consist-

ing of a documented analysis of the long-term performance of WIPP. Each such report shall be provided to the State, the Administrator, the National Academy of Sciences, and the EEG for their review and comment.

(2) RESPONSES BY SECRETARY TO COMMENTS.—If, within 120 days of the publication of a performance assessment report under paragraph (1), the State, the Administrator, the National Academy of Sciences, or the EEG provide written comments on the report, the Secretary shall submit written responses to the comments to the State, the Administrator, the National Academy of Sciences, and the EEG, and to other appropriate entities or persons after consultation with the State, within 120 days of receipt of the comments.

SEC. 7. DISPOSAL OPERATIONS.

(a) TRANSURANIC WASTE LIMITATIONS.—

(1) REM LIMITS FOR REMOTE-HANDLED TRANSURANIC WASTE.—

(A) 1,000 REMS PER HOUR.—No transuranic waste received at WIPP may have a surface dose rate in excess of 1,000 rems per hour.

(B) 100 REMS PER HOUR.—No more than 5 percent by volume of the remote-handled transuranic waste received at WIPP may have a surface dose rate in excess of 100 rems per hour.

(2) CURIE LIMITS FOR REMOTE-HANDLED TRANSURANIC WASTE.—

(A) CURIES PER LITER.—Remote-handled transuranic waste received at WIPP shall not exceed 23 curies per liter maximum activity level (averaged over the volume of the canister).

(B) TOTAL CURIES.—The total curies of the remote-handled transuranic waste received at WIPP shall not exceed 5,100,000 curies.

(3) CAPACITY OF WIPP.—The total capacity of WIPP by volume is 6.2 million cubic feet of transuranic waste.

(b) REQUIREMENTS FOR COMMENCEMENT OF DISPOSAL OPERATIONS.—The Secretary may commence emplacement of transuranic waste underground for disposal at WIPP only upon completion of—

(1) the Administrator's certification under section 8(d)(1) that the WIPP facility will comply with the disposal regulations;

(2) the submission to the Congress by the Secretary of plans for decommissioning WIPP and post-decommissioning management of the Withdrawal under section 13;

(3) the expiration of the 180-day period beginning on the date on which the Secretary notifies the Congress that the requirements of section 9(a)(1) have been met;

(4) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines, under section 4(b)(5), that such acquisition is not required;

(5) the submittal to the Congress by the Secretary of comprehensive recommendations for the disposal of all transuranic waste under the control of the Secretary, including a timetable for the disposal of such waste; and

(6) the completion by the Secretary, with notice and an opportunity for public comment, of a survey identifying all transuranic waste types at all sites from which wastes are to be shipped to WIPP, and—

Public information.

(A) the results of such survey shall be made available to the public and be provided to the Administrator; and

(B) such survey shall not be subject to rulemaking or judicial review.

SEC. 8. ENVIRONMENTAL PROTECTION AGENCY DISPOSAL REGULATIONS.

(a) REINSTATEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the disposal regulations issued by the Administrator on September 19, 1985, and contained in subpart B of part 191 of title 40, Code of Federal Regulations, shall be in effect.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A) the 3 aspects of sections 191.15 and 191.16 of such regulations that were the subject of the remand ordered in Natural Resources Defense Council, Inc. v. United States Environmental Protection Agency, 824 F.2d 1258 (1st Cir. 1987); and

(B) the characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97-425.

(b) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Subject to the limitation in paragraph (2), the Administrator shall issue, not later than 6 months after the date of the enactment of this Act, final disposal regulations. Such regulations shall be issued in a rulemaking proceeding conducted under section 553 of title 5, United States Code, except that sections 556 and 557 of such title shall not apply.

(2) LIMITATION.—The regulations required by this subsection shall not be applicable to the characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97-425.

(c) ISSUANCE OF CRITERIA FOR CERTIFICATION OF COMPLIANCE WITH DISPOSAL REGULATIONS.—

(1) PROPOSED CRITERIA.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall, by rule pursuant to section 553 of title 5, United States Code, propose criteria for the Administrator's certification of compliance with the final disposal regulations, and sections 556 and 557 of such title shall not apply.

(2) FINAL CRITERIA.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall, by rule pursuant to section 553 of title 5, United States Code, issue final criteria for the Administrator's certification of compliance with the final disposal regulations, and sections 556 and 557 of such title shall not apply.

(d) DISPOSAL REGULATIONS.—

(1) COMPLIANCE WITH DISPOSAL REGULATIONS.—

(A) IN GENERAL.—The Secretary shall comply at WIPP with the final disposal regulations. Within 7 years of the date of the first receipt of transuranic waste at WIPP,

the Secretary shall submit to the Administrator an application for certification of compliance with such regulations.

(B) CERTIFICATION BY ADMINISTRATOR.—Within 1 year of receipt of the application under subparagraph (A), the Administrator shall certify, by rule pursuant to section 553 of title 5, United States Code, whether the WIPP facility will comply with the final disposal regulations, and sections 556 and 557 of such title shall not apply.

(C) JUDICIAL REVIEW.—Judicial review of the certification of the Administrator under subparagraph (B) shall not be restricted by the provisions of section 221 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2271(c)).

(D) LIMITATION.—Any certification of the Administrator under subparagraph (B) may only be made after the application is submitted to the Administrator under subparagraph (A).

(2) FAILURE TO CERTIFY.—Except as provided in paragraph (3), if, upon the expiration of the 10-year period beginning on the date of the first receipt of transuranic waste at WIPP, the Administrator has not certified that the WIPP facility will comply with the final disposal regulations—

(A) the Secretary shall implement the retrieval plan under section 10 and the decommissioning and post-decommissioning plans under section 13;

(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate and the land shall be managed by the Secretary of the Interior through the Bureau of Land Management; and

(C)(i) no permit or variance issued with respect to test phase activities or disposal operations pursuant to section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924), or other applicable hazardous waste laws, with respect to WIPP, shall remain in effect later than 1 year after implementation of the retrieval plan; and

(ii) all transuranic waste shall be removed from the State unless, prior to the expiration of such 1-year period, a new permit or variance is issued pursuant to section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924), or other applicable hazardous waste laws.

(3) EXTENSION OF DEADLINE.—The 10-year period in paragraph (2) may be extended once by the Administrator for not more than 2 years, if the Administrator determines that additional time is necessary for the Administrator to complete the rulemaking under paragraph (1)(B) or for the Administrator's certification to become effective under this subsection.

(e) CONFLICT RESOLUTION.—If the State disagrees with the Secretary's application under subsection (d)(1)(A), the State may invoke the conflict resolution provisions of the Agreement.

(f) PERIODIC RECERTIFICATION.—

(1) BY SECRETARY.—Not later than 5 years after the initial receipt of transuranic waste for disposal at WIPP, and every 5 years thereafter until the end of the decommissioning phase, the Secretary shall submit to the Administrator and the State documentation of continued compliance with the final disposal regulations.

(2) CONCURRENCE BY ADMINISTRATOR.—The Administrator shall, not later than 6 months after receiving a submission

under paragraph (1), determine whether or not the WIPP facility continues to be in compliance with the final disposal regulations. A determination under this paragraph shall not be subject to rulemaking or judicial review.

(g) ENGINEERED AND NATURAL BARRIERS, ETC.—The Secretary shall use both engineered and natural barriers, and waste form modifications, at WIPP to isolate transuranic waste after disposal to the extent necessary to comply with the final disposal regulations.

SEC. 9. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS.

(a) IN GENERAL.—

(1) APPLICABILITY.—Beginning on the date of the enactment of this Act, the Secretary shall comply with respect to WIPP, with—

(A) the regulations issued by the Administrator establishing the generally applicable environmental standards for the management and storage of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste and contained in subpart A of part 191 of title 40, Code of Federal Regulations;

(B) the Clean Air Act (40 U.S.C. 7401 et seq.);

(C) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(D) title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.; commonly referred to as the "Safe Drinking Water Act");

(E) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(F) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(G) all other applicable Federal laws pertaining to public health and safety or the environment; and

(H) all regulations promulgated, and all permit requirements, under the laws described in subparagraphs (B) through (G).

Records.

(2) PERIODIC OVERSIGHT BY ADMINISTRATOR AND STATE.—The Secretary shall, not later than 2 years after the date of the enactment of this Act, and biennially thereafter, submit documentation of continued compliance with the laws, regulations, and permit requirements described in paragraph (1) to the Administrator, and, with the law described in paragraph (1)(C), to the State.

(3) DETERMINATION BY ADMINISTRATOR OR STATE.—The Administrator or the State, as appropriate, shall determine not later than 6 months after receiving a submission under paragraph (2) whether the Secretary is in compliance with the laws, regulations, and permit requirements described in paragraph (1) with respect to WIPP.

(b) DETERMINATION OF NONCOMPLIANCE DURING TEST PHASE.—

(1) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines at any time during the test phase that the WIPP facility does not comply with any law, regulation, or permit requirement described in subsection (a)(1), the Administrator shall request a remedial plan from the Secretary describ-

ing actions the Secretary will take to comply with such law, regulation, or permit requirement.

(2) CONSEQUENCES OF NONCOMPLIANCE.—If—

(A) a remedial plan is not received from the Secretary within 6 months of a determination of noncompliance under paragraph (1); or

(B) the Administrator determines, by rule pursuant to section 553 of title 5, United States Code, that a remedial plan requested under paragraph (1) is inadequate to bring the WIPP facility into compliance;

then the Secretary shall implement the retrieval plan under section 10 and the decommissioning and post-decommissioning plans under section 13, and, following implementation of such plans, the land withdrawal made by section 3(a) shall terminate and the land shall be managed by the Secretary of the Interior through the Bureau of Land Management.

(c) DETERMINATION OF NONCOMPLIANCE DURING DISPOSAL PHASE AND DECOMMISSIONING PHASE.—

(1) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator determines at any time during the disposal phase or decommissioning phase that the WIPP facility does not comply with any law, regulation, or permit requirement described in subsection (a)(1), the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such law, regulation, or permit requirement.

(2) CONSEQUENCES OF NONCOMPLIANCE.—If—

(A) a remedial plan is not received from the Secretary within 6 months of a determination of noncompliance under paragraph (1); or

(B) the Administrator determines, by rule pursuant to section 553 of title 5, United States Code, that a remedial plan requested under paragraph (1) is inadequate to bring the WIPP facility into compliance;

then the Secretary shall retrieve, to the extent practicable, any transuranic waste and any material contaminated by such waste from underground at WIPP, and implement the decommissioning and post-decommissioning plans under section 13. Following completion of such retrieval and implementation of such plans, the land withdrawal made by section 3(a) shall terminate and the land shall be managed by the Secretary of the Interior through the Bureau of Land Management.

(d) SAVINGS PROVISION.—The authorities provided to the Administrator and to the State pursuant to this section are in addition to the enforcement authorities available to the State pursuant to State law and to the Administrator, the State, and any other person, pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (40 U.S.C. 7401 et seq.).

SEC. 10. RETRIEVABILITY.

(a) REQUIREMENT OF RETRIEVABILITY.—

(1) IN GENERAL.—Transuranic waste emplaced in WIPP for purposes of the test phase shall be retrievable during the test phase, and for such period of time subsequent to the test phase as may be needed to provide for its retrieval in the event that—

(A) the Secretary or the Administrator determines that WIPP does not comply with the final disposal regulations;

(B) the transuranic waste needs to be retrieved for engineering modification or for repackaging for permanent disposal; or

(C) such retrieval is necessary to protect the public health and safety and the environment.

Federal Register, publication.

(2) ANNUAL DETERMINATION OF RETRIEVABILITY.—Beginning 1 year after the initial emplacement of transuranic waste underground at WIPP, and continuing annually throughout the test phase, the Secretary, after consultation with the Administrator, shall publish in the Federal Register the Secretary's determination of whether all such waste emplaced underground at WIPP remains, and will remain, fully retrievable during the test phase.

(3) ANNUAL DEMONSTRATION OF RETRIEVABILITY.—The Secretary shall demonstrate, on an annual basis, in conjunction with the determination required in paragraph (2), that a sample of transuranic waste is retrievable. In making such demonstration, the Secretary shall not take any action to affect the test phase.

(4) FAILURE TO MAINTAIN RETRIEVABILITY.—Upon a determination by the Secretary under paragraph (2) that transuranic waste cannot remain retrievable, and that corrective action is not possible, the Administrator and the State may, pursuant to the authorities provided in the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or any other applicable hazardous waste law, take action to ensure the retrieval or removal of all transuranic waste in WIPP.

(b) IMPLEMENTATION OF RETRIEVAL PLAN.—The Secretary shall implement the retrieval plan or take corrective action to ensure the retrievability of transuranic waste in the event that a determination is made under subsection (a)(2) that the waste is not or will not otherwise remain retrievable.

(c) CONFLICT RESOLUTION.—The State may invoke the conflict resolution provisions of the Agreement if it determines that there is an insufficient basis for the Secretary's annual determination of retrievability or that the demonstration of retrievability does not ensure that transuranic waste will be retrievable.

SEC. 11. MINE SAFETY.

(a) MINE SAFETY AND HEALTH ADMINISTRATION.—The Mine Safety and Health Administration of the Department of Labor shall inspect WIPP not less than 4 times each year and in the same manner as it evaluates mine sites under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), and shall provide the results of its inspections to the Secretary. The Secretary shall make the results of such inspections publicly available and shall take necessary actions to ensure the prompt and effective correction of any deficiency, including suspending specific activities as necessary to address identified health and safety deficiencies.

(b) BUREAU OF MINES.—The Bureau of Mines of the Department of the Interior shall prepare an annual evaluation of the safety of WIPP.

SEC. 12. BAN ON HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.

The Secretary shall not transport high-level radioactive waste or spent nuclear fuel to WIPP or emplace or dispose of such waste or fuel at WIPP.

SEC. 13. DECOMMISSIONING OF WIPP.

(a) PLAN FOR WIPP DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary shall submit to the Congress, the State, the Secretary of the Interior, and the Administrator, a plan for the decommissioning of WIPP. In addition to activities required under the Agreement, the plan shall conform to the disposal regulations that apply to WIPP at the time the plan is prepared. The Secretary shall consult with the Secretary of the Interior and the State in the preparation of such plan.

(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary shall develop a plan for the management and use of the Withdrawal following the decommissioning of WIPP or the termination of the land withdrawal. The Secretary shall consult with the Secretary of the Interior and the State in the preparation of such plan and shall submit such plan to the Congress.

SEC. 14. SAVINGS PROVISIONS.

(a) CAA AND SWDA.—No provision of this Act may be construed to supersede or modify the provisions of the Clean Air Act (42 U.S.C. 7401 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(b) EXISTING AUTHORITY OF EPA AND STATE.—No provision of this Act may be construed to limit, or in any manner affect, the Administrator's or the State's authority to enforce, or the Secretary's obligation to comply with—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), including all terms and conditions of the No-Migration Determination; or

(3) any other applicable clean air or hazardous waste law.

SEC. 15. ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.

(a) 15-YEAR AUTHORIZATION.—There are authorized to be appropriated to the Secretary for payments to the State $20,000,000 for each of the 15 fiscal years beginning with the fiscal year in which the transport of transuranic waste to WIPP is initiated.

(b) SUBSEQUENT AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary, for payments to the State for any fiscal year after the last fiscal year to which subsection (a) applies, such sums as the Congress may, by law, authorize to be appropriated.

(c) INFLATION ADJUSTMENT.—

(1) IN GENERAL.—In the case of any fiscal year after the first fiscal year to which subsection (a) applies, the dollar amount specified in such subsection shall be increased or decreased, as the case may be, by an amount equal to—

(A) such dollar amount; multiplied by

(B) the inflation increase or decrease determined under paragraph (2).

(2) CALCULATION OF INFLATION INCREASE OR DECREASE.—For purposes of paragraph (1), the inflation increase or decrease for any fiscal year is the percentage (if any) by which the inflation index for the preceding fiscal year is greater than or less than, as the case may be, the inflation index for the fiscal year prior to the first fiscal year to which subsection (a) applies.

(3) INFLATION INDEX.—For purposes of paragraph (2), the inflation index for any fiscal year is the average of the Consumer Price Index (as published by the Department of Labor) for the 12 months in such fiscal year.

(d) ELIGIBLE ASSISTANCE.—A portion of the payments under this section—

(1) shall be made available to units of local government in Lea and Eddy counties in the State; and

(2) may also be provided for independent environmental assessment and economic studies associated with WIPP.

SEC. 16. TRANSPORTATION.

(a) SHIPPING CONTAINERS.—No transuranic waste may be transported by or for the Secretary to or from WIPP, except in packages—

(1) the design of which has been certified by the Nuclear Regulatory Commission; and

(2) that have been determined by the Nuclear Regulatory Commission to satisfy its quality assurance requirements.

The determination under paragraph (2) shall not be subject to rulemaking or judicial review.

(b) NOTIFICATION.—In addition to activities required pursuant to the Supplemental Stipulated Agreement, prior to any transportation of transuranic waste by or for the Secretary to or from WIPP, the Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport transuranic waste to or from WIPP.

(c) ACCIDENT PREVENTION AND EMERGENCY PREPAREDNESS.—

(1) TRAINING.—

Reports.

(A) IN GENERAL.—In addition to activities required pursuant to the Supplemental Stipulated Agreement, the Secretary shall, to the extent provided in appropriation Acts, provide technical assistance and funds for the purpose of training public safety officials, and other emergency responders as described in part 1910.120 of title 29, Code of Federal Regulations, in any State or Indian tribe through whose jurisdiction the Secretary plans to transport transuranic waste to or from WIPP. Within 30 days of the date of the enactment of this Act, the Secretary shall submit a report to the Congress and to the States and Indian tribes through whose jurisdiction the Secretary plans to transport transuranic waste on the training provided through fiscal year 1992.

(B) ONGOING TRAINING.—If determined by the Secretary, in consultation with affected States and Indian tribes, to be necessary and appropriate, training described in subparagraph (A) shall continue after the date of the enactment of this Act until the transuranic waste shipments to or from WIPP have been terminated.

(C) REVIEW OF TRAINING.—The Secretary shall periodically review the training provided pursuant to subpara-

graph (A) in consultation with affected States and Indian tribes. The training shall also be reviewed by the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health, for compliance with part 1910.120 of title 29, Code of Federal Regulations.

(D) COMPONENTS OF TRAINING.—The training shall cover procedures required for the safe routine transportation of transuranic waste, as well as procedures for dealing with emergency response situations, including—

(i) instruction of government officials and public safety officers in procedures for the command and control of the response to any incident involving the waste;

(ii) instruction of emergency response personnel in procedures for the initial response to an incident involving transuranic waste being transported to or from WIPP;

(iii) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving transuranic waste being transported to or from WIPP; and

(iv) a program to provide information to the public about the transportation of transuranic waste to or from WIPP.

Grants.

(2) EQUIPMENT.—The Secretary shall enter into agreements to assist States through monetary grants or contributions in-kind, to the extent provided in appropriation Acts, in acquiring equipment for response to an incident involving transuranic waste transported to or from WIPP.

(d) TRANSPORTATION SAFETY PROGRAMS.—The Secretary shall, to the extent provided in appropriation Acts, provide in-kind, financial, technical, and other appropriate assistance to any State or Indian tribe through whose jurisdiction the Secretary plans to transport transuranic waste to or from WIPP, for the purpose of WIPP-specific transportation safety programs not otherwise addressed in this section. These programs shall be developed with, and monitored by, the Secretary.

(e) SANTA FE BYPASS.—No transuranic waste may be transported from the Los Alamos National Laboratory to WIPP until—

(1) an amount of funds sufficient to construct the Santa Fe bypass has been made available to the State;

(2) the Santa Fe bypass has been completed; or

(3) the Administrator has made the certification required under section 8(d)(1)(B).

(f) STUDY OF TRANSPORTATION ALTERNATIVES.—

Reports.

(1) IN GENERAL.—The Secretary shall conduct a study comparing the shipment of transuranic waste to the WIPP facility by truck and by rail, including the use of dedicated trains, and shall submit a report on the study in accordance with paragraph (2). Such report shall include—

(A) a consideration of occupational and public risks and exposures, and other environmental impacts;

(B) a consideration of emergency response capabilities; and

(C) an estimation of comparative costs.

(2) REPORT.—The report required in paragraph (1) shall be submitted to the Congress not later than 1 year after the date of the enactment of this Act.

(g) EMERGENCY RESPONSE MEDICAL TRAINING.—

(1) DETERMINATION OF SECRETARY.—If the Secretary determines that emergency response medical training for incidents involving transuranic waste being transported to or from WIPP is inadequate, the Secretary shall take immediate action to correct the inadequacies and, if necessary, suspend transportation of such transuranic waste. If the State disagrees with the Secretary's determination under this paragraph, the State may invoke the conflict resolution provisions of the Agreement.

(2) STATE ADVISORY GROUP.—The Secretary shall encourage the Governor of the State to appoint, within 30 days after the date of the enactment of this Act, an advisory group of health professionals and other experts in the field to review emergency response medical training programs for incidents involving transuranic waste being transported to or from WIPP. If such advisory group is established—

(A) its purpose shall be to review, within 60 days after its establishment and annually thereafter, the Department of Energy's emergency response medical training programs for incidents involving transuranic waste being transported to or from WIPP, and to report its findings to the State, the Secretary of Labor, acting through the Occupational Safety and Health Administration, and the Secretary; and

(B) the Secretary shall review the findings of the advisory group in consultation with the Secretary of Labor, acting through the Occupational Safety and Health Administration.

SEC. 17. ACCESS TO INFORMATION.

(a) IN GENERAL.—The Secretary shall—

(1) provide the State, the National Academy of Sciences, and the EEG with free and timely access to data relating to health, safety, or environmental issues at WIPP;

(2) provide the State and the EEG with preliminary reports relating to health, safety, or environmental issues at WIPP; and

(3) to the extent practicable, permit the State and the EEG to attend meetings relating to health, safety, or environmental issues at WIPP with expert panels and peer review groups.

(b) EVALUATION AND PUBLICATION.—The State, the National Academy of Sciences, and the EEG may evaluate and publish analyses of the Secretary's plans for test phase activities, monitoring, transportation, operations, decontamination, retrieval, performance assessment, compliance with Environmental Protection Agency regulations, decommissioning, safety analyses, and other activities relating to WIPP.

(c) CONSULTATION AND COOPERATION.—The Secretary shall consult and cooperate with the EEG under the terms of Contract No. DE-AC04-89AL58309 in the performance of its responsibility to conduct an independent technical review and evaluation of WIPP under section 1433 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2073).

SEC. 18. JUDICIAL REVIEW OF EPA ACTIONS.

A civil action for judicial review of any final action of the Administrator under this Act may be brought only in the United States Court of Appeals for the Tenth Circuit or for the District of Columbia, and shall be brought not later than the 60th day after the date of such final action.

SEC. 19. TECHNOLOGY STUDY.

Within 3 years after the date of the enactment of this Act, the Secretary shall submit to the Congress a study reviewing the technologies that are available and that are being developed for the processing or reduction of volumes of radioactive wastes. The study shall include an identification of technologies involving the use of chemical, physical, and thermal (including plasma) processing techniques.

SEC. 20. STATEMENT FOR PURPOSES OF PUBLIC LAW 96-164.

For purposes of subsection (c) of section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164; 93 Stat. 1265), this Act shall be considered to amend such section.

SEC. 21. CONSULTATION AND COOPERATION AGREEMENT.

Nothing in this Act shall affect the Agreement or the Supplemental Stipulated Agreement between the State and the United States Department of Energy except as explicitly stated herein.

SEC. 22. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated or transferred pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

(1) IN GENERAL.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

SEC. 23. AUTHORIZATIONS OF APPROPRIATIONS.

(a) FOR ADMINISTRATOR.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator for the purpose of fulfilling the responsibilities of the Administrator under this Act, $10,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, $14,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal years 1995 through 2001.

(2) REPORT.—The Administrator shall, not later than September 30, 1993, and annually thereafter, issue a report to the Congress on the status of and resources required for the

(b) TRANSFERS FROM SECRETARY TO ADMINISTRATOR AND SECRETARY OF LABOR.—The Secretary is authorized to transfer from amounts appropriated for environmental restoration and waste management for fiscal years 1992 and 1993, and (to the extent approved in appropriation Acts) for fiscal years 1994 through 2001, such sums as may be necessary to fulfill the responsibilities of the Administrator under this Act and the Secretary of Labor under paragraphs (4) and (6) of section 6(b).

Appropriation authorization.

(c) ACQUISITION OF LEASEHOLD.—There are authorized to be appropriated to the Secretary such sums as may be necessary to acquire the Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C.

Approved October 30, 1992.

LEGISLATIVE HISTORY—S. 1671 (H.R. 2637):

HOUSE REPORTS: No. 102-241, Pt. 1 (Comm. on Interior and Insular Affairs), Pt. 2 (Comm. on Armed Services), and Pt. 3 (Comm. on Energy and Commerce) all accompanying H.R. 2637, and No. 102-137 (Comm. of Conference).
SENATE REPORTS: No. 102-196 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 137 (1991): Nov. 5, considered and passed Senate.
Vol. 138 (1992): July 21, H.R. 2637 considered and passed House; S. 1671, amended, passed in lieu.
Oct. 5, House agreed to conference report.
Oct. 8, Senate agreed to conference report.

Public Law 102-580
102d Congress

An Act

To provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.

Oct. 31, 1992
[H.R. 6167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Water Resources Development Act of 1992.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

33 USC 2201 note.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1992".

(b) TABLE OF CONTENTS.—

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SEC. 2. FINDINGS.

Congress finds that—

(1) a sound and strong infrastructure is the essential core and foundation of the Nation's economic well-being and growth and its ability to compete in the global economy;

(2) the Nation's infrastructure has been sorely neglected for years, and there is a desperate need at every level of government to increase infrastructure investment for the benefit of future generations;

(3) it is the responsibility of the Federal Government to provide coordination, direction, and assistance in the restoration and maintenance of a sound infrastructure, including a national transportation system involving surface, air, and water transportation and facilities for restoration and preservation of water quality, prevention of damages from floods, and provision of hydroelectric power and municipal and industrial water supplies;

(4) it should be a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner;

(5) the Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, water pollution, and the need to rebuild the Nation's infrastructure;

(6) a national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most efficient manner;

(7) a national intermodal transportation system will enhance the ability of United States industry to compete in the global marketplace by reducing transportation costs;

(8) all forms of transportation, including the transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development and productivity growth;

(9) investment in the infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(10) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(11) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(12) failure to invest in the Nation's infrastructure has placed the United States in danger of becoming a service-oriented economy rather than having a strong and independent manufacturing-based economy;

(13) foreign competitors in the global economy have surpassed the Nation's productivity growth through massive infrastructure investments, and many foreign competitors have committed to making multi-trillion dollar infrastructure investments in the future;

(14) the improvement of the Nation's coastal ports is critical to its ability to compete in the global economy through the efficient import and export of goods;

(15) the improvement of the Nation's inland waterway system is a central part of a national intermodal transportation system which permits the efficient transport of goods between markets within the Nation and between inland markets and coastal ports;

(16) the prevention of massive flood damages to the Nation's cities, industries, cultural facilities, municipal facilities, and transportation system plays a vital role in the protection of the Nation's infrastructure and the efficient conduct of commerce;

(17) the provision of municipal and industrial water supply plays a crucial role in the well-being and functioning of the Nation's communities and industries and in the health, environment, and quality of life of the Nation;

(18) the generation of hydroelectric power contributes significantly to the Nation's supply of low-cost energy and plays a significant role in reducing air pollution;

(19) the provision of recreational opportunities and the protection and enhancement of fish and wildlife habitat and environmental values contribute to the well-being of the people of the Nation; and

(20) improvement and protection of the Nation's infrastructure is an essential, proper, and necessary role of government at all levels.

SEC. 3. SECRETARY DEFINED.

33 USC 2201 note.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

Except as provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this section:

(1) SOUTHEAST ALASKA HARBORS OF REFUGE, ALASKA.—The project for navigation, Southeast Alaska Harbors of Refuge, Alaska: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $15,013,000, with an estimated Federal cost of $11,250,000 and an estimated non-Federal cost of $3,763,000.

(2) WHITEMAN'S CREEK, ARKANSAS.—The project for flood control, Whiteman's Creek, Arkansas: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $4,978,000, with an estimated Federal cost of $2,838,000 and an estimated non-Federal cost of $2,140,000.

(3) MORRO BAY HARBOR, CALIFORNIA.—The project for navigation, Morro Bay Harbor, California: Report of the Chief of Engineers, dated June 4, 1992, at a total cost of $2,056,000, with an estimated Federal cost of $1,644,000 and an estimated non-Federal cost of $412,000.

(4) SACRAMENTO METRO AREA, CALIFORNIA.—The project for flood control, Sacramento Metro Area, California: Report of the Chief of Engineers, dated June 29, 1992, at a total cost

of $17,000,000, with an estimated Federal cost of $12,800,000 and an estimated non-Federal cost of $4,200,000.

(5) RIO GRANDE ALAMOSA, COLORADO.—The project for flood control, Rio Grande Alamosa, Colorado: Report of the Chief of Engineers, dated October 7, 1991, at a total cost of $7,080,000, with an estimated Federal cost of $5,250,000 and an estimated non-Federal cost of $1,830,000.

(6) DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.—The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $294,931,000, with an estimated Federal cost of $195,767,000 and an estimated non-Federal cost of $99,164,000.

(7) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida: Report of the Chief of Engineers, dated July 24, 1991, as modified by the letter of the Secretary dated October 10, 1991, at a total cost of $11,780,000, with an estimated Federal cost of $6,100,000 and an estimated non-Federal cost of $5,680,000.

(8) KISSIMMEE RIVER RESTORATION, FLORIDA.—The project for the ecosystem restoration of the Kissimmee River, Florida: Report of the Chief of Engineers, dated March 17, 1992, at a total cost of $426,885,000, with an estimated Federal cost of $139,943,000 and an estimated non-Federal cost of $286,942,000. The Secretary is further authorized to construct the Kissimmee River headwaters revitalization project in accordance with the report prepared under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251–4252) for such headwaters project and any modifications as are recommended by the Secretary based on the benefits derived for the environmental restoration of the Kissimmee River basin, at a total cost of $92,210,000, with an estimated Federal cost of $46,105,000 and an estimated non-Federal cost of $46,105,000. The Secretary shall take such action as may be necessary to ensure that implementation of the project to restore the Kissimmee River will maintain the same level of flood protection as is provided by the current flood control project.

(9) PORT EVERGLADES HARBOR, FLORIDA.—The project for navigation, Port Everglades Harbor, Florida: Report of the Chief of Engineers, dated September 23, 1991, at an annual cost of $94,500.

(10) SAVANNAH HARBOR, GEORGIA AND SOUTH CAROLINA.—The project for navigation, Savannah Harbor, Georgia and South Carolina: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $47,416,000, with an estimated Federal cost of $15,112,000 and an estimated non-Federal cost of $32,304,000. The Secretary is authorized to increase the Federal cost share of the recommended plan in accordance with the cost-sharing provisions of the Water Resources Development Act of 1986 (Public Law 99–662) if the Secretary determines that such an increase is warranted and appropriate.

(11) AMITE RIVER AND TRIBUTARIES, LOUISIANA.—The project for flood control, Amite River and Tributaries, Louisiana: Report of the Chief of Engineers, dated August 27, 1991, as modified by the letter of the Secretary, dated January 28,

1992, at a total cost of $65,902,000, with an estimated Federal cost of $32,951,000 and an estimated non-Federal cost of $32,951,000.

(12) SAUGUS RIVER AND TRIBUTARIES, MASSACHUSETTS.—The project for flood control, Saugus River and Tributaries, Massachusetts: Report of the Chief of Engineers, dated August 1, 1990, at a total cost of $95,700,000, with an estimated Federal cost of $61,360,000 and an estimated non-Federal cost of $34,340,000.

(13) LAS VEGAS WASH AND TRIBUTARIES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries, Nevada: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $204,300,000, with an estimated Federal cost of $144,000,000 and an estimated non-Federal cost of $60,300,000. The Secretary is further authorized to construct recreation features as proposed in the draft Feasibility Report and Environmental Impact Statement for Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), dated July 1990, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(14) MOREHEAD CITY HARBOR, NORTH CAROLINA.—The project for navigation, Morehead City Harbor, North Carolina: Report of the Chief of Engineers, dated May 21, 1991, at a total cost of $10,030,000, with an estimated Federal cost of $6,360,000 and an estimated non-Federal cost of $3,670,000.

(15) WEST ONSLOW AND NEW RIVER INLET, NORTH CAROLINA.—The project for flood control, West Onslow and New River Inlet, North Carolina: Report of the Chief of Engineers, dated November 19, 1991, at a total cost of $14,100,000, with an estimated Federal cost of $7,600,000 and an estimated non-Federal cost of $6,500,000.

(16) LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.—The project for flood control, Lackawanna River at Olyphant, Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $11,354,000, with an estimated Federal cost of $7,691,000 and an estimated non-Federal cost of $3,663,000.

(17) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—The project for flood control, Lackawanna River at Scranton, Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $15,117,000, with an estimated Federal cost of $11,344,000 and an estimated non-Federal cost of $3,773,000.

(18) LOCKS AND DAMS 2, 3, AND 4, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Locks and Dams 2, 3, and 4, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $556,400,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(19) RIO GRANDE DE LOIZA, PUERTO RICO.—The project for flood control, Rio Grande De Loiza, Puerto Rico: Report of the Chief of Engineers, dated March 5, 1992, at a total cost of $122,285,000, with an estimated Federal cost of $97,009,000 and an estimated non-Federal cost of $25,276,000.

(20) SARGENT BEACH, TEXAS.—The project for navigation, Sargent Beach, Texas: Report of the Chief of Engineers, dated June 25, 1992, at a total cost of $67,667,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(21) SHOAL CREEK, AUSTIN, TEXAS.—The project for flood control, Shoal Creek, Austin, Texas: Report of the Chief of Engineers, dated June 16, 1992, at a total cost of $6,808,000, with an estimated Federal cost of $5,106,000 and an estimated non-Federal cost of $1,702,000.

(22) SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.—The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $8,850,000, with an estimated Federal cost of $5,750,000 and an estimated non-Federal cost of $3,100,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) TENNESSEE-TOMBIGBEE WATERWAY, ALABAMA AND MISSISSIPPI.—

(1) IN GENERAL.—The Tennessee-Tombigbee Waterway Wildlife Mitigation project, Alabama and Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4138), is modified to authorize—

(A) the Secretary to review lands acquired for the project to determine if such lands can be made available for related project uses (including port, industrial, and other community or regional economic development endeavors);

(B) the Secretary to sell or exchange any lands which are determined by the Secretary to be available for such related uses; and

(C) the Secretary to acquire from willing sellers lands to replace any lands sold or exchanged by the Secretary under this subsection.

(2) LIMITATIONS.—Lands acquired under this subsection shall fully replace lost wildlife habitat value. Acquisition of lands under this subsection may be by purchase, exchange, or a combination thereof. Sales, exchanges, and acquisitions under this subsection shall be at fair market value and shall be with the consent of appropriate Federal and State fish and wildlife agencies. No lands may be sold under this subsection until replacement lands have been acquired under this subsection. Management of lands acquired under this subsection and reimbursement of costs with respect to such lands shall be the same as for lands acquired for the project before the date of the enactment of this Act.

(b) GOLETA AND VICINITY, CALIFORNIA.—The project for flood protection, Santa Barbara County Coastal Streams and tributaries in the area of Goleta, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1862), is modified to authorize the Secretary to carry out the recommendations contained in the report of the Chief of Engineers relating to flood protection for Goleta and vicinity, California, dated March 25, 1991, at a

total cost of $6,800,000, with an estimated Federal cost of $4,800,000 and an estimated non-Federal cost of $2,000,000.

(c) OCEANSIDE HARBOR, CALIFORNIA.—The project for navigation, Oceanside Harbor, California, authorized by the River and Harbor Act of 1965 (79 Stat. 1092), is modified to authorize the Secretary to repair, operate, and maintain the extension of the south jetty constructed in 1968.

(d) SAN LEANDRO MARINA, CALIFORNIA.—

(1) MAINTENANCE OF SOUTHERN CHANNEL.—The project for navigation, San Leandro Marina, Jack D. Maltester Channel, California, authorized under section 201 of the Flood Control Act of 1965 by resolutions adopted by the Committee on Public Works and Transportation of the House of Representatives on June 22, 1971, and adopted by the Committee on Environment and Public Works of the Senate on December 15, 1970, is modified to direct the Secretary to maintain the 8-foot deep and 100-foot wide access channel extending from the southern auxiliary access channel to the boat launching ramp in the small boat lagoon.

(2) DEAUTHORIZATION OF NORTHERN CHANNEL.—The northern auxiliary access channel of the project referred to in paragraph (1) is not authorized after the date of the enactment of this Act.

(3) NAMING OF SOUTHERN CHANNEL.—

(A) DESIGNATION.—The southern auxiliary channel referred to in paragraph (1) shall be known and designated as the "Jack D. Maltester Channel".

(B) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the channel referred to in subparagraph (A) shall be deemed to be a reference to the "Jack D. Maltester Channel".

(e) CROSS FLORIDA BARGE CANAL.—Section 1114 of the Water Resources Development Act of 1986 (16 U.S.C. 460tt) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) CONTRACT FOR CONTINUED O&M.—

Florida.

"(1) IN GENERAL.—During the period beginning on November 28, 1992, and ending on September 30, 1993, the Secretary is authorized and directed to offer to enter into a contract with the St. Johns River Water Management District and the Southwest Florida Water Management District of the State of Florida for the continued operation and maintenance by the Secretary of the portions of the project described in subsection (d). The maintenance shall be performed at a level of service that is necessary to ensure safe operating conditions and to prevent deterioration of the structures. No major rehabilitations or renovations shall be performed by the Secretary in such portions of the project during such period.

"(2) FUNDING.—Funding for the continued operation and maintenance of the barge canal project by the Secretary under this subsection shall not exceed $300,000. The State of Florida shall pay a non-Federal share of $600,000 to fund the continued maintenance of the portions of the project described in subsection (d) in accordance with paragraph (1).".

(f) O'HARE SYSTEM OF THE CHICAGOLAND UNDERFLOW PLAN, ILLINOIS.—The project for flood control, O'Hare System of the Chicagoland Underflow Plan, Illinois, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to construct the project, at a total cost of $29,000,000, with an estimated Federal cost of $17,800,000 and an estimated non-Federal cost of $11,200,000.

(g) ILLINOIS RIVER, ILLINOIS.—The project for inland navigation, Illinois River, Illinois, authorized by the Rivers and Harbors Act of 1935 (49 Stat. 1035), is modified to direct the Secretary to acquire dredged material disposal areas for such project, at a total Federal cost of not to exceed $7,000,000.

(h) SOUTH FRANKFORT, KENTUCKY.—The project for flood protection, South Frankfort, Kentucky, authorized by section 102(o) of the Water Resources Development Act of 1990 (104 Stat. 4613), is modified to provide that the cost of conducting preconstruction engineering and design for the project shall not be included in the computation for determining the benefit-cost ratio for the project.

(i) LOCKS AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI.—Section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended by inserting before the period at the end of the last sentence "or other non-Federal interests".

(j) LAKE PONTCHARTRAIN, LOUISIANA.—The project for hurricane-flood protection on Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified—

(1) to direct the Secretary to construct measures to intercept and convey drainage from the landside slopes of project levees in Jefferson Parish, Louisiana, directly to the existing drainage system;

(2) to direct the Secretary to reevaluate the benefits of the constructed portions of the project which accrue to St. Bernard Parish and to the Lake Borgne Basin Levee District for the purposes of determining the portion of the benefits which were expected to accrue to the parish and district but which were not realized;

(3) to direct the Secretary to reduce the non-Federal share of the capital costs and operation and maintenance attributable to the parish and district by the percentage of the expected benefits which were not realized; and

(4) to provide that the parish and district shall not be required to make payments on their respective non-Federal responsibilities until the Secretary has made the reductions, if any, under paragraph (3).

In carrying out paragraphs (2) and (3), the Secretary shall utilize results of the study conducted under section 116(k) of the Water Resources Development Act of 1990 and any other relevant information.

(k) PARISH CREEK, SHADY SIDE, MARYLAND.—The project for navigation, Parish Creek, Shady Side, Maryland, authorized by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1031), is modified to reduce the length of the western boundary of the turning basin by 100 feet.

(l) BUFFUMVILLE LAKE, MASSACHUSETTS.—The flood control project for Buffumville Lake, Massachusetts, authorized by section

3 of the Flood Control Act of August 18, 1941 (55 Stat. 639), is modified to add low flow augmentation as a project purpose and to direct the Secretary to operate the project to improve water quality on the French River, Connecticut and Massachusetts.

(m) SOUTH FORK ZUMBRO RIVER, MINNESOTA.—The project for flood control, South Fork Zumbro River Watershed, Rochester, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117), is modified to authorize the Secretary to construct the project at a total cost of $123,100,000, with an estimated Federal cost of $90,800,000 and an estimated non-Federal cost of $32,300,000.

(n) NEW MADRID HARBOR, MISSOURI.—The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to assume responsibility for maintenance of New Madrid County Harbor constructed by non-Federal interests before the date of the enactment of this Act in lieu of maintaining the existing Federal channel.

(o) PAPILLION CREEK AND TRIBUTARIES LAKES, NEBRASKA.—The project for flood control, Papillion Creek and Tributaries Lakes, Nebraska, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 743) and section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Report, dated April 1992, at a total cost of $12,469,000, with an estimated Federal cost of $8,783,000 and an estimated non-Federal cost of $3,686,000.

(p) PASSAIC RIVER MAIN STEM, NEW JERSEY AND NEW YORK.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610) is amended—

(1) by adding at the end of subparagraph (A) the following new clause:

"(vi) FLOOD WARNING SYSTEM.—The Secretary is authorized to establish, operate, and maintain, at full Federal expense, the Passaic River flood warning system element of the project before completion of construction of the tunnel element of the project.";

(2) in subparagraph (B) by striking "Jackson" and inserting "Brill";

(3) in subparagraph (B) by striking "$6,000,000" and inserting "$25,000,000";

(4) in subparagraph (B) by striking "and scenic overlook facilities" and inserting "scenic overlook facilities, and public access to Route 21";

(5) in subparagraph (B) by inserting after the first sentence the following new sentence: "The project element authorized by this subparagraph shall be carried out, in cooperation with the city of Newark, so that it is compatible with the proposed reconstruction plans for Route 21 and the proposed arts center.";

(6) in subparagraph (B) by striking "may be undertaken" and inserting "shall be undertaken";

(7) in the first sentence of subparagraph (C)(vi) by inserting after "for" the first place it appears "the purpose of assuring the integrity of";

(8) in subparagraph (C)(vii) by inserting "the additional" after "Act, the fair market value of";

(9) in subparagraph (C)(vii) by inserting "integrity of the" before "Wetlands Bank";

(10) in subparagraph (C)(vii) by inserting "and any other flood control project in the Passaic River basin" after "by this paragraph";

(11) in subparagraph (C)(viii) by striking "for the Wetlands Bank" and inserting "in accordance with clauses (ii) and (vi)"; and

(12) in subparagraph (C)(viii) by inserting "and financial" after "economic".

(q) RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.—The project for hurricane-flood protection, Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181), is modified to provide periodic beach nourishment for Cliffwood Beach for 50 years.

(r) SANDY HOOK TO BARNEGAT INLET, NEW JERSEY.—The project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that costs incurred by the non-Federal interests to stabilize the seawall at Belmar and Spring Lake, New Jersey, shall be credited, to the extent that the Secretary determines that the work of stabilizing the seawall is compatible with the project, against the non-Federal share of the cost of construction and maintenance of section 2 of the project (Asbury Park to Manasquan).

(s) RIO GRANDE FLOODWAY, NEW MEXICO.—Notwithstanding any other provision of law, the project for flood control, Rio Grande Floodway, San Acacia to Bosque del Apache Unit, New Mexico, authorized by section 203 of the Flood Control Act of 1948 (Public Law 80–858) and amended by section 204 of the Flood Control Act of 1950 (Public Law 81–516), is modified to more equitably reflect the non-Federal benefits from the project in relation to the total benefits of the project by reducing the non-Federal contribution for the project by that percentage of benefits which is attributable to the Federal properties; except that, for purposes of this subsection, Federal property benefits may not exceed 50 percent of the total project benefits.

(t) JONES INLET, NEW YORK.—The project for navigation, Jones Inlet, New York, is modified to authorize and direct the Secretary to conduct a reconnaissance and feasibility study on placing noncontaminated dredged material on beach areas downdrift from the federally maintained channel at full Federal expense for purposes of mitigating environmental and other attendant damages resulting from the interruption of littoral system natural processes caused by jetty construction and continued dredging of the Federal channel.

(u) WESTHAMPTON BEACH, NEW YORK.—The project for beach erosion control and hurricane protection for Westhampton Beach, New York, authorized by the Water Resources Development Act of 1974, and modified by the Water Resources Development Act of 1986, is further modified to extend the period of beach nourishment for 30 years from the date of project completion. The non-Federal share of project costs shall not exceed 35 percent of the total project cost as provided in such Acts.

(v) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 309) and modified by the Flood

Control Act of 1962, is further modified to provide for the reallocation of a sufficient amount of existing and available water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery shall be undertaken under terms and conditions acceptable to the Secretary.

(w) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified—

(1) to direct the Secretary to complete the final phase II design memorandum for the project (including the results of a review of nonstructural mitigation plans for the purpose of ameliorating damages from induced flooding) not later than August 8, 1994;

(2) to authorize the Secretary—

(A) to cooperate with non-Federal interests to make use of equipment and employees of the non-Federal interests in carrying out the project; and

(B) to credit the non-Federal share of the cost of the project for the value of the use of such equipment and employees; and

(3) to provide that, notwithstanding the last sentence of subsection (c) of section 104 of the Water Resources Development Act of 1986—

(A) non-Federal interests may apply for crediting under such section 104, against the non-Federal share of the cost of the project, the cost of work carried out after June 1, 1972, by the non-Federal interests which the Secretary determines is compatible with the project; and

(B) the Secretary may approve of such crediting to the extent the Secretary determines appropriate.

(x) CHETCO RIVER, OREGON.—The project for navigation, Chetco River, Oregon, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092), is modified to direct the Secretary to assume responsibility for operation and maintenance of the approximately 200-foot long access channel to the south commercial boat basin consistent with authorized project depths.

(y) PORT ORFORD, OREGON.—Section 117 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended by striking the last sentence and inserting the following: "The Secretary is authorized to maintain the authorized Federal navigation channel at Port Orford, Oregon, including those portions of the channel within 50 feet of the port facility.".

(z) CLIFF WALK, NEWPORT, RHODE ISLAND.—Notwithstanding any other provision of law and any agreement, the Federal share of the cost of repairs and improvements to the Cliff Walk, Newport, Rhode Island, in fiscal year 1993 and succeeding fiscal years shall not be less than 50 percent of the total cost of the project.

(aa) RAY ROBERTS LAKE, ELM FORK OF THE TRINITY RIVER, TEXAS.—The project for navigation, Ray Roberts Lake, Elm Fork of the Trinity River, Texas, authorized by the River and Harbor Act of 1965 (79 Stat. 1091), is modified to direct the Secretary to construct access ramps to permit boat launching access during periods of high water at the Sanger, Jordan, and FM-372 access

areas, at an estimated total cost of $55,000. Operation and maintenance of the access ramps shall be a non-Federal responsibility.

(bb) SIMS BAYOU, TEXAS.—The project for flood control, Sims Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified to direct the Secretary to include, to the extent practicable, measures to improve environmental quality and riparian habitat.

(cc) VIRGINIA BEACH, VIRGINIA.—The project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), is modified to authorize the Secretary to construct the project at a total cost of $112,000,000, with an estimated Federal cost of $72,800,000 and an estimated non-Federal cost of $39,200,000, and an average annual cost of $2,000,000 for the periodic beach nourishment over the 50-year economic life of the project, with an estimated Federal cost of $1,300,000 and an estimated non-Federal cost of $700,000. In carrying out the project, the Secretary is directed to construct the project with a uniform level of protection against a 100-year storm event, plus or minus 15 years, from Rudee Inlet to 89th Street by construction of a seawall from Rudee Inlet to 58th Street with a maximum top of seawall elevation of 13.5 feet (NGVD), dune reconstruction where necessary from 58th Street to 89th Street with a maximum top of dune elevation of 18 feet (NGVD), and construction of a beach berm from Rudee Inlet to 89th Street to a maximum design elevation of 10 feet (NGVD), and a width at design elevation to obtain the desired level of protection. In carrying out the project, the Secretary is also directed to provide for interior storm water to be collected into a pipe which will run longitudinally beneath the reconstructed boardwalk and to be discharged offshore by pumping through subsurface pipelines.

(dd) LOWER GRANITE LOCK AND DAM, WASHINGTON.—The Lower Granite Lock and Dam feature of the project for navigation, Snake River, Oregon, Washington, and Idaho, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 21–22), is modified to authorize the Secretary to construct an all weather surface road in Whitman County, Washington, from Whitman County Road 9000 at the mouth of the Wawawai Canyon to existing roads in the vicinity of the Lower Granite Dam. The cost of such construction shall be assigned to navigation.

(ee) BEECH FORK LAKE, WEST VIRGINIA.—The project for flood control, Beech Fork Lake, West Virginia, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is modified to direct the Secretary to complete a study at a cost of not to exceed $500,000 and issue a report on relocation of the lodge resort complex authorized to be constructed as part of the project and to carry out the project substantially in accordance with such report.

(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to direct the Secretary to take such measures as are technologically feasible to prohibit the release of drift and debris into waters downstream of the project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through the use of temporary or permanent sys-

tems) and disposal of accumulated drift and debris at Bluestone Dam.

(gg) LA CROSSE AND SHELBY, WISCONSIN.—The project for flood protection of State Road and Ebner Coulees, city of La Crosse and Shelby Township, Wisconsin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is modified to direct the Secretary to reimburse the non-Federal sponsor $1,467,000 for the Federal share of work performed by the non-Federal sponsor in connection with the project. Such reimbursement shall be in addition to amounts previously reimbursed by the Secretary for such work.

SEC. 103. VISITOR CENTERS.

(a) MELVIN PRICE LOCK AND DAM, ALTON, ILLINOIS.—

(1) CONSTRUCTION.—The Secretary may construct a regional visitor center of at least 24,000 square feet at the Melvin Price Lock and Dam, Alton, Illinois.

(2) PURPOSES.—The purposes of the visitor center to be constructed under this subsection shall be to inform the public of—

(A) the role of the United States Army Corps of Engineers in inland navigation along the Mississippi River and its tributaries,

(B) the role of the Melvin Price Lock and Dam in such inland navigation,

(C) the socioeconomic development of the surrounding area, and

(D) events of historical, archaeological, cultural, and natural significance in such area.

(b) MT. MORRIS DAM, NEW YORK.—

(1) CONSTRUCTION.—The Secretary shall construct a visitor center at Mt. Morris Dam, Mt. Morris, New York, in accordance with alternative 2 contained in the report of the District Engineer, Buffalo District, entitled "Mt. Morris Dam, Interpretive Development Prospectus, Visitor Reception Area", dated February 22, 1991.

(2) DESIGNATION.—The visitor center to be constructed under this subsection shall be known and designated as the "William B. Hoyt II Visitor Center".

(c) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.—

(1) ESTABLISHMENT.—The Secretary shall establish and operate in accordance with this subsection an interpretive facility (including a museum and interpretive site) in Vicksburg, Mississippi, which shall be known as the "Lower Mississippi River Museum and Riverfront Interpretive Site".

(2) LOCATION OF MUSEUM.—The museum shall be located on property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi. Title to the property shall be transferred to the Secretary at no cost.

(3) INTERPRETIVE SITE.—The interpretive site shall be located on riverfront property between the Mississippi River Bridge and the Mississippi Riverpark in Vicksburg, Mississippi. The Secretary is authorized to acquire surface use easements for such site on a willing seller basis.

(4) LIMITATION ON ACQUISITION AUTHORITY.—The Secretary may not use condemnation of property in carrying out this subsection.

(5) PURPOSES OF THE MUSEUM AND INTERPRETIVE SITE.—The purposes of the Lower Mississippi River Museum and Riverfront Interpretive Site are to—

(A) promote an understanding of the Lower Mississippi River and the United States Army Corps of Engineers' role in developing and managing this nationally significant resource;

(B) interpret the United States Army Corps of Engineers historic presence in the Lower Mississippi River Valley and its administration of the Mississippi River and Tributaries project;

(C) provide an understanding of the many Corps of Engineers branches and facilities in the Vicksburg area and their relationship to flood control, navigation, and environmental conservation in the Mississippi River;

(D) highlight the Mississippi River's influence on the Vicksburg area and the river valley's natural, historic, and cultural resource contributions;

(E) highlight local Corps of Engineers projects and management strategies;

(F) provide an understanding of the surrounding natural riparian environment adjacent to the Mississippi River through public access and interpretive displays; and

(G) promote the worldwide application of water resource technologies learned from using the Mississippi River as a working model.

(6) RELATED AGENCIES AND PROGRAMS.—

(A) SMITHSONIAN INSTITUTION.—The Secretary shall consult with the Secretary of the Smithsonian Institution in the planning and design of the museum and riverfront interpretive site under this subsection.

(B) DEPARTMENT OF THE INTERIOR.—The Secretary shall consult with the Secretary of the Interior and the Director of the National Park Service in the planning, design, and implementation of interpretive programs for the museum and riverfront interpretive site to be established under this subsection.

(C) VISITOR SERVICES.—The Secretary is directed to provide increased and enhanced visitor services at the United States Army Corps of Engineers, Waterways Experiment Station in Vicksburg, Mississippi.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this subsection, including acquiring and restoring under paragraph (2) the property held by the Resolution Trust Corporation and planning, designing, and constructing the museum and riverfront interpretive site under this subsection.

(d) NORTHEASTERN NEW JERSEY REGIONAL FLOOD OPERATIONS-RESPONSE, ENGINEERING, AND VISITOR CENTER.—

(1) CONSTRUCTION.—The Secretary is directed to construct a visitor center in northeastern New Jersey of at least 15,000 square feet to serve as the center for the United States Army Corps of Engineers operations and emergency response engineering activities within the Passaic, Hackensack, Raritan,

and Atlantic Coast floodplain areas and to inform the public of the Corps of Engineers' flood damage reduction and emergency preparedness roles for these areas, the socioeconomic development of the region, and events of historical, archaeological, cultural, and natural significance to these areas.

(2) PARK LAND FOR VISITOR ACCESS.—The visitor center to be constructed under this subsection shall include approximately 5 acres of public park land for visitor access.

(3) DESIGNATION.—The visitor center to be constructed under this subsection shall be known and designated as the "Northeastern New Jersey Regional Flood Operations-Response, Engineering, and Visitor Center".

(4) INTERIM MEASURES.—The Secretary is directed to provide increased and enhanced flood emergency operations and engineering preparedness and visitor services at the Corps of Engineers' Passaic River Division office in Hoboken, New Jersey, until such time as the center to be constructed under this subsection is operational.

(e) JOHN PAUL HAMMERSCHMIDT LAKE, ARKANSAS.—

(1) CONSTRUCTION.—The Secretary shall construct a visitors center for the Army Corps of Engineers at the John Paul Hammerschmidt Lake, Arkansas River, Arkansas.

(2) DESIGNATION.—The visitor center to be constructed under this subsection shall be known and designated as the "John Paul Hammerschmidt Visitor Center".

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 104. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CALCASIEU RIVER, LOUISIANA.—A navigation project for the Calcasieu River, Louisiana, to enlarge the existing channel to the Port of Cameron to dimensions of 18 feet by 200 feet.

(2) CALCASIEU RIVER, LOUISIANA.—A navigation project for the Calcasieu River, Louisiana, to enlarge the southern portion of the Cameron Loop to dimensions of 18 feet by 140 feet.

(3) PROVINCETOWN HARBOR, MASSACHUSETTS.—A navigation project for Provincetown Harbor, Massachusetts.

(4) AUNT LYDIA'S COVE, CHATHAM, MASSACHUSETTS.—A navigation project for Aunt Lydia's Cove, Chatham, Massachusetts.

(5) GRAND MARAIS, MINNESOTA.—A project for a harbor of refuge, Grand Marais, Minnesota.

(6) GRAND PORTAGE, MINNESOTA.—A project for a harbor of refuge, Grand Portage, Minnesota.

(7) SILVER BAY, MINNESOTA.—A project for a harbor of refuge, Silver Bay, Minnesota.

(8) SEAWAY PIER, BUFFALO, NEW YORK.—A navigation project for construction of a floating breakwater at Seaway Pier, Buffalo, New York.

(9) TANGIER ISLAND, VIRGINIA.—A navigation project for construction of a breakwater to protect navigation facilities at Tangier Island, Virginia.

SEC. 105. SMALL FLOOD CONTROL PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BLUE RIVER AND BROCK CREEK, SALEM, INDIANA.—A project for flood control, West Fork of the Blue River and Brock Creek, Salem, Indiana.

(2) WHITE RIVER, ELNORA, INDIANA.—A project for flood control, White River, Elnora, Indiana.

(3) WHITE RIVER, GIBSON COUNTY, INDIANA.—A project for flood control, White River, Hazelton, Gibson County, Indiana.

(4) WHITE RIVER, PETERSBURG, INDIANA.—A project for flood control, White River, Petersburg, Indiana.

(5) WABASH RIVER, KNOX COUNTY, INDIANA.—A project for flood control Wabash River, Knox County, Indiana.

(6) RED RIVER AT GRAND MARAIS OUTLET, MINNESOTA.—A project for flood control, Red River at Grand Marais Outlet, Minnesota.

(7) SULLIVAN RUN CREEK, BUTLER, PENNSYLVANIA.—A project for flood control, Sullivan Run Creek, Butler, Pennsylvania. The non-Federal share of the cost of the project shall be determined in accordance with section 103(m) of the Water Resources Development Act of 1986.

(8) LITTLE FOSSIL CREEK, TEXAS.—A project for flood control, Little Fossil Creek, Tarrant County, Texas.

(9) TURPENTINE RUN, ST. THOMAS, VIRGIN ISLANDS.—A project for flood control, Turpentine Run, St. Thomas, Virgin Islands.

(b) ST. PETERS, ST. CHARLES COUNTY, MISSOURI.—

(1) MAXIMUM ALLOTMENT.—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, St. Peters, St. Charles County, Missouri, shall be $10,000,000 instead of $5,000,000. The Secretary shall revise the local cooperation agreement for such project entered into under section 221 of the Flood Control Act of 1970 to conform with the increase under this paragraph in the Federal participation in such project.

(2) COST SHARING.—Nothing in this subsection shall be construed as affecting any cost sharing requirements applicable to the project under the Water Resources Development Act of 1986.

California.

SEC. 106. SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary is directed to develop and carry out in accordance with this section a 320-acre Sonoma Baylands wetland demonstration project in the San Francisco Bay-Delta estuary, California. The project shall utilize dredged material suitable for aquatic disposal to restore, protect, and expand the Sonoma Baylands for the purposes of preserving waterfowl, fish, and other wetland dependent species of plants and animals and to provide flood control, water quality improvement, and sedimentation control.

(b) ADDITIONAL PROJECT PURPOSES.—In addition to the pur-
s described in subsection (a), the purposes of the project under
section are to restore tidal wetlands, provide habitat for endan-
d species, expand the feeding and nesting areas for waterfowl
g the Pacific flyway, and demonstrate the use of suitable
ged material as a resource, facilitating the completion of San
ıcisco Bay Area dredging projects in an environmentally sound
ner.

(c) PLAN.—

(1) GENERAL REQUIREMENT.—The Secretary, in cooperation with appropriate Federal and State agencies, and in accordance with applicable Federal and State environmental laws, shall evelop in accordance with this subsection a plan for implementation of the Sonoma Baylands project.

(2) CONTENTS.—The plan shall include initial design and ngineering, construction, general implementation, and site monitoring.

(3) PHASES.—

(A) FIRST PHASE.—The first phase of the plan for final design and engineering shall be completed not later than the last day of the 6-month period beginning on the date of the enactment of this Act.

(B) SECOND PHASE.—The second phase of the plan, including construction of on-site improvements, shall be completed not later than the last day of the 10-month period beginning on the date of the enactment of this Act.

(C) THIRD PHASE.—The third phase of the plan, including dredging, transportation, and placement of material, shall be started not later than July 1, 1994.

(D) FINAL PHASE.—The final phase of the plan shall include monitoring of project success and function and remediation if necessary.

(d) NON-FEDERAL PARTICIPATION.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of developing and carrying out the project under this section shall be 25 percent.

(2) LANDS EASEMENTS AND RIGHTS-OF-WAY.—Subject to paragraph (1), non-Federal interests shall provide lands, easements, and rights-of-way necessary to carry out the project the value of which shall be credited toward the non-Federal share.

(e) REPORTS TO CONGRESS.—Not later than the last day of
ı of the time periods referred to in subsection (c)(3), the Sec-
ry shall report to Congress on the progress being made toward
elopment and implementation of the project under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized
e appropriated $15,000,000 for carrying out this section for
al years beginning after September 30, 1992. Such sums shall
ain available until expended.

. 107. UPPER MISSISSIPPI RIVER PLAN.

(a) EXTENSION OF AUTHORIZATION.—Section 1103(e) of the
ær Resources Development Act of 1986 (33 U.S.C. 652(e)) is
ended—

(1) in paragraph (2) by striking "ten" each place it appears and inserting "15";

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) TRANSFER OF AMOUNTS.—

"(A) GENERAL RULE.—Subject to subparagraph (B), for each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior, and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amount appropriated to carry out each of subparagraphs (A), (B), and (C) of paragraph (1) to carry out any other of such subparagraphs.

"(B) LIMITATION.—The aggregate amounts obligated in fiscal years 1988 through 2002—

"(i) to carry out paragraph (1)(A) may not exceed $189,600,000;

"(ii) to carry out paragraph (1)(B) may not exceed $78,800,000; and

"(iii) to carry out paragraph (1)(C) may not exceed $12,040,000.".

33 USC 652.

(b) FISH AND WILDLIFE HABITAT REHABILITATION AND ENHANCEMENT PROJECTS.—Section 1103(e) of such Act is amended by striking paragraph (7)(A), as redesignated by subsection (a)(2), and inserting the following new paragraph:

"(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is responsible for management activities for fish and wildlife on such lands.".

Florida.

SEC. 108. QUARANTINE FACILITY.

(a) CONSTRUCTION.—The Secretary, in consultation with the Governor of Florida, shall construct a research and quarantine facility in Broward County, Florida, to be used in connection with efforts to control Melaleuca and other exotic plant species that threaten native ecosystems in the State of Florida.

(b) OPERATION AND MAINTENANCE.—After construction, the Secretary shall transfer the facility constructed under this section to the Secretary of Agriculture. The facility shall be jointly maintained and operated by the Department of Agriculture and an appropriate agency or agencies of the State of Florida.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1992, $1,000,000 for the construction of the facility described in subsection (a). Such sums shall remain available until expended.

SEC. 109. COLUMBIA, SNAKE, AND CLEARWATER RIVERS.

(a) DREDGING.—The Secretary is authorized to maintain navigation access to, and berthing areas at, all currently operating public and private commercial dock facilities associated with or having access to the Federal navigation project on the Columbia, Snake, and Clearwater Rivers from Bonneville Dam to and including Lewis-

ton, Idaho, at a depth commensurate with the Federal navigation project.

(b) EXEMPTION FROM LIABILITY.—The Federal Government is exempted from any liability for damages to public and private facilities resulting from work performed under this section, including any damages to docks adjacent to the access channel and berthing areas.

SEC. 110. OUTER HARBOR, BUFFALO, NEW YORK.

The Secretary may construct such bulkheads along the Outer Harbor, Buffalo, New York, as may be necessary to protect the shoreline and reduce the flow of pollutants into Lake Erie.

SEC. 111. SMALL STREAMBANK CONTROL PROJECT, WALNUT CANYON CREEK, CALIFORNIA.

The Secretary shall conduct a study for a streambank and shoreline protection project for Walnut Canyon Creek, Anaheim, California, and, if the Secretary determines that the project is feasible, shall carry out such project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r). The project shall be carried out in accordance with the locally preferred plan, and the non-Federal sponsor shall provide 100 percent of any costs incurred in carrying out the project which are in excess of the costs which would have been incurred in carrying out the project in accordance with the National Economic Development Plan developed by the Secretary.

SEC. 112. MONTGOMERY POINT LOCK AND DAM, ARKANSAS.

The Secretary shall proceed expeditiously with design, land acquisition, and construction of the Montgomery Point Lock and Dam on the White River, Arkansas, authorized as part of the McClellan-Kerr Waterway by section 1 of the River and Harbor Act of July 24, 1946 (60 Stat. 635–636).

SEC. 113. MAJOR REHABILITATION.

The costs of major rehabilitation of the following projects are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund:

(1) Brandon Road Lock, Dresden Lock, Marseille Lock, and Lockport Lock, Illinois Waterway, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of $32,700,000.

(2) Lock and dam number 13, Mississippi River, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of $21,280,000.

(3) Locks and dam number 15, Mississippi River, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of $19,180,000.

SEC. 114. STUDIES.

(a) CENTRAL BASIN GROUND WATER PROJECT, CALIFORNIA.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized to conduct a study for the purpose of determining whether there is contaminated ground water flowing downstream from the San Gabriel Valley Ground Water Basin to the Central Ground Water Basin in Califor-

Los Angeles County, California.

Reports.

(b) SANTA PAULA CREEK, CALIFORNIA.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the general reevaluation study for the project for flood control, Santa Paula Creek, California, authorized by the Flood Control Act of 1948 (62 Stat. 1175–1182) and transmit to Congress a report on the results of such study.

(c) SUCCESS RESERVOIR, TULE RIVER, CALIFORNIA.—Not later than May 31, 1994, the Secretary shall complete and transmit to Congress a feasibility study for enlargement of the flood control project for the Success Reservoir, on the Tule River, California, authorized by section 10 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 901). The study shall include a review of the need for, and desirability of, construction of an upstream toe berm for reservoir embankment stability. The non-Federal share of the enlargement of the project shall be determined in accordance with section 903(c) of the Water Resources Development Act of 1986.

(d) DISTRICT OF COLUMBIA AND MARYLAND.—

(1) IN GENERAL.—The Secretary shall, as part of the ongoing review of the Anacostia River Watershed in the District of Columbia and Maryland—

(A) carry out a comprehensive assessment of adverse impacts to such watershed from Federal facilities;

(B) review current plans for reducing such adverse impacts; and

(C) carry out a feasibility study to identify and recommend measures for implementation to eliminate such adverse impacts.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(e) CANAVERAL HARBOR, FLORIDA.—The Secretary shall expeditiously complete the General Design Memorandum for the sand transfer portion of the navigation project for Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174).

(f) TAMPA HARBOR, ALAFIA RIVER AND BIG BEND, FLORIDA.—The Secretary shall complete in an expeditious manner that portion of the navigation study for Tampa Harbor, Alafia River and Big Bend, Florida, relating to the Alafia River. The Secretary may accept contributions from non-Federal sponsors to cover costs incurred by the Secretary in carrying out such portion of such study.

(g) CEDAR RIVER AND TRIBUTARIES, BLACKHAWK, IOWA.—The Secretary shall complete the feasibility study for Cedar River and tributaries, Blackhawk, Iowa, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

(h) PORT FOURCHON NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall complete the study for Federal maintenance of the Port Fourchon Navigation Channel, Louisiana, not later than the last day of the 12-month period beginning on the date of the enactment of this Act.

(i) BROCKTON, MASSACHUSETTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of—

(A) the water supply, distribution, and transmission needs of the city of Brockton, Massachusetts, for the purpose of developing recommendations for Federal participation in meeting such needs;

(B) the economic, engineering, and environmental feasibility of providing additional water supply for Brockton, Massachusetts, and vicinity in the Taunton River Basin with a view toward providing for future regional increase in municipal and industrial water demands; and

(C) the water quality and quantity and related land resources of the Taunton River for the purpose of developing a detailed survey and evaluation of existing and future uses of the resources.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1). The report must include, at a minimum, a recommendation for the best location of a reservoir for water supply storage on the Taunton River as well as a treatment plant and a recommendation for a route for piping the water from the treatment plant to Brown's Crossing and to Brockton.

(j) HAVERHILL, MASSACHUSETTS.—

(1) STUDY.—The Secretary shall conduct a study on proposed uses of the seawall located in Haverhill, Massachusetts.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(k) GRAND MARAIS HARBOR, MICHIGAN.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall conduct an economic reevaluation of proposed improvements at Grand Marais Harbor, Michigan.

(l) YAZOO BASIN, MISSISSIPPI.—

(1) REVIEW AND EVALUATION.—The Secretary shall conduct a review and evaluation of the recreational master plan for Yazoo Basin, Mississippi.

(2) PURPOSE.—The purpose of the review and evaluation to be conducted under paragraph (1) is to develop recommendations for Federal and non-Federal participation in the master plan referred to in paragraph (1).

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the review and evaluation to be conducted under this subsection.

(m) RAMAPO RIVER AT OAKLAND, NEW JERSEY.—The Secretary shall conduct a study of the project for flood control, Ramapo River, Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), for the purpose of determining the feasibility of modifying the project to include realignment of the Ramapo River channel modification through Potash Lake, replacement of the Pompton Lake Dam bas-

cule flood gates with taintor gates, and provision of a 40-year level of flood protection.

(n) LITTLE RIVER, NIAGARA FALLS, NEW YORK.—The Secretary shall complete the feasibility study for Little River, City of Niagara Falls, New York, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

(o) STRAWBERRY ISLAND, NEW YORK.—

(1) COMPLETION OF STUDY.—The Secretary shall complete the feasibility study of shoreline protection for Strawberry Island, New York, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

(2) INTERIM EMERGENCY MEASURES.—Pending completion of the study of shoreline protection for Strawberry Island, New York, the Secretary shall undertake such emergency measures as may be necessary to provide shoreline protection for Strawberry Island.

(p) WISTER LAKE, OKLAHOMA.—

(1) STUDY.—The Secretary shall complete a study of the flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), for the purpose of determining the feasibility of modifying the project to increase the level of the conservation pool by 1 foot and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of study conducted under paragraph (1).

(q) SALMON HARBOR, OREGON.—The Federal share of the cost of completion of the study for mitigation of shoreline damage attributable to the Federal navigation project at Salmon Harbor, Oregon, authorized by section 111 of the River and Harbor Act of 1968 (82 Stat. 735), shall be 100 percent.

(r) HAMPTON AND POQUOSON, VIRGINIA.—

(1) STUDY.—The Secretary shall conduct independent studies to determine the Federal interest in and feasibility of providing improvements to the Chesapeake Bay shoreline in the cities of Hampton and Poquoson, Virginia, for environmental protection and enhancement, and protection against high tides and wave action as a result of hurricane and other storm events.

(2) REPORT.—The Secretary shall submit to Congress a report on the results of the studies conducted under this subsection together with a plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

(s) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—The Secretary shall conduct a study of the project for navigation, Corpus Christi Ship Channel, Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), for the purpose of determining the feasibility of modifying the project to include maintenance of the Jewel Fulton Canal at a depth of 17 feet as a Federal responsibility.

(t) TUG VALLEY GREENWAY, WEST VIRGINIA.—

(1) STUDY.—The Secretary is directed to conduct a study to determine the feasibility of establishing a "Tug Valley Greenway", in relation to those projects along the Tug Fork River

in West Virginia authorized by section 202 of Public Law 96-367, for the purpose of utilizing the river environment for public recreation opportunities. Specific consideration shall be given in the study to providing for hiking trails, fishing access points, bike paths, and scenic overlooks.

(2) CONSULTATION.—In conducting the study under this subsection, the Secretary shall consult with interested State and local government authorities and nonprofit organizations.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

SEC. 115. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS AND STUDIES.

(a) GENERAL RULE FOR PROJECTS.—Notwithstanding section 1001 of the Water Resources Development Act of 1986, the following projects shall remain authorized to be carried out by the Secretary:

(1) GREEN BAY LEVEE DISTRICT, IOWA.—The project for flood control, Green Bay Levee District, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115).

(2) LAKE PONTCHARTRAIN, NORTH SHORE, LOUISIANA.—The project for beach erosion control, navigation, and recreation, Lake Pontchartrain, North Shore, Louisiana, authorized by section 601 of the Water Resources Development of 1986 (100 Stat. 4142).

(3) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(4) DEAL LAKE, MONMOUTH COUNTY, NEW JERSEY.—The project for removal of silt and stumps and the control of pollution from nonpoint sources, Deal Lake, Monmouth County, New Jersey, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148-4149).

(5) TYRONE, PENNSYLVANIA.—The project for flood protection, Tyrone, Pennsylvania, on the Little Juniata River authorized by section 10 of the Flood Control Act of December 23, 1944 (58 Stat. 893). The Secretary shall examine lower cost alternative measures for providing flood protection for Tyrone, Pennsylvania, and submit to Congress a report on the results of such examination not later than April 1, 1994.

Reports.

(6) BIG PINE LAKE, TEXAS.—The project for flood control, Big Pine Lake, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1186).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 116. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BOOTHBAY HARBOR, MAINE.—The following portion of the project for navigation, Boothbay Harbor, Maine, authorized

by the River and Harbor Act of 1912, shoreward (easterly) of the line described below:

Beginning at a bend in the Federal navigation channel whose coordinates are N. 370950.51, E. 642621.79, running thence in a southwesterly direction about 200 feet to a point whose coordinates are N. 370766.64, E. 642543.09, running thence in a southerly direction about 270.10 feet to a point whose coordinates are N. 370500.00, E. 642500.00.

(2) BOSTON INNER HARBOR CHANNEL, MASSACHUSETTS.—The following 305,340-square-foot portion of the 35-foot channel in Boston Inner Harbor lying easterly of the Charlestown waterfront and westerly of the 40-foot main ship channel, authorized by the River and Harbor Act of June 13, 1902:

Commencing at a point of the intersection of the 35-foot channel line and the westerly 40-foot main ship channel line in Boston Harbor, said point being opposite the east face of Pier 11, Charlestown, Massachusetts; thence running south 10 degrees 17 minutes 15 seconds east 323.54 feet to a point; thence turning and running south 15 degrees 21 minutes 11 seconds west 1,785.75 feet to a point, said last two courses being along the westerly 40-foot main ship channel line; thence turning and running south 65 degrees 18 minutes 42 seconds west 573.52 feet to a point at the bend in the existing westerly 35-foot channel line southeasterly of Pier 4 at Charlestown, Massachusetts; thence turning and running north 50 degrees 11 minutes 25 seconds east 523.55 feet to a point; thence turning and running north 15 degrees 21 minutes 11 seconds east 2,016.68 feet to a point of beginning, said last two courses being along the westerly 35-foot channel line.

(3) NEWBURYPORT, MASSACHUSETTS.—The following portion of the project for navigation, Newburyport Harbor, Massachusetts, authorized by the River and Harbor Act of 1910 (36 Stat. 632):

Commencing at a point north 661793.19 east 768152.83 a line running: north 39 degrees 07 minutes 47 seconds east 227.04 feet to a point north 661969.31 east 768296.11 thence turning and running, south 68 degrees 53 minutes 36 seconds east 2402.44 feet to a point north 661104.18 east 770537.38 thence turning and running, north 84 degrees 27 minutes 35 seconds east 1325.37 feet to a point north 661232.14 east 771856.55 thence turning and running, south 54 degrees 05 minutes 43 seconds west 327.30 feet to a point north 661040.20 east 771591.44 thence turning and running, south 25 degrees 40 minutes 37 seconds west 579.02 feet to a point north 660518.31 east 771340.53 thence turning and running, north 67 degrees 15 minutes 59 seconds west 1791.61 feet to a point north 661210.67 east 769688.11 thence turning and running, north 77 degrees 45 minutes 23 seconds west 1187.30 feet to a point north 661462.46 east 768527.82 thence turning and running, north 48 degrees 35 minutes 19 seconds west 500.00 feet returning to a point north 661793.19 east 768152.83.

(4) GREILICKVILLE, MICHIGAN.—The following portion of the navigation project for Greilickville, Michigan, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173):

Beginning at the northwest corner of the turning basin, Federal navigation project, Grielickville Harbor, Leelanau County, Michigan, having a northing of 1,199,300 and an easting of 529,501 (Michigan Transverse Mercator, Central Zone, NAD 27) and being depicted on the Department of the Army, Detroit District Corps of Engineers Condition of Channel, sheet 1 of 1, dated March 1991; thence 77 degrees 18 minutes 20.4 seconds a distance of 250.7 feet, thence 167 degrees 18 minutes 20.4 seconds a distance of 175 feet, thence 94 degrees 12 minutes 39.2 seconds a distance of 222.8 feet, thence 167 degrees 36 minutes 07.2 seconds a distance of 600 feet, thence 303 degrees 41 minutes 24.2 seconds a distance of 57.7 feet, thence 257 degrees 22 minutes 57.6 seconds a distance of 421.2 feet, thence 347 degrees 19 minutes 23.2 seconds a distance of 797.4 feet to the point of beginning, containing 7.48 acres more or less.

(5) SOUTH HAVEN HARBOR, MICHIGAN.—The following portion of the navigation project for South Haven Harbor, Michigan, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and prevention of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1036):

Beginning at the southwest corner of the turning basin, Federal navigation project, South Haven, Van Buren County, Michigan, having a northing of 330,253.86 and an easting of 358,150.44 (Michigan Transverse Mercator, East Zone, NAD 27) and being depicted on the Department of the Army, Detroit District, Corps of Engineers, condition of channel sheet 2 of 2 dated February 1992; thence north 22 degrees 27 minutes 11 seconds east, along the westerly boundary, a distance of 412.51 feet, thence north 70 degrees 45 minutes 39 seconds east, a distance of 41.91 feet, thence south 61 degrees 05 minutes 08 seconds east, a distance of 325.77 feet, thence south 87 degrees 33 minutes 26 seconds east, a distance of 39.89 feet, thence south 43 degrees 25 minutes 55 seconds west, a distance of 110.35 feet, thence south 70 degrees 45 minutes 56 seconds west, a distance of 472.65 to the point of beginning (containing 2.19 acres, more or less).

(6) SAG HARBOR, NEW YORK.—The navigation project (other than the breakwater) for Sag Harbor, New York, authorized by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1030).

SEC. 117. DEAUTHORIZATION OF A PORTION OF THE CANAVERAL HARBOR, FLORIDA, PROJECT.

Section 1080 of the Intermodel Surface Transportation Efficiency Act of 1991 (105 Stat. 2020) is amended by inserting "thence north 00°–18′–51″ west, a distance of 764.43 feet;" after "551.30 feet;".

SEC. 118. NAMINGS.

(a) LOCK AND DAM 3, ARKANSAS RIVER, ARKANSAS.—

(1) DESIGNATION.—Lock and dam numbered 3 on the Arkansas River, Arkansas, constructed as part of the project

for navigation on the Arkansas River and tributaries, shall be known and designated as the "Joe Hardin Lock and Dam".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Joe Hardin Lock and Dam".

(b) GREERS FERRY LAKE VISITORS CENTER, ARKANSAS.—

(1) DESIGNATION.—The visitors center at Greers Ferry Lake, Arkansas, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 2218), shall be known and designated as the "William Carl Garner Visitors Center".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the "William Carl Garner Visitors Center".

(c) JOHN PAUL HAMMERSCHMIDT LAKE, ARKANSAS.—

(1) DESIGNATION.—The reservoir created by the James W. Trimble Lock and Dam on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the "John Paul Hammerschmidt Lake".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "John Paul Hammerschmidt Lake".

(d) RED RIVER WATERWAY, LOUISIANA.—

(1) DESIGNATION.—The lock numbered 5 on the Red River Waterway, Louisiana, is designated as the "Joe D. Waggonner, Jr. Lock".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, map, or other paper of the United States to the lock referred to in paragraph (1) shall be deemed to be a reference to the "Joe D. Waggonner, Jr. Lock".

(e) PASSAIC RIVER STREAMBANK AREA, NEW JERSEY.—

(1) DESIGNATION.—The area for which environmental and other streambank restoration measures are authorized by section 101(a)(18)(B) of the Water Resources Development Act of 1990, relating to the project for flood control, Passaic River Mainstem, New Jersey and New York, shall hereafter be known and designated as the "Joseph G. Minish Passaic River Waterfront Park and Historic Area".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the area referred to in paragraph (1) shall be deemed to be a reference to the "Joseph G. Minish Passaic River Waterfront Park and Historic Area".

(f) BUENA VISTA FLOOD CONTROL PROJECT, VIRGINIA.—

(1) DESIGNATION.—The project for flood control, Buena Vista, Virginia, authorized by section 101(a)(24) of the Water Resources Development of 1990 (104 Stat. 4610), shall hereafter be known and designated as the "James R. Olin Flood Control Project".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the flood control project referred to in paragraph (1) shall

be deemed to be a reference to the "James R. Olin Flood Control Project".

(3) PLAQUE.—The Secretary is authorized to install in an appropriate place a plaque to identify the flood control project referred to in paragraph (1) as the "James R. Olin Flood Control Project".

(g) GALLIPOLIS LOCKS AND DAM, OHIO RIVER, OHIO AND WEST VIRGINIA.—

(1) DESIGNATION.—The Gallipolis Locks and Dam, Ohio River, Ohio and West Virginia, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), shall hereafter be known and designated as the "Robert C. Byrd Locks and Dam".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the locks and dam referred to in paragraph (1) shall be deemed to be a reference to the "Robert C. Byrd Locks and Dam".

(h) MILL CREEK RESERVOIR, WASHINGTON.—

(1) DESIGNATION.—The Mill Creek Reservoir, authorized by section 4 of the River and Harbor Act of June 28, 1938 (52 Stat. 1222), shall hereafter be known and designated as the "Virgil B. Bennington Lake".

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in paragraph (1) shall be deemed to be a reference to the "Virgil B. Bennington Lake".

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 201. ABILITY TO PAY.

(a) GENERAL RULE.—Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended to read as follows:

"(m) ABILITY TO PAY.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.".

(b) REVIEW OF REGULATIONS.—The Secretary shall review regulations on ability to pay contained in part 241 of title 33, Code of Federal Regulations, published in the Federal Register, Volume 56, Number 114, on June 13, 1991, in light of locally prevailing conditions such as those associated with the projects listed in subsection (c) and shall amend the regulations to the extent that the Secretary determines necessary to more appropriately take into account locally prevailing conditions which would limit the ability of local interest to participate as non-Federal project sponsors in accordance with established cost-sharing formulas.

(c) PROJECTS.—The projects referred to in subsection (b) are as follows:

(1) FEATHER CREEK, CLINTON, INDIANA.—The project for flood control, Feather Creek, Clinton, Indiana, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701(s)).

(2) PERRY CREEK, SIOUX CITY, IOWA.—The project for flood control, Perry Creek, Sioux City, Iowa, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4116) and reauthorized by this Act.

(3) ALOHA-RIGOLETTE, LOUISIANA.—The project for flood control, Aloha-Rigolette, Louisiana, authorized by section 101(a)(12) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(4) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(5) STE. GENEVIEVE, MISSOURI.—The project for flood control, Ste. Genevieve, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(6) BUENA VISTA, VIRGINIA.—The project for flood control, Buena Vista, Virginia, authorized by section 101(a)(24) of the Water Resources Development Act of 1990 (104 Stat. 4610).

SEC. 202. PROJECTS FOR IMPROVEMENTS OF THE ENVIRONMENT.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a; 100 Stat. 4251–4252) is amended—

(1) by inserting at the end of subsection (b) the following new sentence: "No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds $5,000,000."; and

(2) in subsection (e) by striking "$15,000,000" and inserting "$25,000,000".

33 USC 2325.

SEC. 203. VOLUNTARY CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.

(a) ACCEPTANCE.—In connection with carrying out a water resources project for environmental protection and restoration or a water resources project for recreation, the Secretary is authorized to accept contributions of cash, funds, materials, and services from persons, including governmental entities but excluding the project sponsor.

(b) DEPOSIT.—Any cash or funds received by the Secretary under subsection (a) shall be deposited into the account in the Treasury of the United States entitled "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)" and shall be available until expended to carry out water resources projects described in subsection (a).

33 USC 2326.

SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—The Secretary is authorized to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project.

(b) SECRETARIAL FINDINGS.—Subject to subsection (c) of this section, projects for the protection, restoration, or creation of aquatic and ecologically related habitats may be undertaken in any case where the Secretary finds that—

(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost thereof; and

(2) the project would not result in environmental degradation.

(c) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a cooperative agreement in accordance with the requirements of section 221 of the Flood Control Act of 1970 in which the non-Federal interests agree to—

(1) provide 25 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations; and

(2) pay 100 percent of the operation, maintenance, replacement, and rehabilitation costs associated with the project for the protection, restoration, and creation of aquatic and ecologically related habitats.

(d) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project for the protection, restoration, and creation of aquatic and ecologically related habitats shall be limited solely to construction costs which are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $15,000,000 annually to carry out this section. Such sums shall remain available until expended.

SEC. 205. DEFINITION OF REHABILITATION FOR INLAND WATERWAY PROJECTS.

33 USC 2327.

For purposes of laws relating to navigation on inland and intracoastal waterways of the United States, the term "rehabilitation" means—

(1) major project feature restoration—

(A) which consists of structural work on an inland navigation facility operated and maintained by the Corps of Engineers;

(B) which will significantly extend the physical life of the feature;

(C) which is economically justified by a benefit-cost analysis;

(D) which will take at least 2 years to complete; and

(E)(i) which is initially funded before October 1, 1994, and will require at least $5,000,000 in capital outlays; or

(ii) which is initially funded on or after such date and will require at least $8,000,000 in capital outlays; and

(2) structural modification of a major project component (not exhibiting reliability problems)—

(A) which will enhance the operational efficiency of such component or any other major component of the project by increasing benefits beyond the original project design; and

(B) which will require at least $1,000,000 in capital outlays.

Such term does not include routine or deferred maintenance. The dollar amounts referred to in paragraphs (1) and (2) shall be adjusted annually according to the economic assumption published each year as guidance in the Annual Program and Budget Request for Civil Works Activities of the Corps of Engineers.

33 USC 426i-1.

SEC. 206. CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.

(a) AUTHORITY.—Non-Federal interests are authorized to undertake shoreline protection projects on the coastline of the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) STUDIES AND ENGINEERING.—

(1) BY NON-FEDERAL INTERESTS.—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and engineering for any construction to be undertaken under subsection (a).

(2) BY SECRETARY.—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken under subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies and engineering during the period that the studies and engineering will be conducted.

(c) COMPLETION OF STUDIES.—The Secretary is authorized to complete and transmit to the appropriate non-Federal interests any study for shoreline protection which was initiated before the date of the enactment of this Act or, upon the request of such non-Federal interest, to terminate the study and transmit the partially completed study to the non-Federal interest for completion. Studies subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) IN GENERAL.—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a shoreline protection project or separable element thereof, based on the results of completed studies and engineering for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) PERMITS.—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) MONITORING.—The Secretary shall monitor any project for which permits are granted under this subsection in order to ensure that such project is constructed (and, in those cases where such activities will not be the responsibility of the Secretary, operated and maintained) in accordance with the terms and conditions of such permits.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to the enactment of appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized shoreline protection project, or separable element thereof, constructed under this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by such non-Federal interest; and

(B) if the Secretary finds, after a review of studies and engineering prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(3) MONITORING.—The Secretary shall regularly monitor and audit any project for shore protection constructed under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(4) LIMITATION ON REIMBURSEMENTS.—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits or approved plans.

SEC. 207. COST-SHARING FOR DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended by striking the last sentence and inserting the following new sentences: "At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place sand on the beaches of the political subdivision of the State under the same terms and conditions required in the first sentence of this section; except that the political subdivision shall be responsible for providing any payments required under such sentence in lieu of the State. In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of the requesting State, for providing its share of funds for placing such sand on the beaches of the State or the political subdivision and shall, to the maximum extent practicable, accommodate such schedule.".

SEC. 208. FEES FOR DEVELOPMENT OF STATE WATER PLANS.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (b) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) IN-KIND SERVICES.—Up to ½ of the non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision

of services, materials, supplies, or other in-kind services necessary to prepare the plan."; and

(2) in subsection (d) by inserting "Indian tribes," after "States of the United States,".

SEC. 209. DAM SAFETY PROGRAM EXTENSION.

(a) STATE SAFETY PROGRAMS.—The first sentence of section 7(a) of Public Law 92–367 (33 U.S.C. 467f(a)) is amended by striking "1992" and inserting "1994".

(b) STATE TRAINING PROGRAMS.—The second sentence of section 11 of Public Law 92–367 (33 U.S.C. 467j) is amended by striking "1992" and inserting "1994".

(c) RESEARCH PROGRAM.—The last sentence of section 12 of Public Law 92–367 (33 U.S.C. 467k) is amended by striking "1992" and inserting "1994".

(d) DAM INVENTORY.—The second sentence of section 13 of Public Law 92–367 is amended by striking "1992" and inserting "1994".

33 USC 467*l*.

(e) MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary is authorized to provide planning, engineering and design, construction, technical, and other assistance to non-Federal interests for repair, reconstruction, replacement, or other modification to Mussers Dam, Middle Creek, Snyder County, Pennsylvania, in order to bring such dam into compliance with the safety requirements which the Federal Energy Regulatory Commission has determined to be necessary.

(2) COORDINATION.—The Secretary shall provide any assistance under paragraph (1) in coordination with the Federal Energy Regulatory Commission and State and local interests.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as affecting or modifying—

(A) the obligations of non-Federal interests under the Federal Power Act or any license, permit, or exemption issued under such Act; or

(B) the duties and responsibilities of the Federal Energy Regulatory Commission under the Federal Power Act to require and enforce on a timely basis safety compliance with such Act and any license, permit, or exemption issued under such Act.

(4) FEDERAL SHARE.—The Federal share of the cost of repair, reconstruction, replacement, and other modification to Mussers Dam for the purpose described in paragraph (1) shall be 75 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(f) BEAVER LAKE, ARKANSAS.—All costs incurred in carrying out the project to correct seepage problems at Beaver Lake, Arkansas, shall be treated as costs incurred for a dam safety project and shall be subject to cost sharing in accordance with section 1203 of the Water Resources Development Act of 1986.

33 USC 569d.

SEC. 210. SAFETY AWARD AND PROMOTIONAL MATERIALS.

(a) PROMOTION OF SAFETY PROGRAM.—

(1) PROCUREMENT OF PROMOTIONAL MATERIALS.—The Secretary is authorized to procure materials that, in the judgment of the Secretary, are necessary to promote the Corps of Engineers safety program.

(2) DISTRIBUTION OF MATERIALS TO EMPLOYEES.—The items purchased pursuant to this subsection shall be distributed to employees of the Corps of Engineers to advance the goals of the safety program.

(b) EMPLOYEE RECOGNITION.—The Secretary is authorized to incur necessary expenses for the honorary recognition of the outstanding safety performance of employees of the Corps of Engineers. Such recognition may be in the form of certificates, plaques, cash, or other forms of awards.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $350,000 for each fiscal year beginning after September 30, 1992, for carrying out the purposes of this section.

SEC. 211. WORK FOR OTHERS.

Section 3036(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) For purposes of this subsection, the term 'State' includes the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, territories and possessions of the United States, and Indian tribes.".

SEC. 212. USE OF PRIVATE SECTOR RESOURCES IN SURVEYING AND MAPPING.

33 USC 569e.

To the maximum extent practicable, the Secretary shall make use of private sector resources in carrying out surveying and mapping activities in the Civil Works Program of the Corps of Engineers.

SEC. 213. USE OF DOMESTIC PRODUCTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall ensure that procurements with funds appropriated to carry out this Act are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c), popularly known as the "Buy American Act".

(2) LIMITATION ON APPLICABILITY.—This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of the enactment of this Act.

(3) REPORTS.—The Secretary shall report to Congress on procurements covered under this subsection of products that are not domestic products.

(b) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 214. RURAL PROJECT EVALUATION AND SELECTION CRITERIA.

Reports.
33 USC 2281 note.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall report to the Committee

on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives with specific legislative and other recommendations on—

(1) improving the equitable distribution of water resources development projects in rural areas, including recommendations for—

(A) giving greater value to properties in rural areas;

(B) making the ability to pay provision of section 103(m) of the Water Resources Development Act of 1986 apply more equitably; and

(C) giving greater value to crop lands and crops; and

(2) giving greater emphasis to—

(A) projected increases in values of property, crop lands, and crops which will result from completion of a proposed water resources development project;

(B) projected increases in the ability to pay by residents which will result from completion of a proposed water resources development project; and

(C) other benefits assumed to increase upon completion of a proposed water resources development project.

SEC. 215. COMPENSATION OF CORPS OF ENGINEERS EMPLOYEES.

(a) SPECIAL POWER RATE EMPLOYEES.—The Secretary shall conduct a comparative analysis, on a regional basis, of—

(1) the compensation (including basic wage rates and differential pay) provided to employees of the Corps of Engineers who are paid from the Corps of Engineers Special Power Rate Schedule and who are employed at water resources projects of the Corps; and

(2) the compensation provided to employees of other Federal agencies who perform duties similar to those performed by such employees of the Corps of Engineers.

(b) REGULATORY EMPLOYEES.—The Secretary shall conduct a comparative analysis of—

(1) the compensation provided to employees of the Corps of Engineers who carry out regulatory functions; and

(2) the compensation provided to employees of other Federal agencies who carry out functions similar to those performed by such employees of the Corps of Engineers;

for the purpose of determining whether or not an adjustment to the compensation provided to such employees of the Corps of Engineers is needed.

(c) PUBLIC PARTICIPATION.—In conducting the analyses under subsections (a) and (b), the Secretary shall provide opportunities for public participation.

(d) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the analyses conducted under subsections (a) and (b), together with any recommendations of the Secretary, and shall implement such recommendations.

33 USC 2211 note.

SEC. 216. DREDGED MATERIAL DISPOSAL AREAS.

(a) STUDY.—The Secretary shall conduct a study on the need for changes in Federal law and policy with respect to dredged material disposal areas for the construction and maintenance of harbors and inland harbors by the Secretary. As part of the study, the Secretary shall evaluate the need for any changes in Federal

and non-Federal cost sharing for such areas and harbor projects, including sources of funding.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), together with recommendations of the Secretary.

SEC. 217. REUSE OF WASTE WATER.

43 USC 390h-4 note.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out projects described in subsection (c) for the beneficial reuse of waste water. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) SOUTHERN CALIFORNIA COMPREHENSIVE WATER REUSE SYSTEM.—

(A) DESCRIPTION.—A regional water reuse system for Southern California to treat, store, and transfer water in order to provide a new increment of water supply for agricultural, municipal, industrial, and environmental needs of Southern California.

(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the State of California and appropriate local and regional entities.

(C) SOUTHERN CALIFORNIA DEFINED.—For purposes of this paragraph, the term "Southern California" means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego, Ventura, Santa Barbara, and San Luis Obispo, California, within the south coast, central coast, and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(2) SAN DIEGO AREA WATER REUSE DEMONSTRATION FACILITIES.—Water reuse facilities (which are not inconsistent with facilities mandated by the United States District Court in San Diego, California) to develop advance technology for economically and environmentally sound alternative water supplies for the San Diego metropolitan area.

(3) SANTA ROSA WATER REUSE PROJECTS.—

(A) DESCRIPTION.—Water reuse projects for the city of Santa Rosa, California, to treat waste water and store such treated water for the purposes of providing new water supplies for agriculture, municipal, environmental, and other purposes and reducing the use of potable water supplies for purposes where treated waste water is a viable substitute.

(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the city of Santa Rosa, California, and other appropriate authorities.

(4) MONTEREY COUNTY, CALIFORNIA.—

(A) DESCRIPTION.—Reduction of salt water intrusion into aquifers in the vicinity of Castroville, California, for the purposes of improving the water quality of Monterey Bay and enhancing long-term water supply in the area.

(B) COOPERATION.—The Secretary shall carry out this paragraph in cooperation with the Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000. Such sums shall remain available until expended.

43 USC 390h–5 note.

SEC. 218. DEMONSTRATION OF WASTE WATER TECHNOLOGY, SANTA CLARA VALLEY WATER DISTRICT AND SAN JOSE, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized to provide design and construction assistance to the Santa Clara Valley Water District in San Jose, California, and to the city of San Jose, California, for demonstrating and field testing public use innovative processes which advance the technology of waste water reuse and treatment and which promote the use of treated waste water for critical water supply purposes and for the protection of fish and wildlife in the San Francisco Bay. All design, construction, and comprehensive health effects studies shall be carried out by non-Federal interests.

(b) PURPOSES OF ASSISTANCE.—Assistance may be provided under this section—

(1) for the design and construction of an innovative nonpotable waste water reuse treatment facility with distribution systems;

(2) for the design and construction of an innovative potable waste water reuse pilot plant;

(3) for implementation of a comprehensive health effects study of the performance of the potable waste water reuse pilot plant; and

(4) after the pilot plant is constructed and is operational, for the design and construction of a potable waste water reuse project, along with integration of the additional potable processes into the existing nonpotable facilities, and the extension of the distribution systems to groundwater recharge areas, if the Secretary, in cooperation with the Administrator of the Environmental Protection Agency, determines that the established public health requirements and water quality goals and objectives are being met by the pilot plant, the public health

and safety is not at risk as a result of the operation of the pilot plant, and the pilot plant is operating reliably.

(c) COST SHARING.—Total project costs under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000. Such sums shall remain available until expended.

SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out water-related environmental infrastructure and resource protection and development projects described in subsection (c), including waste water treatment and related facilities and water supply, storage, treatment, and distribution facilities. Such assistance may be in the form of technical and planning and design assistance. If the Secretary is to provide any design or engineering assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects for which assistance is provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) WASHINGTON, D.C. AND MARYLAND.—Measures to alleviate adverse water quality impacts resulting from storm water discharges from Federal facilities in the Anacostia River watershed, Washington, D.C. and Maryland.

(2) ATLANTA, GEORGIA.—A combined sewer overflow treatment facility for the city of Atlanta, Georgia.

(3) HAZARD, KENTUCKY.—A water system (including a 13,000,000 gallon per day water treatment plant), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for Hazard, Kentucky.

(4) ROUGE RIVER, MICHIGAN.—Completion of a comprehensive streamflow enhancement project for the Western Townships Utility Authority, Rouge River, Wayne County, Michigan.

(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply for Jackson County, Mississippi.

(6) EPPING, NEW HAMPSHIRE.—Evaluation and assistance in addressing expanded and advanced wastewater treatment needs for Epping, New Hampshire.

(7) MANCHESTER, NEW HAMPSHIRE.—Elimination of combined sewer overflows in the city of Manchester, New Hampshire.

(8) ROCHESTER, NEW HAMPSHIRE.—Provision of advanced wastewater treatment for the city of Rochester, New Hampshire.

(9) PATERSON AND PASSAIC COUNTY, NEW JERSEY.—Drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey.

(10) STATE OF NEW JERSEY AND NEW JERSEY WASTEWATER TREATMENT TRUST.—The development of innovative beneficial uses of sewage sludge and conventional and innovative facilities to dispose of sewage sludge or to make reusable products from sewage sludge for local government units that ceased the discharge of sewage sludge in the Atlantic Ocean.

(11) ERIE COUNTY, NEW YORK.—A tunnel from North Buffalo, New York, to Amherst Quarry to relieve flooding and improve water quality.

(12) ERIE COUNTY, NEW YORK.—A sludge processing disposal facility to serve the Erie County Sewer District 5, New York.

(13) OTSEGO COUNTY, NEW YORK.—A water storage tank and an adequate water filtration system for the Village of Milford, Otsego County, New York.

(14) CHENANGO COUNTY, NEW YORK.—A primary source water well and improvement of a water distribution system for New Berlin, Chenango County, New York.

(15) GREENSBORO AND GLASSWORKS, PENNSYLVANIA.—A sewage treatment plant for the borough of Greensboro, Pennsylvania, and the unincorporated village of Glassworks, Pennsylvania.

(16) LYNCHBURG, VIRGINIA.—Alleviation of combined sewer overflows for Lynchburg, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(17) RICHMOND, VIRGINIA.—Alleviation of combined sewer overflows for Richmond, Virginia, in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(18) COLONIAS ALONG UNITED STATES-MEXICO BORDER.—Wastewater treatment facilities, water systems (including water treatment plants), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for colonias in the United States along the United States-Mexico border.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section $5,000,000. Such sums shall remain available until expended.

SEC. 220. ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE FOR BENTON AND WASHINGTON COUNTIES, ARKANSAS.

(a) IN GENERAL.—The Secretary is authorized to provide design and construction assistance to appropriate non-Federal interests for a water transmission line from the northern part of Beaver Lake, Arkansas, into Benton and Washington Counties, Arkansas, at a total cost of $5,000,000.

(b) COST SHARING.—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

SEC. 221. ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE FOR ERIE COUNTY, NEW YORK.

(a) BEST MANAGEMENT PRACTICES FOR COMBINED SEWER SYSTEM.—The Secretary is authorized to provide design and construction assistance to the Buffalo Sewer Authority, Buffalo, New York, for the development and implementation of best management practices to reduce pollution from the combined sewer system in the city, at a total cost of $6,800,000.

(b) STORM WATER CONTROL PROJECT.—The Secretary is authorized to provide design and construction assistance to the town of Amherst, New York, for a storm water control project on Sheridan Drive between Evans Road and Transit Road in the town of Amherst, New York, at a total cost of $200,000.

(c) COST SHARING.—Total project costs under each of subsections (a) and (b) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

SEC. 222. ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE FOR LEWISTON, NEW YORK.

(a) IN GENERAL.—The Secretary is authorized to provide design and construction assistance to the city of Lewiston, New York, for construction of a storm water control project, at a total cost of $200,000.

(b) COST SHARING.—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

SEC. 223. BOARD OF ENGINEERS.

33 USC 541 note.

Termination date.

The Board of Engineers for Rivers and Harbors, established by section 3 of the River and Harbor Act of June 13, 1902 (33 U.S.C. 541), shall cease to exist on the 180th day following the date of the enactment of this Act. The Secretary may reassign to other elements within the Department of the Army such duties and responsibilities of the Board as the Secretary determines to be necessary.

SEC. 224. CHANNEL DEPTHS AND DIMENSIONS.

Section 5 of the Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 562), is amended—

(1) by inserting "and after the project becomes operational" before the first comma;

(2) by inserting "lower" after "mean" the first place it appears;

(3) by inserting ", as defined by the Department of Commerce for nautical charts and tidal predictions," after "water" each place it appears; and

(4) by inserting "and after the project becomes operational" before "the channel dimensions".

33 USC 2328.

SEC. 225. CHALLENGE COST-SHARING PROGRAM FOR THE MANAGEMENT OF RECREATION FACILITIES.

(a) IN GENERAL.—The Secretary is authorized to develop and implement a program to share the cost of managing recreation facilities and natural resources at water resource development projects under the Secretary's jurisdiction.

(b) COOPERATIVE AGREEMENTS.—To implement the program under this section, the Secretary is authorized to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects under the Secretary's jurisdiction where such facilities and resources are being maintained at complete Federal expense.

(c) CONTRIBUTIONS.—For purposes of carrying out this section the Secretary may accept contributions of funds, materials, and services from non-Federal public and private entities. Any funds received by the Secretary under this section shall be deposited into the account in the Treasury of the United States entitled "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)" and shall be available until expended to carry out the purposes of this section.

33 USC 569f.

SEC. 226. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If the Secretary determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States which is not made in the United States and which is used in a civil works project of the Secretary, the Secretary shall debar the person from contracting with the Federal Government for a period of not less than 3 years and not more than 5 years. For purposes of this section, the term "debar" has the meaning that term has under section 2393(c) of title 10, United States Code.

TITLE III—MISCELLANEOUS PROVISIONS

33 USC 653.

SEC. 301. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission (established by the Act of June 29, 1879 (33 U.S.C. 641)) is extended to include—

(1) Terrebonne Parish, Louisiana; and

(2) the area bounded by the East Atchafalaya Basin Protection Levee, the Mississippi River Levee, and Bayou Lafourche and extending from Morganza, Louisiana, to the Gulf of Mexico, insofar as such area is affected by the flood waters of the Mississippi River.

SEC. 302. NEW YORK CITY ZEBRA MUSSEL PROGRAM.

(a) MONITORING AND PREVENTION.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, the Governor of the State of New York, and the Mayor of the city of New York, shall—

(A) develop a prevention monitoring program for zebra mussels throughout the New York City water supply system;

(B) develop appropriate zebra mussel prevention and removal technologies for the New York City water supply system; and

(C) provide technical assistance to the State of New York and the city of New York on alternative design and maintenance practices for the New York City water supply system in the event of zebra mussel infestation.

(2) COST SHARING.—The Secretary shall not initiate any monitoring, prevention, or technical assistance project or program under this subsection until appropriate non-Federal interests agree, by contract, to contribute 25 percent of the cost for such project or program during the period of such project or program.

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subsection, there is authorized to be appropriated to the Secretary $2,000,000 for each fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

(b) EXOTIC AQUATIC ORGANISMS.—

(1) IN GENERAL.—Section 1101(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(b)) is amended by adding at the end the following new paragraph:

Regulations.

"(3) In addition to issuing regulations under paragraph (1), the Secretary, in consultation with the Task Force shall, not later than 24 months after the date of the enactment of this paragraph, issue regulations to prevent the introduction and spread of aquatic nuisance species in the Great Lakes through ballast water carried on vessels that, after operating on the waters beyond the exclusive economic zone, enter a United States port on the Hudson River north of the George Washington Bridge.".

(2) DEFINITION.—Paragraph (1) of section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 is amended by inserting "the Committee on Public Works and Transportation and" after "means".

16 USC 4702.

SEC. 303. SUSQUEHANNA RIVER, PENNSYLVANIA.

(a) WETLANDS DEMONSTRATION PROJECT.—The Secretary, in cooperation with appropriate Federal agencies, may enter into a cooperative agreement with the Earth Conservancy to develop, and carry out along the Susquehanna River between Wilkes-Barre and Sunbury, Pennsylvania, a wetlands demonstration project for the purposes of—

(1) enhancing municipal waste water treatment in the region;

(2) restoring and maintaining the physical, chemical, and biological integrity of the Susquehanna River and its tributaries as well as nearby lands; and

(3) developing cleanup technologies which can be utilized for various environmental restoration initiatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000. Such sums shall remain available until expended.

SEC. 304. BROAD TOP REGION OF PENNSYLVANIA.

Contracts.

(a) WATERSHED RECLAMATION AND WETLANDS PILOT PROJECT.—The Secretary, in cooperation with appropriate Federal and State agencies, shall enter into a cooperative agreement with non-Federal interests to develop and carry out along the Juniata River and its tributaries, Pennsylvania, a watershed reclamation and protection and wetlands creation and restoration project for the purposes of—

(1) restoring and maintaining the physical, chemical, and biological integrity of Trough Creek, Stroups Run, and the Raystown Branch of the Juniata River as well as nearby lands;

(2) constructing or restoring wetlands and using other methods to treat acid mine drainage and other runoff to protect surface and ground water;

(3) enhancing municipal water supplies in the region; and

(4) developing innovative reclamation technologies, removing public safety hazards, and developing related recreation facilities for various environmental restoration and cultural resource and economic development opportunities.

(b) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,500,000. Such sums shall remain available until expended.

SEC. 305. CONSTRUCTION OF BOAT RAMPS AND DOCKS AT J. STROM THURMOND LAKE, GEORGIA.

Section 1134(e) of the Water Resources Development Act of 1986 (100 Stat. 4251) is amended by inserting "(1)" before "In any case" and by adding at the end the following new paragraph:

"(2) If a person who purchased property under paragraph (1) for replacement of property for which a lease held by such a person was terminated under this section and the property for which the lease was terminated had a boat ramp or dock, or both, the Secretary shall permit such person to construct or have constructed a boat ramp or dock, or both, as the case may be, at the replacement property. A boat ramp or dock constructed under this paragraph shall be comparable in size and configuration to, and shall be maintained in accordance with, regulations issued by the Secretary.".

Regulations.

SEC. 306. WEST VIRGINIA TRAILHEAD FACILITIES.

The Secretary is authorized to conduct a study and develop a plan for trailhead facilities at the following projects in West Virginia:

(1) Beech Fork Lake.

(2) R.D. Bailey Lake.

(3) East Lynn Lake.

(4) Projects authorized by section 202 of Public Law 96-367.

SEC. 307. WATER QUALITY PROJECTS.

New York. Maine. Rhode Island.

(a) PROJECT DESCRIPTION.—The Secretary is authorized to design and construct projects to address water quality problems associated with storm water discharges from large storm events for the New Orleans, Louisiana, metropolitan area, from within the Jefferson and Orleans Parishes from which waters discharge into Lake Pontchartrain and the Mississippi River; the watershed areas of Onondaga County and Syracuse, New York, from which waters discharge into Onondaga Lake, New York; the watershed areas of the Penobscot River in the vicinity of Bangor, Maine, and the Casco Bay in the vicinity of Portland, Maine; and the watershed areas of Narragansett Bay in the vicinity of the Providence, Rhode Island, metropolitan area, including East Providence, Pawtucket, and Central Falls, Rhode Island.

(b) PROJECT DESIGN.—The design of projects under subsection (a) shall ensure the development of effective Federal and non-Federal actions which will contribute toward compliance with the Federal Water Pollution Control Act.

(c) COST SHARING.—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $70,000,000 to carry out this section. Such sums shall remain available until expended.

SEC. 308. BALTIMORE HARBOR, MARYLAND.

(a) ANALYTICAL PROCEDURES.—

(1) STUDY.—The Secretary shall conduct a study of Baltimore Harbor, Maryland, for the purpose of developing analytical procedures and criteria for contaminated dredged material in order to distinguish those materials which should be placed in containment sites from those materials which could be used in beneficial projects (such as beach nourishment, shoreline erosion control, island reclamation, and wetlands creation) or which could be placed in open waters without being chemically altered.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(b) DECONTAMINATION STUDY.—

(1) STUDY.—The Secretary shall conduct a study of Baltimore Harbor, Maryland, for the purpose of determining the feasibility and necessity of decontaminating dredged materials and the feasibility of dewatering and recycling dredged materials for use as marketable products. In conducting the study, the Secretary shall consider requirements and locations for a processing or staging area, evaluate the marketability of potential products, and assess financial costs.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress

a report on the results of the study conducted under this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section. Such sums shall remain available until expended.

SEC. 309. ADDITIONAL STUDIES.

(a) OHIO RIVER AND TRIBUTARIES.—

(1) STUDY.—The Secretary shall review the report of the Chief of Engineers on the Ohio River and Tributaries, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports to determine whether modifications of the recommendations contained in such report are advisable at the present time, with particular reference to improvements for water and related land resource needs, including abatement of acid mine drainage in Wheeling Creek, Glenns Run, Little Short Creek, and Yellow Creek in Belmont and Jefferson Counties, Ohio.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(b) COASTAL PROTECTION STUDY.—

(1) STUDY.—The Secretary shall conduct a study of the economic benefits of Federal and significant non-Federal shore protection activities in the Mid-Atlantic region from New York to Virginia. In conducting such study, the Secretary shall assess—

(A) the public investment in such activities;

(B) damage incurred by such shore protection activities by coastal storms of October 1991 and January 1992;

(C) the prevention of damage by coastal storms of October 1991 and January 1992 to coastal and upland resources, including public and private properties and other economic activities, as a result of such shore protection activities; and

(D) the extent to which the prevention of damage to coastal and upland resources, including public and private properties and other economic activities, is considered in benefit-cost ratios for shore protection activities.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report containing the findings of the Secretary with respect to the study conducted under this subsection.

(c) HARRISON COUNTY, MISSISSIPPI.—

(1) STUDY.—The Secretary is authorized to enter into a memorandum of understanding with the Secretary of Agriculture for the purpose of studying problems associated with flooding in Harrison County, Mississippi. Under the memorandum of understanding, the Secretary and the Secretary of Agriculture will jointly conduct a reconnaissance study of Harrison County, Mississippi, and the following bodies of water and associated watersheds:

(A) Wolf River.

(B) Big Biloxi River.
(C) Little Biloxi River.
(D) Turkey Creek.
(E) Saucier Creek.
(F) Hog Branch Creek.
(G) Flat Branch Creek.
(H) Tuxachanie Creek.
(I) Tchoutacabouffa River.

(2) CONTENTS.—The reconnaissance study to be conducted under paragraph (1) shall include the following:

(A) REVIEW OF RELEVANT REPORTS.—A review of relevant reports of the Chief of Engineers and other reports which the Secretary of Agriculture and the Secretary, in consultation with the Chief of Engineers, determine to be appropriate.

(B) PLAN FOR IMPLEMENTATION.—The development of a plan to implement measures to address the problems associated with flooding identified in the study, including measures for the development, use, and conservation of water resources in the geographic areas that are the subject of the study. The development of the plan shall include, to the extent practical, an evaluation of alternative measures.

(C) COST ESTIMATE.—A cost estimate for each measure described in subparagraph (B).

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Secretary of Agriculture shall jointly transmit to Congress a written report that includes—

(A) findings on the study conducted under paragraph (1);

(B) a reasonable schedule for the implementation of the measures described in the plan developed under paragraph (2)(B); and

(C) a cost estimate determined in accordance with paragraph (2)(C) for the implementation of the plan developed under paragraph (2)(B).

(d) REYNOLDS CHANNEL.—

(1) STUDY.—The Secretary is authorized to conduct a study on the need for navigation improvements in Reynolds Channel and the connecting State Boat Channel between Captree Island and Oak Beach.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this subsection.

(e) ORCHARD BEACH, BRONX, NEW YORK.—

(1) REVIEW.—The Secretary is authorized to review the reports of the Chief of Engineers and other pertinent documents pertaining to Orchard Beach, Bronx, New York, and to make appropriate recommendations concerning storm damage prevention, recreation, environmental restoration, and other purposes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $400,000

for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(f) EAST RIVER, NEW YORK.—

(1) STUDY.—The Secretary is authorized to conduct a study on the need for erosion protection along the East River, New York, in the vicinity of Brooklyn, Queens, and Manhattan with a view toward mitigating the deleterious effects of drift removal on protecting the adjacent shoreline from erosion.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(g) LAKE CHAMPLAIN AND THE NARROWS OF LAKE CHAMPLAIN, VERMONT.—

(1) STUDY.—The Secretary is authorized to conduct a reconnaissance and feasibility study of remediation of contaminated sediments in Lake Champlain and the Narrows of Lake Champlain, Vermont. Such activities shall be coordinated with the State of Vermont and the Water Resources Research Center at the University of Vermont.

(2) FUNDING.—Funds previously expended by the State of Vermont and the Water Resources Research Institute at the University of Vermont in investigating sediment contamination shall be considered toward any joint funding requirement relating to the study to be conducted under this subsection.

(h) LAKE CHAMPLAIN, VERMONT.—The Secretary is authorized to conduct a reconnaissance and feasibility study of providing additional boat access points on Lake Champlain, Vermont.

(i) MONTPELIER, VERMONT.—The Secretary is authorized to conduct a reconnaissance and feasibility study on providing additional flood protection for Montpelier, Vermont.

Maine.
New Hampshire.

(j) NEW ENGLAND COASTAL DREDGED MATERIAL.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of long-term coastal dredged material disposal needs along the Maine and New Hampshire coasts. Beginning in 1995, any dredged material resulting from a project proposed as a result of this study shall be disposed of at a site which is permanently designated by the Environmental Protection Agency pursuant to title I of the Marine Protection, Research, and Sanctuaries Act of 1972.

Appropriation authorization.

(2) FUNDING.—$500,000 is authorized under General Investigations to conduct the study under this subsection, which will take into account the 2 States' dredged material disposal needs.

(k) ST. JOHN'S RIVER CHANNEL, FLORIDA.—In studying the feasibility of Federal improvements to the St. John's River Channel, Florida, the Secretary shall examine the commercial and military uses of the channel in those areas traversed by both military and commercial vessels and shall coordinate the efforts of the Secretary with the Secretary of the Navy to utilize available studies and resources which project future military dredging needs in the St. John's River Channel.

(l) CENTRAL AND SOUTHERN FLORIDA.—The Chief of Engineers shall review the report of the Chief of Engineers on central and southern Florida, published as House Document 643, 80th Congress, 2d Session, and other pertinent reports, with a view to determining whether modifications to the existing project are advisable at the

present time due to significantly changed physical, biological, demographic, or economic conditions, with particular reference to modifying the project or its operation for improving the quality of the environment, improving protection of the aquifer, and improving the integrity, capability, and conservation of urban water supplies affected by the project or its operation.

SEC. 310. REND LAKE, ILLINOIS.

(a) STUDY.—The Secretary shall conduct a study on whether or not to relieve the State of Illinois of the requirement to make annual payments for unused water supply storage in Rend Lake on the Big Muddy River in Illinois.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for any conditions which the Secretary considers to be appropriate if the State of Illinois is to be relieved of the requirement to make the annual payments referred to in subsection (a).

(c) INTERIM PAYMENTS.—Until 6 months after the date on which the Secretary transmits to Congress the report under subsection (b), the State of Illinois shall not be required to make any payments under its contract with the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois.

SEC. 311. PORTUGUESE AND BUCANA RIVERS, PUERTO RICO.

Section 31 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by striking "temporarily residing and".

SEC. 312. LITTLE GOOSE AND LOWER GRANITE, WASHINGTON.

(a) MEASURES.—The Secretary is directed to undertake such measures as are necessary to compensate for damages caused to public and private property by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington. The costs of such measures shall be considered project costs and shall be allocated in accordance with existing cost allocations for the Little Goose and Lower Granite projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts previously appropriated, there is authorized to be appropriated to carry out this section $8,000,000. Such sums shall remain available until expended.

SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in south central Pennsylvania. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in south central Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) CONSULTATION WITH SARCD COUNCIL.—In carrying out this section, the Secretary shall consult the SARCD Council.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this Act, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with the SARCD Council and other appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST-SHARING.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but not to exceed 25 percent of total project costs. Operation and maintenance costs shall be 100 percent non-Federal.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) AUTHORIZATION AND ALLOCATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $17,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(2) ALLOCATION.—Funds appropriated to carry out this section for each of fiscal years 1993 through 1998 shall be expended as follows: 50 percent for providing assistance in the Chesapeake Bay watershed area of south central Pennsylvania and 50 percent for providing assistance in the Ohio River watershed area of south central Pennsylvania.

(3) TRANSFERS.—The Secretary may expend up to 20 percent of the amounts required to be expended under paragraph (2) for providing assistance in a watershed area for providing assistance in the other watershed area referred to in paragraph (2); except that the aggregate amount expended for providing assistance in the Chesapeake Bay watershed area for fiscal years 1993 through 1998 shall be 50 percent of the aggregate of the funds appropriated to carry out this section for such fiscal years.

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SARCD COUNCIL.—The term "SARCD Council" means the Southern Allegheny Resource Conservation and Development Council.

(2) SOUTH CENTRAL PENNSYLVANIA.—The term "south central Pennsylvania" means Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties, Pennsylvania.

SEC. 314. ILLINOIS AND MICHIGAN CANAL.

(a) IN GENERAL.—The Secretary is authorized to make capital improvements to the Illinois and Michigan Canal.

(b) AGREEMENTS.—The Secretary shall, with the consent of appropriate local and State entities, enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the Illinois and Michigan Canal and its related facilities, including trailside facilities for recreational use connecting the waterways referred to in subsection (c).

(c) ILLINOIS AND MICHIGAN CANAL DEFINED.—For the purpose of this section, the "Illinois and Michigan Canal" consists of the following existing waterways: the Chicago River from and including its mouth at Navy Pier through and including its south branch; the Chicago Sanitary and Ship Canal; and the entire length of those waterways designated as the Illinois and Michigan Heritage Canal between Chicago, Illinois, and LaSalle/Peru, Illinois.

(d) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent.

SEC. 315. VIRGINIA BEACH, VIRGINIA, TECHNICAL AMENDMENTS.

Section 407(a) of the Water Resources Development Act of 1990 (104 Stat. 4647) is amended—

(1) by striking "145" and inserting "156"; and

(2) by striking "33 U.S.C. 426j" and inserting "42 U.S.C. 1962d–5f".

SEC. 316. TRANSFER FACILITY FOR BENEFICIAL USES OF DREDGED MATERIAL, SAN FRANCISCO BAY.

(a) STUDY.—The Secretary shall study the feasibility of establishing a transfer facility at the Leonard Ranch property owned by the Sonoma Land Trust and adjacent to Port Sonoma-Marin, California, for the drying and rehandling of dredged material from San Francisco Bay which is to be transported to an upland site for beneficial uses, including lining, capping, and cover material for sanitary landfills, levee maintenance, and restoration of subsided agricultural lands.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 317. PIKEVILLE LAKE, KENTUCKY.

(a) PLAN.—Subject to the provisions of section 1135 of the Water Resources Development Act of 1986, the Secretary is directed to develop and implement a plan for modifying the channel bypass element of the Levisa Fork, Kentucky, project for the purpose of water quality improvement in and restoration of Pikeville Lake, Kentucky, including lake restoration, elimination of stagnant water, and other measures necessary for water quality improvement.

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(b) CONTENTS.—Subject to approval of final plans by the Secretary, the plan to be developed and implemented under subsection (a) shall include design and construction of a sewage collection system and related infrastructure, lake restoration (including elimination of stagnant water), and other measures necessary for water quality improvement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 318. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary shall undertake a revision of the master plan for the Raystown Lake project, Pennsylvania, and submit to Congress for approval any proposed changes that significantly change uses of the Lake, the surrounding land resources, or any facilities located thereon. As part of the revision, the Secretary shall evaluate opportunities for development of portions of the Lake and adjacent lands by private parties. Pending submission to and approval by the Congress of the results of the revision, the Secretary may not make any significant land use changes at the project.

SEC. 319. SANTA ROSA PLAIN, CALIFORNIA.

The Secretary may study the feasibility of developing and preserving seasonal wetlands on the Santa Rosa plain in California and may provide technical assistance to the Sonoma County Vernal Pool Task Force in developing a plan for the development and preservation of such wetlands.

SEC. 320. KLAMATH GLEN LEVEE, CALIFORNIA.

The Secretary shall determine whether or not a design deficiency exists at the Klamath Glen levee at the confluence of Klamath River and Tewer Creek in Del Norte County, California, that is resulting in erosion at the toe of the levee. If the Secretary determines that such a deficiency does exist, the Secretary shall take such actions as may be necessary to correct the deficiency.

SEC. 321. PHOENIX, ARIZONA.

The Secretary may participate in the study and construction of a water resources project in the vicinity of Phoenix, Arizona, for the purpose of providing flood control and improving water quality in the Tres Rios wetlands, Arizona, at a total cost of $6,500,000.

SEC. 322. WATER SUPPLY NEEDS OF MAHONING VALLEY SANITARY DISTRICT, OHIO.

The Secretary shall cooperate with State and local officials in reviewing the water supply needs of the Mahoning Valley Sanitary District, Ohio. As part of such review, the Secretary shall conduct a study of current and future water allocations at Lake Milton and Neander and Berlin Reservoirs, Ohio.

SEC. 323. SAULT SAINTE MARIE, MICHIGAN.

Section 202 of the Water Resources Development Act of 1990 (104 Stat. 4632) is amended by striking "the parcel of land" and all that follows through the period at the end and inserting the following: "for use as a clubhouse for the local American Legion Post of Sault Sainte Marie, Michigan, the parcel of land, with a building located thereon, lying in the north one-half of fractional Section 5, T47N, R1E, Michigan Meridian, city of Sault Sainte

Marie, Chippewa County, Michigan, commencing at the northeast corner of Lot 561 of Assessors Subdivision No. 13, city of Sault Ste. Marie, Chippewa County, Michigan; thence North 24 degrees 01 minutes 00 seconds East, 128.20 feet to the point of beginning; thence North 65 degrees 59 minutes 00 seconds West, 77.30 feet; thence North 08 degrees 04 minutes 00 seconds East, 152.00 feet; thence North 30 degrees 02 minutes 00 seconds East, 40.80 feet; thence North 59 degrees 46 minutes 00 seconds East, 72.75 feet; thence South 65 degrees 59 minutes 00 seconds East, 72.30 feet; thence South 24 degrees 01 minutes 00 seconds West, 245.80 feet to the point of beginning, containing 0.565 acre more or less.".

SEC. 324. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

(a) IN GENERAL.—The Secretary is authorized to provide design and construction assistance to the Hackensack Meadowlands Development Commission of the State of New Jersey for the development of the Phase I Environmental Improvement Program of the Special Area Management Plan for the Hackensack Meadowlands area, New Jersey.

(b) REQUIRED ELEMENTS.—The program to be developed under subsection (a) shall include at a minimum the following areas:

(1) Mitigation and enhancement for significant wetlands that contribute to the Meadowlands ecosystem.

(2) Development and implementation of a regional system to protect, preserve, and monitor wetlands.

(3) Water quality monitoring.

(4) Watershed cleanup at Bellmans and Penhorn Creeks.

(5) Storm water management research and demonstration.

(6) Tide gate improvement and reconstruction to control flooding in the Berry's Creek drainage basin.

(7) Research and development for a water quality improvement program.

(c) COST SHARING.—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. Operation and maintenance cost shall be 100 percent non-Federal.

(d) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 325. LAND EXCHANGE, ALLATOONA LAKE, GEORGIA.

(a) IN GENERAL.—The Secretary may initiate a program to exchange lands above 863 feet in elevation which are excess to the operational needs of Allatoona Lake, Georgia, for lands on the north side of Allatoona Lake which are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(b) TERMS AND CONDITIONS.—Land exchanges under the program to be conducted under subsection (a) shall be subject to the following terms and conditions:

(1) Lands acquired under the program must be contiguous to the lands in Federal Government ownership on the date of the enactment of this Act.

(2) Lands acquired under the program shall be from willing sellers only.

(3) The basis for all land exchanges under the program shall be a fair market appraisal so that lands exchanged are of equal value.

33 USC 2267 note.

SEC. 326. NEW YORK BIGHT AND HARBOR STUDY.

(a) IN GENERAL.—As a continuation of the study pursuant to section 728 of the Water Resources Development Act of 1986, the Secretary shall study a hydro-environmental monitoring and information system in the New York Bight and New York Harbor and tributaries to the head of tide, in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight and Harbor region) of the following: wind, wave, current, salinity, and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight. This effort will include the study of a verified, nested, high-resolution Harbor/Bight Apex numerical model, and supportive monitoring and information systems.

(b) HYDRAULIC MODEL.—In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and the tying in of such model to the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

(c) PURPOSE.—This New York Bight and Harbor effort will address the engineering, environmental, and social impacts of natural and man-made changes to the New York Bight, including water quality parameters such as contaminant and sediment transport effects, and nutrient eutrophication.

(d) COORDINATION WITH EPA; REPORTS.—The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study described in the section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water and sediment quality in the New York Bight and Harbor region.

(e) REMEDIATION TECHNIQUES.—

(1) IN GENERAL.—To test and verify contaminant and sediment tracking ability of the models, and to reduce the problems associated with the dredging and disposal of dioxin contaminated sediments in the region, a study shall be performed to identify appropriate remediation techniques (including isolation and treatment) for mitigating dioxin contaminated sediments at their sources. The study and report are not intended to encumber civil works projects under development or scheduled to be maintained. Work on these projects shall proceed along the present schedule.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Public Works and Transportation of the House of Representatives, and to the State of New Jersey a report on—

(A) the dioxin study and monitoring required in this subsection; and

(B) the effectiveness and costs of all reasonable remediation measures, including recommendations as to a plan for implementation of the most time and cost-effective measures.

(f) FUNDING.—There is authorized to be appropriated $1,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 327. AVAILABILITY OF CONTAMINATED SEDIMENTS INFORMATION.

33 USC 1271 note.

(a) STUDY.—The Secretary shall—

(1) conduct a national study on information that is currently available on contaminated sediments of the surface waters of the United States; and

(2) compile information obtained in such study for the purpose of identifying the location and nature of contaminated sediments in the Nation.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), including recommendations for the collection of additional data on the contaminated sediments and including the compilation of information referred to in subsection (a).

SEC. 328. MILWAUKEE HARBOR, WISCONSIN.

(a) IN GENERAL.—The Secretary is authorized to cooperate with non-Federal interests in the completion of a study on contaminated sediments in Milwaukee Harbor, Wisconsin, and surrounding areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 329. ARTHUR KILL, NEW YORK AND NEW JERSEY.

The Secretary shall complete planning and design of the project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) after the Secretary has entered into appropriate agreements with non-Federal interests for completion of such planning and design.

SEC. 330. HARBOR MAINTENANCE TRUST FUND DEPOSITS AND EXPENDITURES.

26 USC 9505 note.

President.

(a) REPORT.—Not later than March 1, 1993, and annually thereafter, the President shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on expenditures from and deposits into the Harbor Maintenance Trust Fund.

(b) CONTENTS.—

(1) IN GENERAL.—Each report to be transmitted under subsection (a) shall contain the following:

(A) A description of expenditures made from the trust fund in the previous fiscal year on a project-by-project basis.

(B) A description of deposits made into the trust fund in the previous fiscal year and the sources of such deposits.

(C) A 5-year projection of expenditures from and deposits into the trust fund.

(2) PREVIOUS YEARS INFORMATION.—In addition to information required under paragraph (1), the initial report to be transmitted under subsection (a) shall contain the information described in subparagraphs (A) and (B) of paragraph (1) for fiscal years 1987 through 1992.

SEC. 331. CONEMAUGH RIVER BASIN, PENNSYLVANIA.

The Secretary, in cooperation with Federal, State, and local agencies, is authorized—

(1) to conduct investigations and surveys of the watersheds of the rivers in the Conemaugh River Basin, Pennsylvania; and

(2) to develop and implement restoration projects for abatement and mitigation of surface water quality degradation caused by abandoned mines and mining activity in such basin.

SEC. 332. TRANSFER OF LOCKS AND APPURTENANT FEATURES, FOX RIVER SYSTEM, WISCONSIN.

(a) TRANSFER.—The Secretary is authorized to transfer to the State of Wisconsin the locks and appurtenant features of the navigation portion of the Fox River System, Wisconsin, extending from Green Bay, Wisconsin, to Lake Winnebago, Wisconsin, subject to the execution of an agreement by the Secretary and the State of Wisconsin which specifies the terms and conditions for such transfer.

(b) TREATMENT OF LOCKS AND APPURTENANT FEATURES.—The locks and appurtenant features to be transferred under subsection (a) shall not be treated as part of any Federal project after the effective date of the transfer.

(c) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the Fox River System, Wisconsin, other than the locks and appurtenant features to be transferred under subsection (a), shall continue to be a Federal responsibility after the effective date of the transfer under subsection (a).

SEC. 333. FISH AND WILDLIFE MITIGATION.

(a) LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—Section 906(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(c)) is amended by inserting ", including lands, easements, rights-of-way, and relocations," before "for implementation and operation".

(b) CONFORMING AMENDMENTS.—

(1) HARBORS.—Section 101(a)(3) of such Act (33 U.S.C. 2211(a)(3)) is amended by striking "The non-Federal" and inserting "Except as provided under section 906(c), the non-Federal".

(2) FLOOD CONTROL AND OTHER PURPOSES.—Section 103(i) of such Act (33 U.S.C. 2213(i)) is amended by striking "The non-Federal" and inserting "Except as provided under section 906(c), the non-Federal".

Maryland.

SEC. 334. CHESAPEAKE BAY BENEFICIAL USE SITE MANAGEMENT.

(a) STUDY.—The Secretary is authorized to conduct a study on environmentally beneficial ways to expand or supplement exist-

ing placement options and sites serving channel dredging operations of the Port of Baltimore. Such study shall enhance an ongoing long-term management study for the Chesapeake Bay area being conducted by the State of Maryland and the Secretary.

(b) CONDUCT.—In conducting the study under subsection (a), the Secretary shall—

(1) in coordination with Federal agencies and the Maryland Port Administration, demonstrate beneficial uses of dredged materials to enhance public recreational opportunities, increase living resource habitats, and enhance the environmental quality of the Chesapeake Bay;

(2) identify areas for beneficial use placement of dredged materials to enable the Port of Baltimore to continue maintenance dredging until a long-term management study recommends viable alternatives; and

(3) develop options for beneficial use placement of dredged materials for each site identified under paragraph (2).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 335. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF CUYAHOGA COUNTY, OHIO.

33 USC 59gg.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of the county of Cuyahoga, Ohio, described as follows, are not in the public interest then, subject to subsections (b) and (c), those portions of such county, bounded and described as follows, are declared to be nonnavigable waters of the United States:

Situated in the city of Cleveland, county of Cuyahoga, and State of Ohio, T7N, R13W, and known as being a part of original two acre lots numbers 16, 17, 18, 19, and 20 and the northerly extensions thereof, and being more fully described as follows:

Beginning at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of Relocated Erieside Avenue, N.E. (70 feet wide); thence south 56 degrees 06 minutes 52 seconds west on the centerline of Relocated Erieside Avenue, N.E., a distance of 112.89 feet to a point; thence north 33 degrees 53 minutes 08 seconds west a distance of 35.00 feet to a ⅝-inch rebar on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E.; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the left, with a radius of 335.00 feet and whose chord bears south 42 degrees 36 minutes 52 seconds west 156.41 feet, an arc distance of 157.87 feet to a ⅝-inch rebar; thence south 29

degrees 06 minutes 52 seconds west on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 119.39 feet to a 5/8-inch rebar; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 665.00 feet and whose chord bears south 39 degrees, 49 minutes 33 seconds west 247.19 feet, an arc distance of 248.64 feet to a 5/8-inch rebar and the true place of beginning of the parcel herein described; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 665.00 feet and whose chord bears south 53 degrees, 17 minutes 33 seconds west 64.05 feet, an arc distance of 64.08 feet to a 5/8-rebar set; thence south 56 degrees 03 minutes 30 seconds west on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 248.38 feet to a 5/8-rebar set; thence northwesterly on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 265.00 feet and whose chord bears north 79 degrees 02 minutes 42 seconds west 374.09 feet, an arc distance of 415.31 feet to a drill hole set; thence north 34 degrees 08 minutes 55 seconds west on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 505.30 feet to a 5/8-inch rebar set; thence northwesterly on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the left, with a radius of 112.00 feet and whose chord bears north 40 degrees 32 minutes 41 seconds west 24.95 feet, an arc distance of 25.01 feet to a drill hole set on the southerly right-of-way line of former Erieside Avenue, as vacated by city of Cleveland Ordinance No. 1100–87, passed June 16, 1987; thence northeasterly on the former right-of-way line along the arc of a curve to the right, with a radius of 515.00 feet and whose chord bears north 75 degrees 36 minutes 18 seconds east 136.45 feet, an arc distance of 136.85 feet to a 5/8-inch rebar set; thence north 86 degrees 13 minutes 04 seconds east on said former right-of-way line a distance of 294.57 feet to a 5/8-inch rebar set; thence north 52 degrees 57 minutes 23 seconds east on said former right-of-way line a distance of 56.98 feet to a 5/8-inch rebar set; thence south 33 degrees 53 minutes 08 seconds east a distance of 244.65 feet to a 5/8-inch rebar set; thence south 78 degrees 53 minutes 08 seconds east a distance of 105.04 feet to a 5/8-inch rebar set; thence north 56 degrees 06 minutes 52 seconds east a distance of 70.75 feet to a 5/8-inch rebar set; thence south 33 degrees 53 minutes 08 seconds east a distance of 274.74 feet to the true place of beginning containing 325,706 square feet (7.477 acres) more or less.

(b) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (a) which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbor Appropriation Act of

1899, section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(c) EXPIRATION DATE.—If, 20 years from the date of the enactment of this Act, any area or part thereof described in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set forth in subsection (b), or if work in connection with any activity permitted in subsection (b) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 336. LOCKWOODS FOLLY RIVER, BRUNSWICK COUNTY, NORTH CAROLINA.

(a) IN GENERAL.—The Secretary shall carry out an exchange rate demonstration project under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251) at the Eastern Channel of the Lockwoods Folly River, Brunswick County, North Carolina.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 337. PORT EVERGLADES, FLORIDA.

(a) DETERMINATION.—The Secretary shall review the construction performed by non-Federal interests at the project for navigation, Port Everglades, Florida, to determine the Federal navigation interest in such work.

(b) REIMBURSEMENT.—If the Secretary determines under subsection (a) that the work performed by non-Federal interests is consistent with the Federal navigation interest, the Secretary may reimburse non-Federal interests an amount equal to the estimate of the Federal share of the cost of construction of the Southport channel and turning notch at Port Everglades, Florida.

SEC. 338. 1993 WORLD UNIVERSITY GAMES.

The Secretary is authorized to use available resources (both personnel and material) to the greatest extent possible to support the logistical and minor construction needs of the local organizing committee of the 1993 World University Games in Western New York for the purpose of supplementing the involvement by the Secretary in the games requested by the Department of Defense, Office of Special Events Management.

SEC. 339. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

(a) IN GENERAL.—The Secretary is authorized to undertake a program to control nuisance aquatic vegetation for the purpose of preserving the recreational uses of the waters of Lake Gaston, Virginia and North Carolina.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the cost of the program authorized by this section $200,000 per fiscal year for each of fiscal years 1993 and 1994.

SEC. 340. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southern West Virginia. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern West Virginia, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this Act, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST-SHARING.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but not to exceed 25 percent of total project costs. Operation and maintenance costs shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHERN WEST VIRGINIA DEFINED.—For purposes of this section, the term "Southern West Virginia" means Raleigh, Wayne, Cabell, Fayette, Lincoln, Summers, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, and Monroe Counties, West Virginia.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 341. TENNESSEE RIVER HERITAGE MUSEUM AND EDUCATION FACILITY.

The Tennessee Valley Authority is authorized to establish a facility to be known as the "Tennessee River Heritage Museum and Education Facility" for the purpose of encouraging science and technology as it relates to developing, managing, and preserving rivers as a nationally significant resource.

SEC. 342. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA.

(a) COOPERATION BY TENNESSEE VALLEY AUTHORITY.—The Tennessee Valley Authority shall cooperate with the Tennessee Valley Exhibit Commission of Alabama to establish an exhibit in Florence, Alabama, on research and development in the area of inland navigation, tributary development and related activities.

(b) CONTRIBUTIONS.—The Tennessee Valley Authority may accept contributions from private sources in carrying out this section.

SEC. 343. RED ROCK DAM AND LAKE, IOWA.

(a) STUDY.—The Comptroller General shall conduct a study to review the operation of the project for flood control, Red Rock Dam and Lake, Iowa, authorized by the Flood Control Act of June 28, 1938.

(b) PURPOSE.—The purpose of the study to be conducted under subsection (a) shall be—

(1) to determine whether the property adjacent to the project referred to in subsection (a) is being inundated by high reservoir levels beyond the levels permitted by existing easements; and

(2) to review actions taken by the Secretary to implement the requirement contained in section 108(b) of Public Law 99–190 (99 Stat. 1316).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section, including recommendations on whether easements of the Secretary referred to in subsection (b)(1) should be renegotiated with landowners.

SEC. 344. ENVIRONMENTAL PROJECT MODIFICATIONS, SACRAMENTO RIVER, CALIFORNIA.

(a) IN GENERAL.—In carrying out modifications, under section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note), in the structures and operations of the project for flood control, Sacramento River, California, authorized by section 2 of the Flood Control Act of 1917 (39 Stat. 949), for the purpose of improving the quality of the environment in the public interest, the Secretary shall—

(1) credit the value of all lands, easements, and rights-of-way provided by non-Federal interests for such modifications to the non-Federal share of the cost of such modifications;

(2) include the one-time construction of the operation and maintenance facilities as part of project costs for the purposes of cost sharing; and

(3) in addition to the plan contained in the Yolo Basin Wetlands Project Modification Report dated April 1992, plan,

design, and construct as part of such modifications historical wetlands at an alternative site located contiguous to the Yolo Bypass, immediately east of the Davis Water Pollution Control Plant, and along the north side of the Willow Slough Bypass.

(b) REPORT DEADLINE.—The Secretary shall complete a separate project modification report to carry out subsection (a)(3) for planning, design, and construction requirements on or before September 30, 1993.

Louisiana.

SEC. 345. BANK STABILIZATION AND MARSH CREATION.

(a) STUDY.—The Secretary shall conduct a study on bank stabilization and marsh creation by construction of a system of retaining dikes and by beneficial use of dredged material along the Calcasieu River Ship Canal, Louisiana, at critical locations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), including recommendations for specific measures to be undertaken under section 205 of this Act (relating to beneficial uses of dredged material) as a result of such study.

SEC. 346. CONNECTICUT COASTAL SALTMARSH RESTORATION AUTHORIZATION.

Subject to the cost sharing provisions of the Water Resources Development Act of 1986, the Secretary shall, as part of the long term goal of Corps of Engineers water resources development program of increasing the quality and quantity of the Nation's wetlands, investigate and carry out saltmarsh restoration projects along the coastline of the State of Connecticut.

SEC. 347. WINFIELD, BUFFALO, AND ELEANOR, WEST VIRGINIA.

(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the towns of Winfield, Buffalo, and Eleanor, West Virginia, for the purpose of assisting the residents of such towns in analyzing and understanding the remedial options available for dealing with substances posing a risk to the environment at the Corps of Engineers lock and dam construction site in the vicinity of Winfield, West Virginia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 348. LAND CONVEYANCE, CITY OF FORT SMITH, ARKANSAS.

The Secretary may convey to the city of Fort Smith, Arkansas, all right, title, and interest of the United States (excluding all oil, gas, and other minerals and subject to existing encumbrances) in and to a tract of real property (including improvements thereon) of approximately 400 acres located adjacent to the city and under the jurisdiction of the Secretary. Such conveyance shall be subject to terms and conditions agreed to between the Secretary and the city and to such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 349. RAHWAY RIVER, NEW JERSEY.

The Secretary is authorized to conduct a study on flooding problems along the Rahway River, township of Woodbridge and city of Rahway, New Jersey, and to implement such measures as the Secretary determines feasible in the interest of flood control along the Rahway River and the South Branch of the Rahway River.

SEC. 350. SAN FRANCISCO BAY, CALIFORNIA.

The Secretary is authorized to participate as an active Federal member in the Memorandum of Understanding for the Interagency Ecological Study Program for implementation of the monitoring requirements in the San Francisco Bay—Delta Estuary, California, dated October 19, 1990, and March 9, 1992, including the coordination, conduction, and transfer of funds, equipment, and personnel between the cooperating agencies.

SEC. 351. FLOOD WARNING RESPONSE SYSTEM.

Section 17(a) of the Water Resources Development Act of 1988 (102 Stat. 4026) is amended by striking "consistent" and all that follows through "1986" and inserting "at full Federal expense".

SEC. 352. TARRANT COUNTY, TEXAS.

Section 101(n) of Public Law 99–500 (100 Stat. 1783–345) and section 101 of Public Law 99–591 (100 Stat. 3341–345–3341–346) are each amended by striking ": *Provided*, That in" and all that follows through "and Marine Creek".

SEC. 353. RELEASE OF CERTAIN USE RESTRICTION.

Alabama.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority is authorized and directed to grant a release or releases, without monetary consideration, from the restriction and covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in Deed Book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the city of Decatur, Alabama.

SEC. 354. FORT POINT, GALVESTON, TEXAS.

(a) CONSTRUCTION OF INTERAGENCY CHILD CARE FACILITY.—Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to construct, establish, equip, maintain, and operate (or assist in constructing, equipping, maintaining, and operating) an interagency child care facility at Fort Point, Galveston, Texas, on Federal property under the management and control of the Galveston District, United States Army Corps of Engineers. The purpose of such facility shall be to provide child care services for children who are members of households of Federal employees.

(b) FEES, TRANSFERS, AND ACCEPTANCE OF DONATIONS.—

(1) FEES.—The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Galveston District, United States Army Corps of Engineers, employees and others who are beneficiaries of the services provided by the child care facility to be constructed under this section.

(2) TRANSFERS.—A Federal agency may transfer to the Secretary for use in connection with the child care facility to be constructed under this section amounts available to the agency for child care services.

(3) DONATIONS.—The Secretary is authorized to accept donations of money, equipment, and other property for use in connection with the child care facility to be constructed under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1992, $1,500,000. Such sums shall remain available until expended.

SEC. 355. PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

(a) TECHNICAL ASSISTANCE.—The Secretary is authorized and directed to offer technical assistance to the National Park Service on infrastructure repairs and improvements at the Presidio of San Francisco, California, during the transition period from Army to Park Service management and after its inclusion into the Golden Gate National Recreation Area.

(b) IDENTIFICATION OF OPPORTUNITIES.—The Secretary shall assist the National Park Service in identifying opportunities at the Presidio for demonstration and education programs of environmentally sustainable and innovative technologies, and shall make available a liaison from its Construction Engineering Research Laboratory for this purpose.

(c) COOPERATION.—The Secretary will cooperate with other Federal agencies (such as the Environmental Protection Agency and Department of Energy) which the National Park Service identifies as having an interest and role in such programs at the Presidio.

Ohio.

SEC. 356. SEDIMENT MANAGEMENT STRATEGY FOR MAUMEE RIVER, TOLEDO HARBOR.

(a) DEVELOPMENT.—Not later than 12 months after the date of the enactment of this Act, the Secretary, in coordination with the Toledo Port Authority and the Ohio Environmental Protection Agency, shall develop a comprehensive 5-year and 20-year sediment management strategy for the Maumee River, Toledo Harbor. The strategy may include a combination of several sediment disposal alternatives and shall emphasize innovative, environmentally benign alternatives, including reuse and recycling for wetland restoration.

(b) IMPLEMENTATION.—The Secretary is authorized to conduct the engineering and construction activities necessary to implement the 5-year sediment management strategy developed pursuant to subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out subsection (a) and $3,000,000 to carry out subsection (b).

SEC. 357. SOUTHEAST LIGHT ON BLOCK ISLAND, RHODE ISLAND.

Section 416 of the Water Resources Development Act of 1990 (104 Stat. 4651–4652) is amended by striking subsection (c) and inserting the following:

"(c) COST-SHARING.—The non-Federal share of the cost of relocating the lighthouse under this section shall be $970,000. Administrative costs of the Army Corps of Engineers in carrying out this section shall not be treated, for purposes of this section, as costs of relocating the lighthouse and shall not be paid from amounts appropriated to carry out this section.".

SEC. 358. ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.

(a) RECONSTRUCTION.—The Secretary is authorized to reconstruct the Allendale Dam in North Providence, Rhode Island, at a total cost of $90,000, with an estimated Federal cost of $67,500 and an estimated non-Federal cost of $22,500. The Secretary shall not rebuild the dam until title to such dam has been transferred to a nonprofit watershed council or the city of North Providence.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

SEC. 359. LAKE DEGRAY WATER SUPPLY.

Arkansas.

The Secretary is directed to execute a water supply contract with the Ouachita River Water District for withdrawals from Lake DeGray, Arkansas, as provided in the agreement forwarded by the Vicksburg District Corps of Engineers dated March 1992.

SEC. 360. SOURIS RIVER, NORTH DAKOTA.

Section 1124(d) of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended by striking "$69,100,000" and inserting "$120,800,000".

SEC. 361. ABANDONED AND WRECKED BARGE REMOVAL.

Rhode Island.

(a) IN GENERAL.—In order to alleviate a hazard to navigation, the Secretary is authorized to remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of $200,000, with an estimated Federal cost of $150,000 and an estimated non-Federal cost of $50,000. The Secretary shall not remove the barge until title to such barge has been transferred to the United States.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project authorized by this section shall be 25 percent. Revenue derived from the sale of scrap from this barge shall be credited toward the non-Federal share of the project cost.

SEC. 362. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary is authorized to construct 2 elevated water storage towers at Quonset Point-Davisville, Rhode Island, at a total cost of $1,500,000, with an estimated Federal cost of $1,125,000 and an estimated non-Federal cost of $375,000. In conjunction with this project, the Secretary is authorized to relocate 6,000 linear feet of sewer lines to West Davisville, Rhode Island, at a total cost of $1,000,000, with an estimated Federal cost of $750,000 and an estimated non-Federal cost of $250,000.

SEC. 363. STILLWATER, MINNESOTA.

The Secretary is authorized to undertake the repair and reconstruction of a flood wall system at Stillwater, Minnesota,

including an extension of such system to prevent the continuous eroding of the riverfront, at a total cost of $3,200,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $800,000.

SEC. 364. STORMWATER DISCHARGES.

Section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) is amended—

(1) in paragraph (1) by striking "October 1, 1992" and inserting "October 1, 1994"; and

(2) in paragraph (6) by striking "October 1, 1992" and inserting "October 1, 1993".

TITLE IV—INFRASTRUCTURE TECHNOLOGY, RESEARCH AND DEVELOPMENT

33 USC 2329.

SEC. 401. INTERNATIONAL OUTREACH PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to engage in activities to inform the United States maritime industry and port authorities of technological innovations abroad that could significantly improve waterborne transportation in the United States, both inland and deep draft. Such activities may include—

(1) development, monitoring, assessment, and dissemination of information about foreign water transportation and port facilities that could significantly improve water transportation in the United States;

(2) research, development, training, and other forms of technology transfer and exchange; and

(3) offering technical services which cannot be readily obtained in the private sector to be incorporated in the proposals of port authorities or other water transportation developers if the costs for assistance will be recovered under the terms of each project.

(b) COOPERATION.—The Secretary may carry out the provisions of this section in cooperation with Federal departments and agencies, State and local agencies, authorities, institutions, corporations (profit or nonprofit), foreign governments, or other organizations.

(c) FUNDING.—The funds to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating entity or organization according to cost-sharing agreements proscribed by the Secretary. Reimbursement for services provided under this section shall be credited to the appropriation concerned.

33 USC 2268.

SEC. 402. MARINE TECHNOLOGY REVIEW.

(a) DREDGING NEEDS.—The Secretary is authorized to conduct such studies as are necessary to provide a report to Congress on the dredging needs of the national ports and harbors of the United States. The report shall include existing and projected future project depths, types and sizes of ships in use, and world trade patterns, an assessment of the future national waterside infrastructure needs, and a comparison of drafts of United States and selected world ports.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,500,000 to carry out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 403. LA GUARDIA DIKE, NEW YORK.

The responsibility of the Federal Government to maintain and operate a 1,400-foot earthen dike constructed by local interests in lieu of a 1,400-foot steel sheetpile breakwater authorized as part of the Flushing Bay and Creek, New York, project by the River and Harbor Act of 1962 (76 Stat. 1174) is not authorized after the date of the enactment of this Act.

SEC. 404. ATLANTIC COAST OF NEW YORK.

(a) DEVELOPMENT OF PROGRAM.—The Secretary is authorized and directed to develop a data collection and monitoring program of coastal processes for the Atlantic Coast of New York, from Coney Island to Montauk Point, with a view toward providing information necessary to develop a program for addressing post storm actions and long-term shoreline erosion control.

(b) INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall provide an initial plan for data collection and monitoring to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. Such initial plan shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,400,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out this section. Such sums shall remain available until expended.

SEC. 405. SEDIMENTS DECONTAMINATION TECHNOLOGY.

33 USC 2239 note.

(a) DECONTAMINATION PROJECT.—

(1) SELECTION OF TECHNOLOGIES.—Based upon a review of decontamination technologies identified pursuant to section 412(c) of the Water Resources Development Act of 1990, the Administrator of the Environmental Protection Agency and the Secretary shall, within 1 year after the date of the enactment of this Act, jointly select removal, pre-treatment, post-treatment, and decontamination technologies for contaminated marine sediments for a decontamination project in the New York/New Jersey Harbor.

(2) RECOMMENDED PROGRAM.—Upon selection of technologies, the Administrator and the Secretary shall jointly recommend a program of selected technologies to assess their effectiveness in rendering sediments acceptable for unrestricted ocean disposal or beneficial reuse, or both.

(b) DECONTAMINATION DEFINED.—For purposes of this section, "decontamination" may include local or remote prototype or production and laboratory decontamination technologies, sediment pretreatment and post-treatment processes, and siting, economic, or other measures necessary to develop a matrix for selection of interim prototype of long-term processes. Decontamination techniques need not be preproven in terms of likely success.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

National Contaminated Sediment Assessment and Management Act.
33 USC 1271 note.

TITLE V—CONTAMINATED SEDIMENT AND OCEAN DUMPING

SEC. 501. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "National Contaminated Sediment Assessment and Management Act".

(b) DEFINITIONS.—For the purposes of sections 502 and 503 of this title—

(1) the term "aquatic sediment" means sediment underlying the navigable waters of the United States;

(2) the term "navigable waters" has the same meaning as in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7));

(3) the term "pollutant" has the same meaning as in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)); except that such term does not include dredge spoil, rock, sand, or cellar dirt;

(4) the term "contaminated sediment" means aquatic sediment which—

(A) contains chemical substances in excess of appropriate geochemical, toxicological or sediment quality criteria or measures; or

(B) is otherwise considered by the Administrator to pose a threat to human health or the environment; and

(5) the term "Administrator" means the Administrator of the Environmental Protection Agency.

33 USC 1271 note.

SEC. 502. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) ESTABLISHMENT.—There is established a National Contaminated Sediment Task Force (hereinafter referred to in this section as the "Task Force"). The Task Force shall—

(1) advise the Administrator and the Secretary in the implementation of this title;

(2) review and comment on reports concerning aquatic sediment quality and the extent and seriousness of aquatic sediment contamination throughout the Nation;

(3) review and comment on programs for the research and development of aquatic sediment restoration methods, practices, and technologies;

(4) review and comment on the selection of pollutants for development of aquatic sediment criteria and the schedule for the development of such criteria;

(5) advise appropriate officials in the development of guidelines for restoration of contaminated sediment;

(6) make recommendations to appropriate officials concerning practices and measures—

(A) to prevent the contamination of aquatic sediments; and

(B) to control sources of sediment contamination; and

(7) review and assess the means and methods for locating and constructing permanent, cost-effective long-term disposal sites for the disposal of dredged material that is not suitable for ocean dumping (as determined under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.)).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The membership of the Task Force shall include 1 representative of each of the following:

(A) The Administrator.

(B) The Secretary.

(C) The National Oceanic and Atmospheric Administration.

(D) The United States Fish and Wildlife Service.

(E) The Geological Survey.

(F) The Department of Agriculture.

(2) ADDITIONAL MEMBERS.—Additional members of the Task Force shall be jointly selected by the Administrator and the Secretary, and shall include—

(A) not more than 3 representatives of States;

(B) not more than 3 representatives of ports, agriculture, and manufacturing; and

(C) not more than 3 representatives of public interest organizations with a demonstrated interest in aquatic sediment contamination.

(3) COCHAIRMEN.—The Administrator and the Secretary shall serve as cochairmen of the Task Force.

(4) CLERICAL AND TECHNICAL ASSISTANCE.—Such clerical and technical assistance as may be necessary to discharge the duties of the Task Force shall be provided by the personnel of the Environmental Protection Agency and the Army Corps of Engineers.

(5) COMPENSATION FOR ADDITIONAL MEMBERS.—The additional members of the Task Force selected under paragraph (2) shall, while attending meetings or conferences of the Task Force, be compensated at a rate to be fixed by the cochairmen, but not to exceed the daily equivalent of the base rate of pay in effect for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Task Force. While away from their homes or regular places of business in the performance of services for the Task Force, such members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(c) REPORT.—Within 2 years after the date of the enactment of this Act, the Task Force shall submit to Congress a report stating the findings and recommendations of the Task Force.

SEC. 503. SEDIMENT SURVEY AND MONITORING.

33 USC 1271.

(a) SURVEY.—

(1) IN GENERAL.—The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive national survey of data regarding aquatic sediment quality in the United States. The Administrator shall compile all existing information on the quantity, chemical and physical composition, and geographic location of pollutants in aquatic sediment, including the probable source of such pollutants and identification of those sediments which are contaminated pursuant to section 501(b)(4).

(2) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Administrator shall report to the Congress the findings, conclusions, and recommendations of such survey, including recommendations for actions necessary to prevent contamination of aquatic sediments and to control sources of contamination.

(b) MONITORING.—

(1) IN GENERAL.—The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive and continuing program to assess aquatic sediment quality. The program conducted pursuant to this subsection shall, at a minimum—

(A) identify the location of pollutants in aquatic sediment;

(B) identify the extent of pollutants in sediment and those sediments which are contaminated pursuant to section 501(b)(4);

(C) establish methods and protocols for monitoring the physical, chemical, and biological effects of pollutants in aquatic sediment and of contaminated sediment;

(D) develop a system for the management, storage, and dissemination of data concerning aquatic sediment quality;

(E) provide an assessment of aquatic sediment quality trends over time;

(F) identify locations where pollutants in sediment may pose a threat to the quality of drinking water supplies, fisheries resources, and marine habitats; and

(G) establish a clearing house for information on technology, methods, and practices available for the remediation, decontamination, and control of sediment contamination.

(2) REPORT.—The Administrator shall submit to Congress a report on the findings of the monitoring under paragraph (1) on the date that is 2 years after the date specified in subsection (a)(2) and biennially thereafter.

SEC. 504. CONCURRENCE BY THE ADMINISTRATOR.

(a) CONCURRENCE BY THE ADMINISTRATOR.—Section 103(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(c)) is amended to read as follows:

"(c) CONCURRENCE BY THE ADMINISTRATOR.—

"(1) NOTIFICATION.—Prior to issuing a permit to any person under this section, the Secretary shall first notify the Administrator of the Secretary's intention to do so and provide necessary and appropriate information concerning the permit to the Administrator. Within 30 days of receiving such information, the Administrator shall review the information and request any additional information the Administrator deems necessary to evaluate the proposed permit.

"(2) CONCURRENCE BY ADMINISTRATOR.—Within 45 days after receiving from the Secretary all information the Administrator considers to be necessary to evaluate the proposed permit, the Administrator shall, in writing, concur with (either entirely or with conditions) or decline to concur with the determination of the Secretary as to compliance with the criteria,

conditions, and restrictions established pursuant to sections 102(a) and 102(c) relating to the environmental impact of the permit. The Administrator may request one 45-day extension in writing and the Secretary shall grant such request on receipt of the request.

"(3) EFFECT OF CONCURRENCE.—In any case where the Administrator makes a determination to concur (with or without conditions) or to decline to concur within the time period specified in paragraph (2) the determination shall prevail. If the Administrator declines to concur in the determination of the Secretary no permit shall be issued. If the Administrator concurs with conditions the permit shall include such conditions. The Administrator shall state in writing the reasons for declining to concur or for the conditions of the concurrence.

"(4) FAILURE TO ACT.—If no written documentation is made by the Administrator within the time period provided for in paragraph (2), the Secretary may issue the permit.

"(5) COMPLIANCE WITH CRITERIA AND RESTRICTIONS.—Unless the Administrator grants a waiver pursuant to subsection (d), any permit issued by the Secretary shall require compliance with such criteria and restrictions.".

(b) CONFORMING AMENDMENT.—Section 103(e) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(e)) is amended by inserting "and section 104 (a) and (d)" before the period.

SEC. 505. STATE OCEAN DUMPING REQUIREMENTS.

Section 106(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416(d)) is amended to read as follows:

"(d) STATE PROGRAMS.—

(1) STATE RIGHTS PRESERVED.—Except as expressly provided in this subsection, nothing in this title shall preclude or deny the right of any State to adopt or enforce any requirements respecting dumping of materials into ocean waters within the jurisdiction of the State.

"(2) FEDERAL PROJECTS.—In the case of a Federal project, a State may not adopt or enforce a requirement that is more stringent than a requirement under this title if the Administrator finds that such requirement—

"(A) is not supported by relevant scientific evidence showing the requirement to be protective of human health, aquatic resources, or the environment;

"(B) is arbitrary or capricious; or

"(C) is not applicable or is not being applied to all projects without regard to Federal, State, or private participation and the Secretary of the Army concurs in such finding.

"(3) EXEMPTION FROM STATE REQUIREMENTS.—The President may exempt a Federal project from any State requirement respecting dumping of materials into ocean waters if it is in the paramount interest of the United States to do so.

"(4) CONSIDERATION OF SITE OF ORIGIN PROHIBITED.—Any requirement respecting dumping of materials into ocean waters applied by a State shall be applied without regard to the site of origin of the material to be dumped.".

SEC. 506. SITE DESIGNATION.

(a) SITE DESIGNATION AMENDMENTS.—Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1412(c)) is amended to read as follows:

"(c) DESIGNATION OF SITES.—

"(1) IN GENERAL.—The Administrator shall, in a manner consistent with the criteria established pursuant to subsection (a), designate sites or time periods for dumping. The Administrator shall designate sites or time periods for dumping that will mitigate adverse impact on the environment to the greatest extent practicable.

"(2) PROHIBITIONS REGARDING SITE OR TIME PERIOD.—In any case where the Administrator determines that, with respect to certain materials, it is necessary to prohibit dumping at a site or during a time period, the Administrator shall prohibit the dumping of such materials in such site or during such time period. This prohibition shall apply to any dumping at the site or during such time period. This prohibition shall apply to any dumping at the site or during the time period, including any dumping under section 103(e).

"(3) DREDGED MATERIAL DISPOSAL SITES.—In the case of dredged material disposal sites, the Administrator, in conjunction with the Secretary, shall develop a site management plan for each site designated pursuant to this section. In developing such plans, the Administrator and the Secretary shall provide opportunity for public comment. Such plans shall include, but not be limited to—

"(A) a baseline assessment of conditions at the site;

"(B) a program for monitoring the site;

"(C) special management conditions or practices to be implemented at each site that are necessary for protection of the environment;

"(D) consideration of the quantity of the material to be disposed of at the site, and the presence, nature, and bioavailability of the contaminants in the material;

"(E) consideration of the anticipated use of the site over the long term, including the anticipated closure date for the site, if applicable, and any need for management of the site after the closure of the site; and

"(F) a schedule for review and revision of the plan (which shall not be reviewed and revised less frequently than 10 years after adoption of the plan, and every 10 years thereafter).

"(4) GENERAL SITE MANAGEMENT PLAN REQUIREMENT; PROHIBITIONS.—After January 1, 1995, no site shall receive a final designation unless a management plan has been developed pursuant to this section. Beginning on January 1, 1997, no permit for dumping pursuant to this Act or authorization for dumping under section 103(e) of this Act shall be issued for a site unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 103(b).

"(5) MANAGEMENT PLANS FOR PREVIOUSLY DESIGNATED SITES.—The Administrator shall develop a site management plan for any site designated prior to January 1, 1995, as expeditiously as practicable, but not later than January 1, 1997, giving priority consideration to management plans for des-

ignated sites that are considered to have the greatest impact on the environment.".

(b) SITE USE CLARIFICATION.—Section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) is amended—

(1) in the last sentence by inserting "maximum" before "extent feasible"; and

(2) by adding at the end the following: "In any case in which the use of a designated site is not feasible, the Secretary may, with the concurrence of the Administrator, select an alternative site. The criteria and factors established in section 102(a) relating to site selection shall be used in selecting the alternative site in a manner consistent with the application of such factors and criteria pursuant to section 102(c). Disposal at or in the vicinity of an alternative site shall be limited to a period of not greater than 5 years unless the site is subsequently designated pursuant to section 102(c); except that an alternative site may continue to be used for an additional period of time that shall not exceed 5 years if—

"(1) no feasible disposal site has been designated by the Administrator;

"(2) the continued use of the alternative site is necessary to maintain navigation and facilitate interstate or international commerce; and

"(3) the Administrator determines that the continued use of the site does not pose an unacceptable risk to human health, aquatic resources, or the environment.".

SEC. 507. PERMIT CONDITIONS.

(a) MANAGEMENT PLAN.—Section 104(a)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414(a)(4)) is amended to read as follows: "(4) such requirements, limitations, or conditions as are necessary to assure consistency with any site management plan approved pursuant to section 102(c);".

(b) PERMIT TERM.—Section 104(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414(a)), is amended by adding at the end the following: "Permits issued under this title shall be issued for a period of not to exceed 7 years.".

(c) REVIEW.—Section 104(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414(d)) is amended by adding after "where he finds" the following: ", based upon monitoring data from the dump site and surrounding area,".

SEC. 508. OCEAN DUMPING PENALTIES.

(a) PENALTY.—Section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)) is amended to read as follows:

"(b) CRIMINAL PENALTIES.—In addition to any action that may be brought under subsection (a)—

"(1) any person who knowingly violates any provision of this title, any regulation promulgated under this title, or a permit issued under this title, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; and

"(2) any person who is convicted of such a violation pursuant to paragraph (1) shall forfeit to the United States—

"(A) any property constituting or derived from any proceeds that the person obtained, directly or indirectly, as a result of such violation; and

"(B) any of the property of the person which was used, or intended to be used in any manner or part, to commit or to facilitate the commission of the violation.".

(b) SEIZURE AND FORFEITURE.—Section 105 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415) is amended by adding at the end the following:

"(i) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any vessel used to commit an act for which a penalty is imposed under section 105(b) shall be subject to seizure and forfeiture to the United States under procedures established for seizure and forfeiture of conveyances under sections 413 and 511 of the Controlled Substances Act (21 U.S.C. 853, 881).

"(2) LIMITATION ON APPLICATION.—This subsection does not apply to an act committed substantially in accordance with a compliance agreement or enforcement agreement entered into by the Administrator under section 104B(c).".

SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1420) is amended by striking "for each of" and all that follows through the period at the end of the section and inserting the following: "for fiscal year 1993 and not to exceed $14,000,000 for each of the fiscal years 1994, 1995, 1996, and 1997, to remain available until expended.".

33 USC 1271 note.

(b) TASK FORCE, SURVEY AND MONITORING.—There is authorized to be appropriated to the Administrator to carry out sections 502 and 503 such sums as may be necessary.

SEC. 510. REPORT TO CONGRESS.

Section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1421) is amended by adding at the end the following: "Such report shall include a description of the number of permits issued under this title (including the number of permits issued by the Secretary with the concurrence of the Administrator),

any actions taken under subsections (c) and (d) of section 103, and for each permit, the site receiving the material, the volume and characteristics of material dumped (including the extent and nature of pollutants in such material), and the management practices implemented in connection with each disposal activity.".

Approved October 31, 1992.

LEGISLATIVE HISTORY—H.R. 6167:

CONGRESSIONAL RECORD, Vol. 138 (1992):
Oct. 5, considered and passed House.
Oct. 8, considered and passed Senate.

Public Law 102-581
102d Congress

An Act

Oct. 31, 1992
[H.R. 6168]

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992.
49 USC app. 2201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

Sec. 101. Declaration of policy.
Sec. 102. Airport improvement program.
Sec. 103. Airway improvement program.
Sec. 104. FAA operations.
Sec. 105. Linkage with passenger facility charges program.
Sec. 106. Apportionments.
Sec. 107. Military airports.
Sec. 108. Airport noise compatibility program.
Sec. 109. Maximum obligation of the United States.
Sec. 110. Terminal development.
Sec. 111. Letters of intent.
Sec. 112. Airport development defined.
Sec. 113. Public access and participation with respect to airports.
Sec. 114. National airway system.
Sec. 115. Definition of passengers enplaned.
Sec. 116. Extension of State block grant pilot program.
Sec. 117. Disadvantaged business enterprise.
Sec. 118. Extension of certain restrictions on contract and grant awards.
Sec. 119. Acquisition or construction of facilities for advanced training of maintenance technicians for air carrier aircraft.
Sec. 120. Air traffic controller staffing.
Sec. 121. Aviation safety inspectors.
Sec. 122. Limitation on privatization of operation of certain airport control towers.
Sec. 123. Effects of airport noise.
Sec. 124. Aircraft operations in winter conditions.
Sec. 125. Visual flight rule routes for complex terminal airspace areas.
Sec. 126. Study on reflectorization of taxiway and runway markings.
Sec. 127. Options to purchase land.
Sec. 128. Lighting systems for aircraft obstructions and airport runways.
Sec. 129. Economic benefits of airport development projects.
Sec. 130. Soundproofing of certain residential buildings in areas surrounding airports.
Sec. 131. Laredo International Airport, Laredo, Texas.
Sec. 132. Study of small airport runway maintenance.
Sec. 133. Tucson study.
Sec. 134. Air traffic over Grand Canyon.
Sec. 135. Civil Tiltrotor Development Advisory Committee.
Sec. 136. Technical amendments.

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

Sec. 201. Procurement reform.
Sec. 202. Aviation security training.

ec. 203. Hazards to safe and efficient air commerce.
ec. 204. National commission to promote a strong and competitive airline industry.
ec. 205. Strengthening of competition.
ec. 206. Slot rule effective date.
ec. 207. Emergency vision equipment.
ec. 208. Technical amendments to civil penalties.

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

. 301. Short title.
. 302. Aviation research authorization of appropriations.
ec. 303. Deicing study.
. 304. Aircraft noise research program.
ec. 305. Use of domestic products.

TITLE IV—AVIATION INSURANCE

. 401. Insurance for departments and agencies of the United States.
. 402. Extension of program.
. 403. Administration of aviation insurance program.
ec. 404. Continuation of aviation insurance laws.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND

. 501. Extension of Airport and Airway Trust Fund.
ec. 502. Clarification of trust fund revenues.

EC. 2. FINDINGS.

49 USC app. 2201 note.

Congress finds that—

(1) the Nation's aviation system must be part of an intermodal transportation system consisting of hubs and interconnections with other forms of transportation that will move people and goods in the fastest, most efficient manner;

(2) our Nation's airports are our interconnections with the global economy; expanded flight capacity and greatly improved ground access for passengers and cargo are essential to our Nation's ability to compete in the international marketplace;

(3) without significant additional financial resources, the Nation's airports will be unable to accommodate fully the growing aviation and ground traffic demands of the 1990's;

(4) 27 of the Nation's top 100 airports are now unacceptably congested and the resulting delays in flights are costing our economy billions of dollars a year in lost productivity and undermining the Nation's ability to compete in the global economy;

(5) unless the capacity of our airports is increased substantially, the problem of flight delays will escalate dramatically and, by the year 2000, 40 major airports will be congested and incurring more than 20,000 hours of flight delay a year;

(6) the Nation must undertake an airport improvement and development program costing at least $7,000,000,000 a year over the next decade just to prevent the problem of airport delay from growing worse in the 21st century;

(7) neither State, local, nor Federal Government can independently finance the needed airport and intermodal development and there must be a combined effort relying on all levels of government;

(8) both the Federal airport improvement program and local passenger facility charge programs are essential to funding the development, as part of an intermodal transportation system, of airports (including necessary ground access eligible for funding under such programs) which meet our Nation's needs;

(9) the Nation's air traffic control system must be modernized with the highest advanced technology to enable it to con-

tinue to move traffic safely and efficiently and the necessary development and procurement of capital equipment will cost at least $18,000,000,000 over the next decade;

(10) the modernization of the air traffic control system will result in productivity and safety benefits of $257,000,000,000 over the life of the equipment purchased; these benefits include the value of time saved by airline passengers, reductions in airline operating costs, and reduced government expenditures and benefits from increased safety;

(11) there will need to be a continuing increase in staffing for the air traffic control system to enable controllers to handle, safely and efficiently, the increased workload which will arise as air transportation grows over the next decade;

(12) the Federal Government must play a major role in developing our aviation system; full use must be made of the more than $5,000,000,000 which aviation users contribute to the Airport and Airway Trust Fund each year and the $7,400,000,000 surplus which has accumulated in the Trust Fund;

(13) although survival of a strong and competitive airline industry is essential to our Nation's economic future—the Nation's airlines are in a financial and competitive crisis which threatens our entire aviation system and our Nation's ability to move people; major airlines have lost more than $6,000,000,000 over the past 2 years; many airlines have merged or discontinued operations; and new entry into the industry has ceased;

(14) the opportunities for new entrants and financially weak airlines to compete successfully can be maximized by the development of new airport capacity, particularly terminal facilities and gates, which will facilitate the ability of new airlines to compete against the airlines which now dominate the facilities at major hub airports;

(15) investment in the aviation transportation infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(16) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(17) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(18) failure to invest in the transportation infrastructure, including aviation, has placed the United States in danger of becoming a service-oriented economy, rather than having a strong and independent manufacturing-based economy;

(19) the creation of a national intermodal transportation system is central to the transportation issues of the coming decades and will create the new wealth of the Nation to provide the funds for the Nation to meet the challenges of the 21st century;

(20) our Nation should devote greater efforts to integrating the aviation system with highway and mass transit facilities providing access to airports;

(21) transportation planning, taking account of commerce and land-use patterns, must be improved at all levels and local officials must have a significant role in transportation decisions affecting their areas;

(22) failure to develop an improved intermodal transportation system for the 1990's and the 21st century will result in continuing the two decade trend of decline in United States competitiveness in the global economy and the accompanying decline in the Nation's standard of living;

(23) the safety of the traveling public is of paramount national importance;

(24) aircraft deicing is an important element of aviation safety and past aircraft incidents suggest that both the Federal Government and private industries should focus on methods to improve aircraft deicing procedures and facilities;

(25) noise associated with the use of our Nation's airports must be reduced and efforts to mitigate noise must be continued;

(26) airports must use the airport noise planning program to ensure that capacity expansion minimizes noise to the surrounding community;

(27) the Nation's air traffic control system must be modernized with the most advanced technology, and the necessary capital equipment must be developed and procured, in order to continue the safe and efficient operation of the national airspace system;

(28) there will need to be a continuing increase in the number of aviation safety inspectors to handle the current and future workload of the air carrier and commuter industry; and

(29) the United States airline industry lost more than $6 billion in 1990 and 1991, the number of air carriers serving the public has declined substantially as a result of the industry's financial distress and the absence of governmental policies to promote competition, and continued financial losses could result in the further loss of air carrier competition and service to the traveling public.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

SEC. 101. DECLARATION OF POLICY.

(a) NATIONAL TRANSPORTATION POLICY.—Section 502 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201) is amended by adding at the end the following:

"(c) NATIONAL TRANSPORTATION POLICY.—

"(1) It is a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner. The Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the Nation's infrastructure.

"(2) United States leadership in the world economy, the expanding wealth of the Nation, the competitiveness of the

Nation's industry, the standard of living, and the quality of life are at stake.

"(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance United States industry's ability to compete in the global marketplace.

"(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

"(5) An intermodal transportation system consists of transportation hubs which connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the Nation's vast rural areas, as well as providing links to other forms of transportation and to intercity connections.

"(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

"(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the Nation to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The Nation's future economic prosperity depends on its ability to compete in an international marketplace that is teeming with competitors but where a full one-quarter of the Nation's economic activity takes place.

"(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will move people and goods faster in an efficient manner.".

(b) CAPACITY EXPANSION AND NOISE ABATEMENT.—Such section is further amended by adding at the end the following new subsection:

"(d) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced and efforts to mitigate noise must be given a high priority.".

SEC. 102. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1991,"; and

(2) by inserting before the period at the end of the second sentence the following: ", and $15,966,700,000 for fiscal years ending before October 1, 1993".

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of such Act is amended by striking "1992" and inserting "1993".

SEC. 103. AIRWAY IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(a)(1)) is amended—

(1) by striking "and" following "1991" and inserting a comma; and

(2) by inserting before the period at the end of the first sentence the following: ", $8,200,000,000 for fiscal years ending before October 1, 1993, $11,100,000,000 for fiscal years ending before October 1, 1994, and $14,000,000,000 for fiscal years ending before October 1, 1995".

(b) CAPITAL INVESTMENT PLAN AUGMENTATION.—Section 506(a)(2) of such Act is amended to read as follows:

"(2) CAPITAL INVESTMENT PLAN AUGMENTATION.—If the Secretary determines that it is necessary to augment or substantially modify elements of the Airway Capital Investment Plan submitted to Congress under section 504 of this title (including a determination that it is necessary to establish more than 23 area control facilities), there is authorized to be appropriated from the Trust Fund for fiscal year 1994 to carry out such augmentation or modification $100,000,000. Amounts appropriated under this paragraph shall remain available until expended.".

(c) OTHER EXPENSES.—

(1) EXTENSION.—Section 506(c)(4) of such Act is amended—

(A) in the paragraph heading by striking "–1992" and inserting "–1995"; and

(B) by striking "and 1992" and inserting ", 1992, 1993, 1994, and 1995".

(2) CONFORMING AMENDMENT.—Section 506(e)(5) of such Act is amended by striking "1992" and inserting "1995".

(d) WEATHER SERVICES.—Section 506(d) of such Act is amended by striking the second sentence and inserting the following new sentence: "Expenditures for the purposes of carrying out this subsection shall be limited to $35,596,000 for fiscal year 1993, $37,800,000 for fiscal year 1994, and $39,000,000 for fiscal year 1995.".

(e) RADAR SYSTEM FOR NORTHERN MAINE.—Of amounts authorized under section 505(a)(1) of the Airport and Airway Improvement Act of 1982 for fiscal years 1993 and 1994, not less than $18,000,000 is authorized for site selection and installation of 1 Federal Aviation Administration long-range air route surveillance radar system for that portion of northern Maine currently served by approach control at Loring Air Force Base.

SEC. 104. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting before the period at the end the following: ", $4,716,500,000 for fiscal year 1993, $5,100,000,000 for fiscal year 1994, and $5,520,000,000 for fiscal year 1995".

SEC. 105. LINKAGE WITH PASSENGER FACILITY CHARGES PROGRAM.

Paragraph (4) of section 1113(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1513(e)(4)) is amended by striking "under

this subsection on or before" and all that follows through the period at the end of such paragraph and inserting the following:

"under this subsection on or before September 30, 1993, if, during fiscal year 1993, the amount available for obligation under section 419 of this Act is less than $38,600,000. This limitation on the authority to impose a fee shall not apply if the amount available in fiscal year 1993 for obligation under section 419 is less than $38,600,000 as a result of sequestration or other general appropriations reductions applied proportionately to appropriations accounts throughout an appropriations Act. The provisions of this paragraph shall not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues derived from a fee imposed pursuant to an approval made under this subsection by a public agency which has received an approval to impose a fee under this subsection prior to September 30, 1993, regardless of whether such fee is being imposed on September 30, 1993.".

SEC. 106. APPORTIONMENTS.

(a) INCREASE FOR CARGO HUBS.—Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(a)(2)) is amended—

(1) by striking "3 percent" and inserting "3.5 percent"; and

(2) by striking "(but not to exceed $50,000,000)".

(b) LIMITS.—Section 507(b)(1) of such Act is amended by striking "$300,000 nor more than $16,000,000" and inserting "$400,000 nor more than $22,000,000".

(c) PRIMARY AND CARGO SERVICE AIRPORTS.—Section 507(b)(3) of such Act is amended by striking "49.5 percent" each place it appears and inserting "44 percent".

(d) RULES REGARDING CERTAIN ALASKA AIRPORTS.—Section 507(b)(5) of such Act is amended by adding at the end the following new subparagraph:

"(F) INCLUDED AIRPORTS.—For purposes of this paragraph, the airports referred to in subparagraph (A) include those public airports that received scheduled service as of September 3, 1982, but were not apportioned funds in fiscal year 1980 under section 15(a) of the Airport and Airway Development Act of 1970 because the airports were not under the control of State or local public agencies.".

SEC. 107. MILITARY AIRPORTS.

(a) SET-ASIDE.—Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(5)) is amended by inserting after "1992" the following: ", not less than 2.25 percent of the funds made available under section 505 in fiscal year 1993, and not less than 2.5 percent of the funds made available under section 505 in each of fiscal years 1994 and 1995".

(b) DESIGNATION.—Section 508(f)(1) of such Act is amended—

(1) by striking "not more than 8" and inserting "not more than 12"; and

(2) by striking the second sentence.

(c) CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—

(1) FUNDING.—Section 508(f) of such Act is amended by adding at the end the following new paragraph:

"(6) FUNDING FOR CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—Not to exceed $4,000,000 per airport of the sums to be distributed at the discretion of the Secretary under section 507(c) for fiscal years 1993, 1994, and 1995 may be used in the aggregate by the sponsor of a current or former military airport designated by the Secretary under this subsection for construction, improvement, or repair of airport surface parking lots, fuel farms, and utilities.".

(2) CONFORMING AMENDMENT.—Section 513(c) of such Act is amended by inserting after "this section" the following: "and section 508(f)(6) of this title".

49 USC app. 2212.

(d) MILITARY BASE CLOSURE REPORT.—Within 30 days after the date on which the Secretary of Defense recommends a list of military bases for closure or realignment pursuant to section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; U.S.C. 2687 note), the Administrator of the Federal Aviation Administration shall submit to Congress and the Defense Base Closure and Realignment Commission a report on the effects of all those recommendations involving military airbases, including but not limited to, the effect of the proposed closures or realignments on civilian airports and airways in the local community and region; potential modifications and costs necessary to convert such bases to civilian aviation use; and in the case of air traffic control or radar coverage currently provided by the Department of Defense, potential installations or adjustments of equipment and costs necessary for the Federal Aviation Administration to maintain existing levels of service for the local community and region.

10 USC 2687 note.

SEC. 108. AIRPORT NOISE COMPATIBILITY PROGRAM.

Section 508(d)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(2)) is amended by striking "10 percent" and inserting "12.5 percent".

SEC. 109. MAXIMUM OBLIGATION OF THE UNITED STATES.

Section 512(b)(3) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211(b)(3)) is amended by striking the period at the end and inserting the following: "; except that, for fiscal year 1993 and thereafter, for grants for the acquisition of land or interests in land, the maximum obligation of the United States may be increased for an airport (other than a primary airport) either by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable project costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.".

SEC. 110. TERMINAL DEVELOPMENT.

(a) ALLOWABLE PROJECT COSTS.—Section 513(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(b)(1)) is amended by adding at the end the following new sentence: "In the case of a commercial service airport which annually has .05 percent or less of the total enplanements in the United States, the Secretary may approve, under the preceding sentence as allowable project costs of a project for airport development at such airport, terminal development in revenue-producing areas and construction, reconstruction, repair, and improvement of nonrevenue-producing parking lots if the sponsor certifies that

no project for needed airport development affecting safety, security, or capacity will be deferred by such approval.".

49 USC app. 2212.

(b) FEDERAL SHARE.—Section 513(b)(5) of such Act is amended by inserting before the period at the end the following: "; except that the United States share of project costs allowable for any project under such paragraph at a commercial service airport which annually has .05 percent or less of the total enplanements in the United States shall be 85 percent".

49 USC app. 2212 note.

(c) RETROACTIVE APPLICABILITY.—The amendment made by subsection (a) may be applied to any terminal development which is underway in calendar year 1992 or later.

SEC. 111. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(G) OTHER CONSIDERATIONS.—A letter of intent issued under this paragraph shall not condition the obligation of any funds on the imposition of a passenger facility charge.".

SEC. 112. AIRPORT DEVELOPMENT DEFINED.

(a) AIRCRAFT DEICING EQUIPMENT.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)(B)) is amended—

(1) by striking "or" at the end of clause (v);

(2) by inserting after clause (vi) the following:

"(vii) aircraft deicing equipment and structures (other than aircraft deicing fluids and storage facilities for such equipment and fluids); or

"(viii) interactive training systems;".

(b) CONTROL TOWER AND NAVIGATIONAL AIDS RELOCATION; MEETING MANDATES OF CERTAIN FEDERAL LAWS; AIRCRAFT DEICING FACILITIES.—Section 503(a)(2) of such Act is further amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

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

"(E) the relocation, after December 31, 1991, of an air traffic control tower and any navigational aid (including radar) if such relocation is necessary to carry out a project approved by the Secretary under this title;

"(F) and if funded by a grant under this title, any construction, reconstruction, repair, or improvement of an airport (or any purchase of capital equipment for an airport) which is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, and the Federal Water Pollution Control Act with respect to the airport, other than construction or purchase of capital equipment which would primarily benefit a revenue producing area of the airport used by a nonaeronautical business; and

"(G) any acquisition of land for, or work necessary to construct, a pad suitable for deicing aircraft prior to takeoff at a commercial service airport, including construction or reconstruction of paved areas, drainage collection structures, treatment and discharge systems, appropriate

lighting, and paved access for deicing vehicles and aircraft, but excluding acquisition of aircraft deicing fluids and construction and reconstruction of storage facilities for aircraft deicing equipment and fluids.".

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the cost and the feasibility of maintaining and operating navigational aids (including radar) for a transition period of up to 2 years at airports converting in whole or in part from military airports to civilian commercial or reliever airports.

SEC. 113. PUBLIC ACCESS AND PARTICIPATION WITH RESPECT TO AIRPORTS.

(a) PUBLIC ACCESS TO AIRPORT BUDGET.—Section 511(a)(11) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(11)) is amended by inserting "and a report of the airport budget will be available to the public at reasonable times and places" before the semicolon at the end.

(b) PUBLIC PARTICIPATION WITH RESPECT TO AIRPORT PROJECTS.—Section 509(b)(6)(A) of such Act (49 U.S.C. App. 2208(b)(6)(A)) is amended by inserting "(i)" after "unless" and by striking the period at the end and inserting the following: ", and (ii) the sponsor of the project certifies to the Secretary that the airport management board either has voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.".

SEC. 114. NATIONAL AIRWAY SYSTEM.

(a) ELIMINATION OF REPORTING REQUIREMENT.—Section 504(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2203(b)) is amended by striking paragraph (2).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking "(1)";

(2) by striking "(A)", "(B)", and "(C)" and inserting "(1)", "(2)", and "(3)", respectively; and

(3) by striking "(i)", "(ii)", and "(iii)" and inserting "(A)", "(B)", and "(C)", respectively.

SEC. 115. DEFINITION OF PASSENGERS ENPLANED.

Section 503(a)(10) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(10)) is amended by inserting "or Alaska or Hawaii" after "contiguous States".

SEC. 116. EXTENSION OF STATE BLOCK GRANT PILOT PROGRAM.

(a) EXTENSION.—Section 534(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2227(a)) is amended by striking "1992" and inserting "1996".

49 USC app. 2227.

(b) PARTICIPATING STATES.—Section 534(b) of such Act is amended—

(1) by striking "3" and inserting "7"; and

(2) by adding at the end the following new sentence: "The 7 States to be selected for participation in the program in fiscal years 1993, 1994, 1995, and 1996 shall include the 3

States selected for the participation in the program in fiscal year 1992 (Illinois, Missouri, and North Carolina).".

SEC. 117. DISADVANTAGED BUSINESS ENTERPRISE.

(a) ASSURANCE.—Section 511(a)(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(17)) is amended by inserting "or which provide ground transportation, baggage carts, automobile rentals, or other consumer services" after "or other consumer products".

(b) ADMINISTRATION OF DBE ASSURANCE.—Section 511 of such Act is further amended by adding at the end the following new subsection:

"(h) ADMINISTRATION OF DBE ASSURANCE.—

"(1) MANAGEMENT CONTRACTS.—In administering subsection (a)(17) of this section, an airport owner or operator is authorized to meet the overall percentage goal established under such subsection by including businesses operated through management contracts and subcontracts. The dollar amount of a management contract and subcontract with a DBE firm shall be added to the total of DBE participation in airport concessions and to the base from which the airport's overall percentage goal is calculated. The dollar amount of management contracts and subcontracts with non-DBE firms and the gross revenues of business activities to which management contracts and subcontracts pertain shall not be added to this base.

"(2) PURCHASE OF GOODS AND SERVICES.—Except as provided in subsection (h)(3), an airport owner or operator may meet the overall percentage goal established under subsection (a)(17) of this section by including the purchase from DBE's of goods or services used in businesses conducted on the airport, provided that good faith efforts shall be made by the airport owner or operator and the businesses conducted on the airport to explore all available options to achieve, to the maximum extent practical, compliance with such goal through direct ownership arrangements, including, but not limited to, joint ventures and franchises.

"(3) PROVISION FOR CAR RENTAL FIRMS.—

"(A) In complying with subsection (a)(17) of this section, an airport owner or operator shall include the revenues of car rental firms on the airport in the base from which the overall percentage goal set forth in such subsection is calculated.

"(B) An airport owner or operator may require a car rental firm to meet any requirement imposed under subsection (a)(17) of this section through the purchase or lease of goods or services from DBE's. In the event an airport owner or operator requires the purchase or lease of goods or services from DBE's, a car rental firm shall be permitted to meet such requirement by including purchases or leases of vehicles from any vendor that qualifies as a small business concern (as defined by the Secretary by regulation) owned and controlled by socially and economically disadvantaged individuals (as defined under section 505(d)(2)(B)).

"(C) Nothing in this subsection or subsection (a)(17) of this section shall require a car rental firm to change

its corporate structure to provide for direct ownership arrangements in order to meet the requirements of such subsection or subsection (a)(17).

"(4) GENERAL PROVISIONS.—

"(A) Nothing in this subsection or subsection (a)(17) shall preempt any State or local law, regulation, or policy enacted by the governing body of an airport owner or operator, or the authority of any State or local government or airport owner or operator to adopt or enforce any law, regulation, or policy relating to DBE's.

"(B) An airport owner or operator shall be permitted to afford opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate through direct contractual agreement with such concerns.

"(5) EXCLUSION OF AIR CARRIER SERVICES.—Air carriers in providing passenger or freight-carrying services and other businesses that conduct aeronautical activities at an airport shall not be included in the overall percentage goal set forth in subsection (a)(17) of this section for participation of small business concerns at the airport.".

(c) BASIC PROGRAM.—Section 505(d)(2)(A) of such Act (49 U.S.C. App. 2204(d)(2)(A)) is amended by striking "$14,000,000" and inserting "$16,015,000".

(d) REGULATIONS.—Not later than the 180th day following the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out sections 511(a)(17) and 511(h) of the Airport and Airway Improvement Act of 1982, as amended by subsections (a) and (b) of this section, relating to the disadvantaged business enterprise assurance.

49 USC app. 2210 note.

SEC. 118. EXTENSION OF CERTAIN RESTRICTIONS ON CONTRACT AND GRANT AWARDS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—Section 9130 of the Aviation Safety and Capacity Expansion Act of 1990 (49 U.S.C. App. 2226b) is amended by inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

(b) FOREIGN GOVERNMENTS DISCRIMINATING AGAINST U.S. PRODUCTS.—Section 9131 of such Act (49 U.S.C. App. 2226c) is amended by inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

SEC. 119. ACQUISITION OR CONSTRUCTION OF FACILITIES FOR ADVANCED TRAINING OF MAINTENANCE TECHNICIANS FOR AIR CARRIER AIRCRAFT.

49 USC app. 1354 note.

(a) GRANTS.—The Administrator of the Federal Aviation Administration may make grants to not to exceed 4 vocational technical institutions for the purpose of acquiring or constructing facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) ELIGIBILITY CRITERIA.—The Administrator may only make a grant under this section to a vocational technical educational institution if such institution has a training curriculum which prepares aircraft maintenance technicians who hold an airframe and power plant certificate issued under subpart D of part 65 of title

14 of the Code of Federal Regulations to maintain, without direct supervision, air carrier aircraft.

(c) LIMITATION ON AMOUNTS OF GRANTS.—The maximum amount of Federal funds which a vocational technical educational institution may receive, in the aggregate, through grants made under this section shall be $5,000,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Airport and Airway Trust Fund, such sums as may be necessary for carrying out this section for fiscal years 1993, 1994, and 1995. Such sums shall remain available until expended.

Reports.
49 USC app. 1348 note.

SEC. 120. AIR TRAFFIC CONTROLLER STAFFING.

The Administrator of the Federal Aviation Administration shall develop and submit annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States, a 3-year projection of the number of air traffic controllers needed to be employed to operate such system to meet such standards, and a detailed plan for employing such controllers, including projected budget requests.

SEC. 121. AVIATION SAFETY INSPECTORS.

The Administrator of the Federal Aviation Administration shall develop and submit by June 30, 1993, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

Reports.

(1) a report on the criteria used to determine the required number of safety inspectors; and

(2) a 3-year projection of the number of inspectors needed, the training plans for such inspectors, and the support staff required for the inspector workforce.

Contracts.

SEC. 122. LIMITATION ON PRIVATIZATION OF OPERATION OF CERTAIN AIRPORT CONTROL TOWERS.

The Administrator of the Federal Aviation Administration shall not enter into any contract on or before September 30, 1994, with a private person for operation of an airport control tower at any airport which in fiscal year 1990 had 5,500 or more air carrier operations and 40,000 or more air taxi operations unless the owner or operator of such airport first agrees, in writing, to the Administrator entering into such contract.

49 USC app. 2102 note.

SEC. 123. EFFECTS OF AIRPORT NOISE.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall—

(1) analyze the social, economic, and health effects of airport noise on populations within 65, 60, and 55 LDN noise areas to determine the actual level at which noise creates an adverse impact on populations; and

(2) study the effect of single event noise on populations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act and after providing notice and opportunity for public comment, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Public Works and Transportation of the House of Representatives a report on the results of the analysis and study conducted under subsection (a).

SEC. 124. AIRCRAFT OPERATIONS IN WINTER CONDITIONS.

49 USC app. 1421 note. Regulations.

(a) IN GENERAL.—Before November 1, 1992, the Administrator of the Federal Aviation Administration shall require, by regulation, procedures to improve safety of aircraft operations during winter conditions.

(b) FACTORS TO BE CONSIDERED.—In determining procedures to be required under subsection (a), the Administrator shall consider, among other things, aircraft and air traffic control modifications, the availability of different types of deicing fluids (taking into account their efficacy and environmental limitations), the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

SEC. 125. VISUAL FLIGHT RULE ROUTES FOR COMPLEX TERMINAL AIRSPACE AREAS.

Section 307(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1348(b)) is amended by adding at the end the following: "In carrying out clause (3), the Administrator shall update and arrange for publication of clearly defined routes for navigating through a complex terminal airspace area, and to and from an airport located within such an area, where the Administrator determines that publication of such routes would promote safety in air navigation. Such routes shall be for the optional use of pilots operating under visual flight rules and shall be developed in consultation with pilots and other users of affected airports.".

SEC. 126. STUDY ON REFLECTORIZATION OF TAXIWAY AND RUNWAY MARKINGS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the safety benefits derived from the reflectorization of runways and taxiways of all military airfields under Federal Specification TT–B–1325B should be extended to runways and taxiways of public use airports.

(b) REPORT.—Not later than June 30, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations concerning requirements for upgraded reflectorization of runways and taxiways at public use airports.

SEC. 127. OPTIONS TO PURCHASE LAND.

49 USC app. 2204 note.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the purchase of options to purchase land for airport development.

(b) CONTENT.—In conducting the study under subsection (a), the Secretary shall examine the following:

(1) ELIGIBILITY FOR FUNDING.—Whether or not the purchase of options to purchase land for airport development should be eligible for funding under the Airport Improvement Program.

(2) CONDITIONS.—If the purchase of such options become eligible for funding under the Airport Improvement Program—

(A) whether or not certain limitations should be imposed on such purchases;

(B) whether or not priority should be afforded to the funding of such purchases in relation to other airport development projects; and

(C) whether or not certain environmental requirements should be imposed on such purchases.

(c) REPORT.—Not later than December 31, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with any appropriate recommendations for legislative and administrative action.

SEC. 128. LIGHTING SYSTEMS FOR AIRCRAFT OBSTRUCTIONS AND AIRPORT RUNWAYS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the current Federal program for monitoring the installation and operation of lighting systems for aircraft obstructions and airport runways.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section, together with recommendations on methods to ensure that the best available technologies are utilized in lighting systems described in subsection (a).

49 USC app. 2204 note.

SEC. 129. ECONOMIC BENEFITS OF AIRPORT DEVELOPMENT PROJECTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the economic benefits of carrying out airport development projects in areas designated as "redevelopment areas" under section 401 of the Public Works and Economic Development Act of 1965.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations on whether or not airport development projects in areas described in subsection (a) should receive priority consideration in the distribution of grants under the Airport Improvement Program.

49 USC app. 2104 note.

SEC. 130. SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS IN AREAS SURROUNDING AIRPORTS.

During the 2-year period beginning on the date of the enactment of this Act, the Secretary may make grants under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 for projects to soundproof residential buildings—

(1) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(2) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(3) if the Secretary determines that the proposed projects are compatible with the purposes of the Aviation Safety and Noise Abatement Act of 1979.

SEC. 131. LAREDO INTERNATIONAL AIRPORT, LAREDO, TEXAS.

Section 313(c)(2)(C) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (101 Stat. 1531) is amended by striking "20 years" and inserting "40 years".

SEC. 132. STUDY OF SMALL AIRPORT RUNWAY MAINTENANCE.

49 USC app. 2204 note.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the ability of airports which annually enplane .05 percent or less of total enplanements in the United States to finance the maintenance of runways, aprons, and taxiways constructed under the Airport Improvement Program, whether or not it would be desirable to make maintenance of runways, aprons, and taxiways eligible projects for grants under the Airport Improvement Program, and whether or not the result of making such maintenance eligible projects would be to reduce the long-term costs of airport development.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations.

SEC. 133. TUCSON STUDY.

Arizona.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the current and projected need for air traffic control and related services in the airspace in the vicinity of Tucson, Arizona. In particular the study shall focus upon—

(1) the facilities and personnel necessary to assist general aviation pilots in the vicinity of Tucson and the United States-Mexico border area with services such as weather and traffic advisories;

(2) flight plan filings; and

(3) notification of law enforcement agencies that monitor international air traffic between Arizona and Mexico.

(b) REPORT.—Not later than May 1, 1993, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a). The report shall include the Administrator's evaluation of the ability of the consolidation plans of the Federal Aviation Administration to assure no reduction or delay in the delivery of air traffic control and related services to pilots in the vicinity of Tucson.

(c) STATUS.—The Administrator of the Federal Aviation Administration shall not change the status (including reductions in staff, changes in operating hours, changes in jurisdiction, and disconnection of telephone lines) of the Tucson flight service station before the 60th day following the date on which the report required by subsection (b) is submitted.

SEC. 134. AIR TRAFFIC OVER GRAND CANYON.

Nevada. Arizona. Indians. 16 USC 1a-1 note.

(a) STUDY.—The Administrator of the Federal Aviation Administration, in consultation with the Director of the National Park Service, the State of Arizona, the State of Nevada, the Clark County Department of Aviation, affected Indian tribes, and the general public, shall conduct a study on increased air traffic over Grand Canyon National Park.

(b) REPORT.—The Administrator of the Federal Aviation Administration shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

(1) A report on the increase in air traffic over Grand Canyon National Park since 1987.

(2) A forecast of the increase in air traffic over Grand Canyon National Park through 2010.

(3) A report on the carrying capacity of the airspace over Grand Canyon National Park to ensure aviation safety and to meet the requirements established by section 3 of the Act of August 18, 1987 (Public Law 100–91; 101 Stat. 676), including the substantial restoration of natural quiet at the Park.

(4) A plan of action to manage increased air traffic over Grand Canyon National Park to ensure aviation safety and to meet the requirements established by such section 3 of the Act of August 18, 1987, including any measures to encourage or require the use of quiet aircraft technology by commercial air tour operators.

49 USC app. 1353 note.

SEC. 135. CIVIL TILTROTOR DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish in the Department of Transportation a Civil Tiltrotor Development Advisory Committee (hereinafter in this section referred to as the "Advisory Committee") to evaluate the technical feasibility and economic viability of developing civil tiltrotor aircraft and a national system of infrastructure to support the incorporation of tiltrotor aircraft technology into the national transportation system.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Advisory Committee shall be composed of members appointed by the Secretary of Transportation, not later than 60 days after the date of the enactment of this Act, as follows:

(A) At least 1 representative of the Department of Transportation.

(B) At least 1 representative of the Federal Aviation Administration.

(C) At least 1 representative of the National Aeronautics and Space Administration.

(D) Representatives of other Federal departments and agencies, State and local governments, and private industry, as considered appropriate and necessary by the Secretary.

(2) QUALIFICATION.—Members appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (1) shall be appointed from among individuals employed under the Federal departments and agencies described in such subparagraphs who receive an annual rate of basic pay which equals or exceeds the rate payable for level VI of the Senior Executive Service.

(3) CHAIRPERSON.—The Secretary of Transportation shall appoint a Chairperson of the Advisory Committee from among individuals employed under the Department of Transportation who receive an annual rate of basic pay which equals or exceeds the rate payable for level IV of the Executive Schedule.

(c) DUTIES.—The Advisory Committee shall—

(1) determine the costs, feasibility, and economic viability of developing a civil tiltrotor aircraft and establishing the necessary infrastructure to incorporate such aircraft and other advanced vertical takeoff and landing aircraft into the national transportation system;

(2) determine the benefits to the national economy and transportation system, including the potential for improved linkages and connections with other modes of transportation, of incorporating civil tiltrotor aircraft and other advanced vertical takeoff and landing aircraft into the national transportation system;

(3) determine further aeronautical research and development requirements needed to incorporate civil tiltrotor aircraft and other advanced vertical takeoff and landing aircraft into the national transportation system;

(4) determine changes to regulatory standards governing use of the airspace which would be required to incorporate civil tiltrotor aircraft and other advanced vertical takeoff and landing aircraft into the national transportation system; and

(5) recommend which of the costs of developing civil tiltrotor aircraft and establishing the infrastructure necessary to support civil tiltrotor aircraft and other advanced vertical takeoff and landing aircraft should be paid by the Federal Government and which of such costs should be paid by private industry.

(d) REPORT.—Not later than the 365th day following the date of the first meeting of the Advisory Committee, the Advisory Committee shall transmit to Congress a report containing its determinations and recommendations under subsection (c).

(e) TERMINATION.—The Advisory Committee shall terminate on the 30th day following the date of submission of its report under subsection (d).

SEC. 136. TECHNICAL AMENDMENTS.

(a) EXEMPTION RELATED TO CERTAIN AGREEMENTS.—Section 9304(a)(2)(D) of the Airport Noise and Capacity Act of 1990 (49 U.S.C. App. 2153(a)(2)(D)) is amended by striking all after "changes" and inserting the following: ", unless an agreement relating to noise reductions at such airport is entered into between the airport proprietor and an airline or airlines constituting a majority of the airline use of such airport, in which case the exception to subsections (b) and (d) provided by this sentence shall apply only to local actions to enforce such agreement.".

(b) AIRCRAFT CONTRACTS.—Section 9309 of the Airport Noise and Capacity Act of 1990 (49 U.S.C. App. 2158) is amended—

(1) in subsection (a)(2) by striking "written contract executed" and inserting "legally binding contract entered into"; and

(2) in subsection (c)(2) by striking "air".

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

SEC. 201. PROCUREMENT REFORM.

(a) IN GENERAL.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1344) is amended by adding at the end the following new subsections:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator shall have the same authority as the Administrator would have under section 2304(c)(1) of title 10, United States Code, if the Federal Aviation Administration were an agency listed under section 2303(a) of title 10, United States Code.

"(h) CONTRACT TOWER PROGRAM.—The Administrator may enter into a contract, on a sole source basis, with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified as a level I visual flight rules tower by the Administrator if the Administrator determines that the State or political subdivision has the capability to comply with the requirements of this subsection. Any such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of such Act relating to section 303 is amended by adding at the end the following:

"(g) Limited sources of procurement.
"(h) Contract tower program.".

SEC. 202. AVIATION SECURITY TRAINING.

49 USC app. 1357.

Section 316(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1357(c)) is amended by inserting "(1)" after "(c)" and by adding at the end the following new paragraph:

"(2) REIMBURSEMENT FOR CERTAIN EXPENSES.—At the discretion of the Administrator, reimbursement may be made for travel, transportation, and subsistence expenses for the security training of non-Federal domestic and foreign security personnel whose services will contribute significantly to carrying out civil aviation security programs under this section. To the extent practicable, air travel reimbursed under this paragraph shall be conducted on United States air carriers.".

SEC. 203. HAZARDS TO SAFE AND EFFICIENT AIR COMMERCE.

(a) NOTICE OF CONSTRUCTION.—Section 1101(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1501(a)) is amended—

(1) by inserting after "of the construction or alteration," the following: "or the establishment or expansion,";

(2) by inserting after "or of the proposed construction or alteration," the following: "or of the proposed establishment or expansion,"; and

(3) by inserting "or sanitary landfill" after "structure".

49 USC app. 1501 note.

(b) LANDFILL HAZARD STUDY AND REPORT.—

(1) REQUIREMENTS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study to determine whether a municipal solid waste facility located within a 5-mile radius of the end of a runway may have the potential for attracting or sustaining bird movements (from feeding, watering, or roosting in the area) that may pose a hazard across the runways or approach and departure patterns of aircraft.

(2) REPORT.—Not later than December 31, 1993, the Secretary of Transportation shall transmit to Congress, after first having provided an opportunity for public comment, a report on the results of the study conducted under paragraph (1),

together with an assessment of the threat posed to aviation safety by the location of solid waste facilities near airport runways. The report shall include recommendations concerning the construction of new solid waste facilities and the expansion of existing facilities within a 5-mile radius of an airport runway.

SEC. 204. NATIONAL COMMISSION TO PROMOTE A STRONG AND COMPETITIVE AIRLINE INDUSTRY.

49 USC app. 1371 note.

(a) FINDINGS.—Congress finds the following:

(1) The Nation's airlines must be part of an intermodal transportation system that will move people and goods in the fastest, most efficient manner.

(2) The Nation's airlines provide our connections with the global economy. A strong airline industry is essential to our Nation's ability to compete in the international marketplace.

(3) The Nation's airlines are in a state of financial distress, having lost more than $6,000,000,000 in 1990 and 1991. These losses threaten the ability of our airlines to accommodate the growing aviation traffic demands of the 1990's which threaten to undermine our Nation's ability to compete in the global economy.

(4) Because of the airline industry's financial distress and the absence of government policies to promote competition, there has been a precipitous decline in the number of major airlines. Of the 22 airlines which entered the industry following airline deregulation, only 2 are now operating. The rest have either gone out of business or merged with other carriers.

(5) Concentration in the airline industry has advanced rapidly in the past few years. The top 4 major airlines now control 67 percent of aviation traffic and the top 7 airlines now control 91 percent of aviation traffic. Three major airlines, carrying 19 percent of aviation traffic, are in chapter 11 bankruptcy and their survival is in doubt.

(6) The continued success of a deregulated airline system requires the spur of effective actual and potential competition to force airlines to provide high quality service at the lowest possible fares.

(7) Further reductions in the number of major airlines may leave the industry without sufficient competition to ensure a continuation of the benefits consumers have received under airline deregulation.

(b) ESTABLISHMENT.—There is established a commission to be known as the "National Commission to Ensure a Strong Competitive Airline Industry" (hereinafter in this section referred to as the "Commission").

(c) FUNCTIONS.—

(1) INVESTIGATION AND STUDY.—The Commission shall make a complete investigation and study of the financial condition of the airline industry, the adequacy of competition in the airline industry, and legal impediments to a financially strong and competitive airline industry.

(2) POLICY RECOMMENDATIONS.—Based on the results of the investigation and study to be conducted under paragraph (1), the Commission shall recommend to the President and Congress those policies which need to be adopted to—

(A) achieve the national goal of a strong and competitive airline system which will facilitate the ability of the Nation to compete in the global economy;

(B) provide adequate levels of competition and service at reasonable fares in cities of all sizes;

(C) retard the flow of United States air carrier bankruptcies and accompanying loss of jobs for United States citizens;

(D) provide a stable work environment for airline industry employees; and

(E) continue to reduce noise for citizens around airports without damaging the economic or competitive positions of the air carriers.

(3) CONSIDERATION OF AIRCRAFT NOISE ABATEMENT.—In carrying out the study and investigation under paragraph (1), the Commission shall take into account aircraft noise abatement, a priority established by Congress by enactment of the Airport Noise and Capacity Act of 1990.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall specifically investigate and study under subsection (c)(1) the following:

(1) FINANCIAL CONDITION OF AIRLINE INDUSTRY.—The current financial condition of the airline industry and how the industry's financial condition is likely to change over the next 5 years, including—

(A) the profits or losses likely to be achieved by the airline industry over the next 5 years;

(B) whether or not any profits realized will be adequate to permit airlines to acquire the capital equipment necessary to meet the demand of the traveling public in a safe and efficient manner, while complying with environmental regulations; and

(C) whether or not any major airlines are likely to fail or sell major assets in order to survive.

(2) ADEQUACY OF COMPETITION.—The current state of competition in the airline industry, how the structure of airline industry competition is likely to change over the next 5 years, and whether or not the expected level of competition will be sufficient to continue the consumer benefits of airline deregulation.

(3) LEGAL IMPEDIMENTS TO A FINANCIALLY STRONG AND COMPETITIVE AIRLINE INDUSTRY.—Whether or not the Federal Government should take any legislative or administrative actions to improve the financial conditions of the airline industry or to enhance airline competition, including whether or not any changes are needed in the legal and administrative policies which govern—

(A) the initial award and the transfer of international airline routes;

(B) the allocation of slots at high density airports;

(C) the allocation of gates, particularly at airports dominated by 1 or a limited number of airlines;

(D) frequent flier programs;

(E) airline computer reservations systems;

(F) the rights of foreign investors to invest in United States airlines;

(G) the taxes and user fees imposed on United States airlines;

(H) the regulatory responsibilities imposed on United States airlines;

(I) the bankruptcy laws of the United States and related fitness rules administered by the Department of Transportation as they apply to airlines; and

(J) the obligations of failing airlines to meet pension obligations.

(4) INTERNATIONAL AVIATION POLICY.—Whether or not the policies and strategies followed by the United States in international aviation are promoting the ability of United States airlines to achieve long-term competitive success in international markets, including—

(A) the Government's general negotiating policy;

(B) the desirability of multilateral rather than bilateral negotiations;

(C) whether or not foreign countries have developed the necessary infrastructure of airports and airways to enable United States airlines to provide the service needed to meet the demand for aviation service between the United States and such countries;

(D) the rights granted foreign airlines to provide service in United States domestic markets ("cabotage"); and

(E) the rights granted foreign investors to invest in United States airlines.

(5) ASSESSMENT OF AIRCRAFT MANUFACTURING INDUSTRY.—The state of the United States aircraft manufacturing industry and make recommendations to the President and Congress concerning policies that will help foster a healthy, competitive United States aircraft manufacturing industry.

(6) STUDY OF INCENTIVES FOR EXPEDITED FLEET CONVERSION.—The possibility of long-term loan guarantees and tax incentives for air carriers to expedite the conversion of the commercial airline fleet from Stage 2 to Stage 3 aircraft in advance of the deadlines established by the Airport Noise and Capacity Act of 1990.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(A) 1 member appointed by the President.

President.

(B) 3 members appointed by the Speaker of the House of Representatives.

(C) 3 members appointed by the majority leader of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in transportation policy (including representatives of Federal, State, and local governments and other public authorities owning or operating airports) and organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.

(B) SECTORS REPRESENTED.—Members appointed pursuant to paragraph (1) shall be appointed in a manner such that the interests of both large hub airports and

small airports with commercial air service will be taken into consideration. One member of the Commission shall be a citizen representing a consensus among citizen noise groups or noise affected municipalities.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c)(2).

(k) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (j). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

SEC. 205. STRENGTHENING OF COMPETITION.

Section 102 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1302) is amended by adding at the end the following new subsection:

"(c) STRENGTHENING OF COMPETITION.—In selecting an air carrier to provide foreign air transportation from among competing applicants to provide such transportation, the Secretary shall consider the strengthening of competition among air carriers operating in the United States in order to prevent undue concentration in the air carrier industry, in addition to considering the factors specified in subsections (a) and (b) of this section.".

SEC. 206. SLOT RULE EFFECTIVE DATE.

The final rule of the Federal Aviation Administration which requires an increased level of minimum use for high density traffic airport slots (57 Federal Register 37308) shall take effect January 1, 1993.

SEC. 207. EMERGENCY VISION EQUIPMENT.

Reports.

The Administrator of the Federal Aviation Administration shall evaluate and report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, no later than 9 months after the date of the enactment of this Act, on effects of quantities of smoke in the cockpit of an aircraft which could affect the pilot's vision. In such report, the Administrator shall also explore the efficiency of any existing technologies to evacuate smoke from the cockpit, shall evaluate the need for any change in requirements or operating rules, and shall estimate the cost of installation of such technologies for the commercial airline fleet.

SEC. 208. TECHNICAL AMENDMENT TO CIVIL PENALTIES.

Section 901(a)(3)(A) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(3)(A)) is amended by inserting "901(c), 901(d)," after "section".

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992. 49 USC app. 2201 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992".

SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPROPRIATIONS.

Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is amended by striking subparagraph (A) and all that follows and inserting in lieu thereof the following:

"(A) for fiscal year 1993—

"(i) $14,700,000 solely for management and analysis projects and activities;

"(ii) $87,000,000 solely for capacity and air traffic management technology projects and activities;

"(iii) $28,000,000 solely for communications, navigation, and surveillance projects and activities;

"(iv) $7,700,000 solely for weather projects and activities;

"(v) $6,800,000 solely for airport technology projects and activities;

"(vi) $44,000,000 solely for aircraft safety technology projects and activities;

"(vii) $41,100,000 solely for system security technology projects and activities;

"(viii) $31,000,000 solely for human factors and aviation medicine projects and activities;

"(ix) $4,500,000 for environment and energy projects and activities; and

"(x) $5,200,000 for innovative/cooperative research projects and activities; and

"(B) for fiscal year 1994, $297,000,000.

Not less than 15 percent of the amount appropriated pursuant to this paragraph shall be for long-term research projects, and not less than 3 percent of the amount appropriated under this paragraph shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958.".

Reports.
49 USC app. 1421 note.

SEC. 303. DEICING STUDY.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall report to Congress on the feasibility of requiring commercial airports and commercial airlines to employ portable equipment to deice commercial aircraft immediately prior to takeoff by placing deicing equipment close to the departure end of the active runway. In addition, the Secretary shall undertake research to develop new techniques and to develop more efficient fluids and technologies for deicing.

49 USC app. 1353 note.

SEC. 304. AIRCRAFT NOISE RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a research program to develop new technologies for quieter subsonic jet aircraft engines and airframes.

(b) GOAL.—The goal of the research program established by subsection (a) is to develop by the year 2000 technologies for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels.

(c) PARTICIPATION.—In carrying out the program established by subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of representatives of the aviation industry and academia.

(d) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress, on an annual basis during the term of the program established by subsection (a), a report on the progress being made under the program toward meeting the goal described in subsection (b).

49 USC app. 2226a note.

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this title, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted

in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this title to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

Reports.

(3) The Secretary of Transportation, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

TITLE IV—AVIATION INSURANCE

SEC. 401. INSURANCE FOR DEPARTMENTS AND AGENCIES OF THE UNITED STATES.

(a) IN GENERAL.—Section 1304(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1534(a)) is amended—

(1) by inserting after "under this title" the following: ", including insurance to cover any risk from the operation of an aircraft while such aircraft is engaged in intrastate, interstate, or overseas air commerce"; and

(2) by adding at the end the following new sentence: "In addition, such department or agency may, with the approval of the President, procure such insurance to cover any risk arising from the provision of goods or services directly related to and necessary for an operation of an aircraft covered by insurance procured under the preceding sentence if such operation is in the performance of a contract of such department or agency or is for the purpose of transporting military forces or materiel on behalf of the United States pursuant to an agreement between the United States and a foreign government.".

(b) CONFORMING AMENDMENT.—Section 1302(a)(3) of such Act (49 U.S.C. App. 1532(a)(3)) is amended by striking "Insurance" and inserting "Subject to section 1304(a), insurance".

SEC. 402. EXTENSION OF PROGRAM.

Section 1312 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1542) is amended by striking "1992" and inserting "1997".

SEC. 403. ADMINISTRATION OF AVIATION INSURANCE PROGRAM.

49 USC app. 1531 note.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of the administration of the aviation insurance program under title XIII of the Federal Aviation Act of 1958 during the Persian Gulf conflict for the purpose of determining methods of improving the efficiency of the administration of such program by reducing the paperwork and time period required for provision of insurance under such program.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the review conducted under subsection (a), together with any recommendations of the Comptroller General for improving the efficiency of the administration of the aviation insurance program under title XIII of the Federal Aviation Act of 1958.

49 USC app. 1542 note.

SEC. 404. CONTINUATION OF AVIATION INSURANCE LAWS.

Notwithstanding any other provision of law, the provisions of title XIII of the Federal Aviation Act of 1958 and all insurance policies issued by the Secretary of Transportation under such title, as in effect on September 30, 1992, shall be treated as having continued in effect until the date of the enactment of this Act.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND

SEC. 501. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND.

26 USC 9502.

Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1992" and inserting "October 1, 1995", and

(2) by striking in subparagraph (A) "(as such Acts were in effect on the date of the enactment of the Aviation Safety and Capacity Expansion Act of 1990)" and inserting "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992)".

SEC. 502. CLARIFICATION OF TRUST FUND REVENUES.

(a) IN GENERAL.—Paragraph (1) of section 9502(e) of the Internal Revenue Code of 1986 (relating to special rules for transfers into trust fund) is amended to read as follows:

"(1) INCREASES IN TAX REVENUES BEFORE 1993 TO REMAIN IN GENERAL FUND.—In the case of taxes imposed before January 1, 1993, the amounts required to be appropriated under paragraphs (1), (2), and (3) of subsection (b) shall be determined without regard to any increase in a rate of tax enacted by the Revenue Reconciliation Act of 1990.".

26 USC 9502 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 11213 of the Revenue

Reconciliation Act of 1990 on the date of the enactment of such Act.

Approved October 31, 1992.

LEGISLATIVE HISTORY—H.R. 6168:

CONGRESSIONAL RECORD, Vol. 138 (1992):
Oct. 5, considered and passed House.
Oct. 8, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Oct. 31, Presidential statement.

Public Law 102-582
102d Congress

An Act

Nov. 2, 1992
[H.R. 2152]

To enhance the effectiveness of the United Nations international driftnet fishery conservation program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

High Seas Driftnet Fisheries Enforcement Act.
16 USC 1801 note.
16 USC 1826a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Seas Driftnet Fisheries Enforcement Act".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Large-scale driftnet fishing on the high seas is highly destructive to the living marine resources and ocean ecosystems of the world's oceans, including anadromous fish and other living marine resources of the United States.

(2) The cumulative effects of large-scale driftnet fishing pose a significant threat to the marine ecosystem, and slow-reproducing species like marine mammals, sharks, and seabirds may require many years to recover.

(3) Members of the international community have reviewed the best available scientific data on the impacts of large-scale pelagic driftnet fishing, and have failed to conclude that this practice has no significant adverse impacts which threaten the conservation and sustainable management of living marine resources.

(4) The United Nations, via General Assembly Resolutions numbered 44–225, 45–197, and most recently 46–215 (adopted on December 20, 1991), has called for a worldwide moratorium on all high seas driftnet fishing by December 31, 1992, in all the world's oceans, including enclosed seas and semi-enclosed seas.

(5) The United Nations has commended the unilateral, regional, and international efforts undertaken by members of the international community and international organizations to implement and support the objectives of the General Assembly resolutions.

(6) Operative paragraph (4) of United Nations General Assembly Resolution numbered 46–215 specifically "encourages all members of the international community to take measures individually and collectively to prevent large-scale pelagic driftnet fishing operations on the high seas of the world's oceans and seas".

(7) The United States, in section 307(1)(M) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)), has specifically prohibited the practice of large-scale driftnet fishing by United States nationals and vessels both within the exclusive economic zone of the United States and beyond the exclusive economic zone of any nation.

(8) The Senate, through Senate Resolution 396 of the One Hundredth Congress (approved on March 18, 1988), has called for a moratorium on fishing in the Central Bering Sea and the United States has taken concrete steps to implement such moratorium through international negotiations.

(9) Despite the continued evidence of a decline in the fishery resources of the Bering Sea and the multiyear cooperative negotiations undertaken by the United States, the Russian Federation, Japan, and other concerned fishing nations, some nations refuse to agree to measures to reduce or eliminate unregulated fishing practices in the waters of the Bering Sea beyond the exclusive economic zones of the United States and the Russian Federation.

(10) In order to ensure that the global moratorium on large-scale driftnet fishing called for in United Nations General Assembly Resolution numbered 46-215 takes effect by December 31, 1992, and that unregulated fishing practices in the waters of the Central Bering Sea are reduced or eliminated, the United States should take the actions described in this Act and encourage other nations to take similar action.

(b) POLICY.—It is the stated policy of the United States to—

(1) implement United Nations General Assembly Resolution numbered 46-215, approved unanimously on December 20, 1991, which calls for an immediate cessation to further expansion of large-scale driftnet fishing, a 50 percent reduction in existing large-scale driftnet fishing effort by June 30, 1992, and a global moratorium on the use of large-scale driftnets beyond the exclusive economic zone of any nation by December 31, 1992;

(2) bring about a moratorium on fishing in the Central Bering Sea, or an international conservation and management agreement to which the United States and the Russian Federation are parties that regulates fishing in the Central Bering Sea; and

(3) secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone of any nation.

TITLE I—HIGH SEAS LARGE-SCALE DRIFTNET FISHING

SEC. 101. DENIAL OF PORT PRIVILEGES AND SANCTIONS FOR HIGH SEAS LARGE-SCALE DRIFTNET FISHING.

16 USC 1826a.

(a) DENIAL OF PORT PRIVILEGES.—

(1) PUBLICATION OF LIST.—Not later than 30 days after the date of enactment of this Act and periodically thereafter, the Secretary of Commerce, in consultation with the Secretary of State, shall publish a list of nations whose nationals or vessels conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation.

(2) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, in accordance with recognized principles of international law—

(A) withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any large-scale driftnet fishing vessel that is documented under the laws of the United

States or of a nation included on a list published under paragraph (1); and

(B) deny entry of that vessel to any place in the United States and to the navigable waters of the United States.

(3) NOTIFICATION OF NATION.—Before the publication of a list of nations under paragraph (1), the Secretary of State shall notify each nation included on that list regarding—

(A) the effect of that publication on port privileges of vessels of that nation under paragraph (1); and

(B) any sanctions or requirements, under this Act or any other law, that may be imposed on that nation if nationals or vessels of that nation continue to conduct large-scale driftnet fishing beyond the exclusive economic zone of any nation after December 31, 1992.

(b) SANCTIONS.—

(1) IDENTIFICATIONS.—

(A) INITIAL IDENTIFICATIONS.—Not later than January 10, 1993, the Secretary of Commerce shall—

(i) identify each nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation; and

(ii) notify the President and that nation of the identification under clause (i).

(B) ADDITIONAL IDENTIFICATIONS.—At any time after January 10, 1993, whenever the Secretary of Commerce has reason to believe that the nationals or vessels of any nation are conducting large-scale driftnet fishing beyond the exclusive economic zone of any nation, the Secretary of Commerce shall—

(i) identify that nation; and

(ii) notify the President and that nation of the identification under clause (i).

President.

(2) CONSULTATIONS.—Not later than 30 days after a nation is identified under paragraph (1)(B), the President shall enter into consultations with the government of that nation for the purpose of obtaining an agreement that will effect the immediate termination of large-scale driftnet fishing by the nationals or vessels of that nation beyond the exclusive economic zone of any nation.

(3) PROHIBITION ON IMPORTS OF FISH AND FISH PRODUCTS AND SPORT FISHING EQUIPMENT.—

President.

(A) PROHIBITION.—The President—

(i) upon receipt of notification of the identification of a nation under paragraph (1)(A); or

(ii) if the consultations with the government of a nation under paragraph (2) are not satisfactorily concluded within ninety days, shall direct the Secretary of the Treasury to prohibit the importation into the United States of fish and fish products and sport fishing equipment (as that term is defined in section 4162 of the Internal Revenue Code of 1986 (26 U.S.C. 4162)) from that nation.

(B) IMPLEMENTATION OF PROHIBITION.—With respect to an import prohibition directed under subparagraph (A), the Secretary of the Treasury shall implement such prohibition not later than the date that is forty-five days after

the date on which the Secretary has received the direction from the President.

(C) PUBLIC NOTICE OF PROHIBITION.—Before the effective date of any import prohibition under this paragraph, the Secretary of the Treasury shall provide public notice of the impending prohibition.

(4) ADDITIONAL ECONOMIC SANCTIONS.—

(A) DETERMINATION OF EFFECTIVENESS OF SANCTIONS.—Not later than six months after the date the Secretary of Commerce identifies a nation under paragraph (1), the Secretary shall determine whether—

(i) any prohibition established under paragraph (3) is insufficient to cause that nation to terminate large-scale driftnet fishing conducted by its nationals and vessels beyond the exclusive economic zone of any nation; or

(ii) that nation has retaliated against the United States as a result of that prohibition.

(B) CERTIFICATION.—The Secretary of Commerce shall certify to the President each affirmative determination under subparagraph (A) with respect to a nation.

(C) EFFECT OF CERTIFICATION.—Certification by the Secretary of Commerce under subparagraph (B) is deemed to be a certification under section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)), as amended by this Act.

SEC. 102. DURATION OF DENIAL OF PORT PRIVILEGES AND SANCTIONS.

16 USC 1826b.

Any denial of port privileges or sanction under section 101 with respect to a nation shall remain in effect until such time as the Secretary of Commerce certifies to the President and the Congress that such nation has terminated large-scale driftnet fishing by its nationals and vessels beyond the exclusive economic zone of any nation.

SEC. 103. REQUIREMENTS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.

Section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended—

(1) in subparagraph (E)(i) by striking "July 1, 1992" and inserting in lieu thereof "January 1, 1993"; and

(2) in the last sentence by inserting ", except that, until January 1, 1994, the term 'driftnet' does not include the use in the northeast Atlantic Ocean of gillnets with a total length not to exceed five kilometers if the use is in accordance with regulations adopted by the European Community pursuant to the October 28, 1991, decision by the Council of Fisheries Ministers of the Community" immediately after "(16 U.S.C. 1822 note)".

SEC. 104. DEFINITIONS.

16 USC 1826c.

In this title, the following definitions apply:

(1) FISH AND FISH PRODUCTS.—The term "fish and fish products" means any aquatic species (including marine mammals and plants) and all products thereof exported from a nation, whether or not taken by fishing vessels of that nation

or packed, processed, or otherwise prepared for export in that nation or within the jurisdiction thereof.

(2) LARGE-SCALE DRIFTNET FISHING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "large-scale driftnet fishing" means a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, with a total length of two and one-half kilometers or more is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(B) EXCEPTION.—Until January 1, 1994, the term "large-scale driftnet fishing" does not include the use in the northeast Atlantic Ocean of gillnets with a total length not to exceed five kilometers if the use is in accordance with regulations adopted by the European Community pursuant to the October 28, 1991, decision by the Council of Fisheries Ministers of the Community.

(3) LARGE-SCALE DRIFTNET FISHING VESSEL.—The term "large-scale driftnet fishing vessel" means any vessel which is—

(A) used for, equipped to be used for, or of a type which is normally used for large-scale driftnet fishing; or

(B) used for aiding or assisting one or more vessels at sea in the performance of large-scale driftnet fishing, including preparation, supply, storage, refrigeration, transportation, or processing.

TITLE II—FISHERIES CONSERVATION PROGRAMS

SEC. 201. IMPORT RESTRICTIONS UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) PRODUCTS SUBJECT TO RESTRICTION.—Section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) in subsection (a)(4) by striking "fish products" and all that follows through "such duration", and inserting in lieu thereof "any products from the offending country for any duration";

(2) in subsection (c) by striking "fish products or wildlife products" and inserting in lieu thereof "products";

(3) in subsection (e)(2) by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(4) in subsection (f)—

(A) in paragraph (1) by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(B) in paragraph (5)—

(i) in the first sentence by striking "fish products and wildlife products" and inserting in lieu thereof "products"; and

(ii) in the second sentence by striking "Fish products and wildlife products" and inserting in lieu thereof "Products".

(b) DEFINITIONS.—Section 8(h) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(h)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) The term 'United States' means the several States, the District of Columbia, Puerto Rico, the Northern Mariana

Islands, American Samoa, Guam, the Virgin Islands, and every other territory and possession of the United States.";

(2) in paragraph (3)—

(A) by inserting "bilateral or" immediately before "multilateral"; and

(B) by inserting ", including marine mammals" immediately after "protect the living resources of the sea";

(3) by striking paragraphs (4) and (6);

(4) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(5) by amending paragraph (5), as so redesignated, to read as follows:

"(5) The term 'taking', as used with respect to animals to which an international program for endangered or threatened species applies, means to—

"(A) harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or

"(B) attempt to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect.".

SEC. 202. ENFORCEMENT.

16 USC 1861 note.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Secretary of Defense shall enter into an agreement under section 311(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(a)) in order to make more effective the enforcement of domestic laws and international agreements that conserve and manage the living marine resources of the United States.

(b) TERMS.—The agreement entered into under subsection (a) shall include—

(1) procedures for identifying and providing the location of vessels that are in violation of domestic laws or international agreements to conserve and manage the living marine resources of the United States;

(2) requirements for the use of the surveillance capabilities of the Department of Defense; and

(3) procedures for communicating vessel locations to the Secretary of Commerce and the Coast Guard.

SEC. 203. TRADE NEGOTIATIONS AND THE ENVIRONMENT.

It is the sense of the Congress that the President, in carrying out multilateral, bilateral, and regional trade negotiations, should seek to—

(1) address environmental issues related to the negotiations;

(2) modify articles of the General Agreement on Tariffs and Trade (referred to in this section as "GATT") to take into consideration the national environmental laws of the GATT Contracting Parties and international environmental treaties;

(3) secure a working party on trade and the environment within GATT as soon as possible;

(4) take an active role in developing trade policies that make GATT more responsive to national and international environmental concerns;

(5) include Federal agencies with environmental expertise during the negotiations to determine the impact of the proposed trade agreements on national environmental law; and

(6) periodically consult with interested parties concerning the progress of the negotiations.

Central Bering Sea Fisheries Enforcement Act of 1992. 16 USC 1823 note.

TITLE III—FISHERIES ENFORCEMENT IN CENTRAL BERING SEA

SEC. 301. SHORT TITLE.

This title may be cited as the "Central Bering Sea Fisheries Enforcement Act of 1992".

SEC. 302. PROHIBITION APPLICABLE TO UNITED STATES VESSELS AND NATIONALS.

(a) PROHIBITION.—Vessels and nationals of the United States are prohibited from conducting fishing operations in the Central Bering Sea, except where such fishing operations are conducted in accordance with an international fishery agreement to which the United States and the Russian Federation are parties.

(b) CIVIL PENALTIES AND PERMIT SANCTIONS.—A violation of this section shall be subject to civil penalties and permit sanctions under section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858).

SEC. 303. PORT PRIVILEGES DENIAL FOR FISHING IN CENTRAL BERING SEA.

(a) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, after December 31, 1992, in accordance with recognized principles of international law—

(1) withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any fishing vessel documented under the laws of a nation that is included on a list published under subsection (b); and

(2) deny entry of such fishing vessel to any place in the United States and to the navigable waters of the United States.

Federal Register, publication.

(b) PUBLICATION OF LIST.—Not later than forty-five days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall publish in the Federal Register a list of nations whose nationals or vessels conduct fishing operations in the Central Bering Sea, except where such fishing operations are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties. The Secretary shall publish as an addendum to the list the name of each vessel documented under the laws of each listed nation which conducts fishing operations in the Central Bering Sea. A revised list shall be published whenever the list is no longer accurate, except that a nation may not be removed from the list unless—

(1) the nationals and vessels of that nation have not conducted fishing operations in the Central Bering Sea for the previous ninety days and the nation has committed, through a bilateral agreement with the United States or in any other manner acceptable to the Secretary of Commerce, not to permit its nationals or vessels to resume such fishing operations; or

(2) the nationals and vessels of that nation are conducting fishing operations in the Central Bering Sea that are in accordance with an international fishery agreement to which the United States and the Russian Federation are parties.

(c) NOTIFICATION OF NATION.—Before the publication of a list of nations under subsection (b), the Secretary of State shall notify each nation included on that list and explain the requirement to deny the port privileges of fishing vessels of that nation under subsection (a) as a result of such publication.

SEC. 304. DURATION OF PORT PRIVILEGES DENIAL.

Any denial of port privileges under section 303 with respect to any fishing vessel of a nation shall remain in effect until such nation is no longer listed under section 303(b).

SEC. 305. RESTRICTION ON FISHING IN UNITED STATES EXCLUSIVE ECONOMIC ZONE.

(a) REGULATIONS.—Within one hundred and eighty days after the date of enactment of this Act, after notice and public comment, the Secretary of Commerce shall issue regulations, under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and any other applicable law, to prohibit—

(1) any permitted fishing vessel from catching, taking, or harvesting fish in a fishery under the geographical authority of the North Pacific Fishery Management Council if such vessel is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b);

(2) any processing facility from receiving any fish caught, taken, or harvested in a fishery under the geographical authority of the North Pacific Fishery Management Council if such facility is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b); and

(3) any permitted fishing vessel from delivering fish caught, taken, or harvested in a fishery under the geographic authority of the North Pacific Fishery Management Council to a processing facility that is owned or controlled by any person that also owns or controls a fishing vessel that is listed on the addendum under section 303(b).

(b) REQUIREMENT FOR SUBMISSION OF DOCUMENTS.—The Secretary of Commerce shall require under any regulations issued under subsection (a) the submission of any affidavits, financial statements, corporate agreements, and other documents that the Secretary of Commerce determines, after notice and public comment, are necessary to ensure that all vessels and processing facilities are in compliance with this section.

(c) APPEALS; DURATION OF PROHIBITIONS.—The regulations issued under subsection (a) shall—

(1) establish procedures for a person to appeal a decision to impose a prohibition under subsection (a) on a vessel or processing facility owned or controlled by that person; and

(2) specify procedures for the removal of any prohibition imposed on a vessel or processing facility under subsection (a)—

(A) upon publication of a revised list under section 303(b), and a revised addendum which does not include a fishing vessel owned or controlled by the person who

also owns or controls the vessel or facility to which the prohibition applies; or

(B) on the date that is ninety days after such person terminates ownership and control in fishing vessels that are listed on the addendum under section 303(b).

SEC. 306. DEFINITIONS.

In this title, the following definitions apply:

(1) CENTRAL BERING SEA.—The term "Central Bering Sea" means the central Bering Sea area which is more than two hundred nautical miles seaward of the baselines from which the breadth of the territorial seas of the United States and the Russian Federation are measured.

(2) FISHING VESSEL.—The term "fishing vessel" means any vessel which is used for—

(A) catching, taking, or harvesting fish; or

(B) aiding or assisting one or more vessels at sea in the performance of fishing operations, including preparation, supply, storage, refrigeration, transportation, or processing.

(3) OWNS OR CONTROLS.—When used in reference to a vessel or processing facility—

(A) the term "owns" means holding legal title to the vessel or processing facility; and

(B) the term "controls" includes an absolute right to direct the business of the person owning the vessel or processing facility, to limit the actions of or replace the chief executive officer (by whatever title), a majority of the board of directors, or any general partner (as applicable) of such person, to direct the transfer or operations of the vessel or processing facility, or otherwise to exercise authority over the business of such person, but the term does not include the right simply to participate in those activities of such person or the right to receive a financial return, such as interest or the equivalent of interest, on a loan or other financing obligation.

(4) PERMITTED FISHING VESSEL.—The term "permitted fishing vessel" means any fishing vessel that is subject to a permit issued by the Secretary of Commerce under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) PERSON.—The term "person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, cooperative, or other entity (whether or not organized under the laws of any State), and any State, local, or foreign government, or any entity of such government or the Federal Government.

(6) PROCESSING FACILITY.—The term "processing facility" means any fish processing establishment or fish processing vessel that receives unprocessed fish.

SEC. 307. TERMINATION.

This title shall cease to have force and effect after the date that is seven years after the date of enactment of this Act, except that any proceeding with respect to violations of section 302 occurring prior to such termination date shall be conducted as if that section were still in effect.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. INTERMEDIARY NATIONS INVOLVED IN EXPORT OF CERTAIN TUNA PRODUCTS.

(a) INTERMEDIARY NATION DEFINED.—Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362) is amended by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) The term 'intermediary nation' means a nation that exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 101(a)(2)(B).".

(b) EMBARGO ON IMPORTS FROM INTERMEDIARY NATIONS.—Section 101(a)(2)(C) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)(C)) is amended to read as follows:

"(C) shall require the government of any intermediary nation to certify and provide reasonable proof to the Secretary that it has not imported, within the preceding six months, any yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation to the United States under subparagraph (B);".

SEC. 402. AUTHORITY TO EXTEND REEMPLOYMENT RIGHTS.

For purposes of employee rights and entitlements conferred by or pursuant to subchapter IV of chapter 35 of title 5, United States Code, the Secretary of State may, notwithstanding any other law or regulation, extend the reemployment rights of an employee of the United States who, as of January 1, 1992, was serving with the Intergovernmental Panel on Climate Change. Such extension may be made for two years, and may be further extended for one year, if the Secretary of State determines that such service is in the national interest and is necessary to facilitate the activities of the Intergovernmental Panel on Climate Change or any successor organization.

SEC. 403. LIMITATION ON TERMS OF VOTING MEMBERS OF REGIONAL FISHERY MANAGEMENT COUNCILS.

Section 302(b)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(b)(3)) is amended by striking "January 1, 1986" the second place it appears and inserting in lieu thereof "December 31, 1987".

SEC. 404. OBSERVER FEE FOR NORTH PACIFIC FISHERIES RESEARCH PLAN.

Section 313(b)(2)(E) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1862(b)(2)(E)) is amended by striking "one percentum, of the" and inserting in lieu thereof "2 percent, of the unprocessed ex-vessel".

TITLE V—FEES

SEC. 501. RECREATIONAL BOAT TAX REPEAL.

(a) IN GENERAL.—

(1) SCOPE OF FEE.—Section 2110(b)(1) of title 46, United States Code, is amended—

(A) by striking "1991, 1992, 1993, 1994, and 1995", and inserting in lieu thereof "1993 and 1994"; and

(B) by striking "that is greater than 16 feet in length" and inserting in lieu thereof "to which paragraph (2) of this subsection applies".

(2) AMOUNT OF FEE.—Section 2110(b)(2) of title 46, United States Code, is amended to read as follows:

"(2) The fee or charge established under paragraph (1) of this subsection is as follows:

"(A) in fiscal year 1993—

"(i) for vessels of more than 21 feet in length but less than 27 feet, not more than $35;

"(ii) for vessels of at least 27 feet in length but less than 40 feet, not more than $50; and

"(iii) for vessels of at least 40 feet in length, not more than $100.

"(B) in fiscal year 1994—

"(i) for vessels of at least 37 feet in length but less than 40 feet, not more than $50; and

"(ii) for vessels of at least 40 feet in length, not more than $100.";

46 USC 2110 note.

(b) EFFECTIVE DATE.—The amendments made by this section are effective October 1, 1992.

46 USC app. 1707a.

SEC. 502. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the Federal Maritime Commission.

(2) COMMON CARRIER.—The term "common carrier" means a common carrier under section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702), a common carrier by water in interstate commerce under the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), or a common carrier by water in intercoastal commerce under the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(3) CONFERENCE.—The term "conference" has the meaning given that term under section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702).

(4) ESSENTIAL TERMS OF SERVICE CONTRACTS.—The term "essential terms of service contracts" means the essential terms that are required to be filed with the Commission and made available under section 8(c) of the Shipping Act of 1984 (46 App. U.S.C. 1707(c)).

(5) TARIFF.—The term "tariff" means a tariff of rates, charges, classifications, rules, and practices required to be filed by a common carrier or conference under section 8 of the Shipping Act of 1984 (46 App. U.S.C. 1707), or a rate, fare, charge, classification, rule, or regulation required to be filed by a common carrier or conference under the Shipping Act, 1916 (46 U.S.C. 801 et seq.), or the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(b) TARIFF FORM AND AVAILABILITY.—

(1) REQUIREMENT TO FILE.—Notwithstanding any other law, each common carrier and conference shall, in accordance with subsection (c), file electronically with the Commission all tariffs, and all essential terms of service contracts, required to be

filed by that common carrier or conference under the Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.), the Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), and the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 843 et seq.).

(2) AVAILABILITY OF INFORMATION.—The Commission shall make available electronically to any person, without time, quantity, or other limitation, both at the Commission headquarters and through appropriate access from remote terminals—

(A) all tariff information, and all essential terms of service contracts, filed in the Commission's Automated Tariff Filing and Information System database; and

(B) all tariff information in the System enhanced electronically by the Commission at any time.

(c) FILING SCHEDULE.—New tariffs and new essential terms of service contracts shall be filed electronically not later than July 1, 1992. All other tariffs, amendments to tariffs, and essential terms of service contracts shall be filed not later than September 1, 1992.

(d) FEES.—

(1) AMOUNT OF FEE.—The Commission shall charge, beginning July 1 of fiscal year 1992 and in fiscal years 1993, 1994, and 1995—

(A) a fee of 46 cents for each minute of remote computer access by any individual of the information available electronically under this section; and

(B)(i) for electronic copies of the Automated Tariff Filing and Information System database (in bulk), or any portion of the database, a fee reflecting the cost of providing those copies, including the cost of duplication, distribution, and user-dedicated equipment; and

(ii) for a person operating or maintaining information in a database that has multiple tariff or service contract information obtained directly or indirectly from the Commission, a fee of 46 cents for each minute that database is subsequently accessed by computer by any individual.

(2) EXEMPTION FOR FEDERAL AGENCIES.—A Federal agency is exempt from paying a fee under this subsection.

(e) ENFORCEMENT.—The Commission shall use systems controls or other appropriate methods to enforce subsection (d).

(f) PENALTIES.—

(1) CIVIL PENALTIES.—A person failing to pay a fee established under subsection (d) is liable to the United States Government for a civil penalty of not more than $5,000 for each violation.

(2) CRIMINAL PENALTIES.—A person that willfully fails to pay a fee established under subsection (d) commits a class A misdemeanor.

(g) AUTOMATIC FILING IMPLEMENTATION.—

(1) CERTIFICATION OF SOFTWARE.—Software that provides for the electronic filing of data in the Automated Tariff Filing and Information System shall be submitted to the Commission for certification. Not later than fourteen days after a person submits software to the Commission for certification, the Commission shall—

(A) certify the software if it provides for the electronic filing of data; and

Federal Register, publication.

(B) publish in the Federal Register notice of that certification.

(2) REPAYABLE ADVANCE.—

(A) AVAILABILITY AND USE OF ADVANCE.—Upon the date of enactment of this Act, the Secretary of the Treasury shall make available to the Commission, as a repayable advance, not more than $4,000,000, to remain available until expended. The Commission shall spend these funds to complete and upgrade the capacity of the Automated Tariff Filing and Information System to provide access to information under this section.

(B) REQUIREMENT TO REPAY.—

(i) IN GENERAL.—Any advance made to the Commission under subparagraph (A) shall be repaid, with interest, to the general fund of the Treasury not later than September 30, 1995.

(ii) INTEREST.—Interest on any advance made to the Commission under subparagraph (A)—

(I) shall be at a rate determined by the Secretary of the Treasury, as of the close of the calendar month preceding the month in which the advance is made, to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding; and

(II) shall be compounded annually.

(3) USE OF RETAINED AMOUNTS.—Out of amounts collected by the Commission under this section, amounts shall be retained and expended by the Commission for each fiscal year, without fiscal year limitation, to carry out this section and pay back the Secretary of the Treasury for the advance made available under paragraph (2).

(4) DEPOSIT IN TREASURY.—Except for the amounts retained by the Commission under paragraph (3), fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts.

(h) RESTRICTION.—No fee may be collected under this section after fiscal year 1995.

(i) Conforming Amendment.—Section 2 of the Act of August 16, 1989 (46 App. U.S.C. 1111c), is repealed.

Approved November 2, 1992.

LEGISLATIVE HISTORY—H.R. 2152 (S. 884):

HOUSE REPORTS: No. 102–262, Pt. 1 (Comm. on Merchant Marine and Fisheries) and Pt. 2 (Comm. on Ways and Means).
CONGRESSIONAL RECORD:
Vol. 137 (1991): Aug. 1, S. 884 considered and passed Senate.
Vol. 138 (1992): Feb. 25, H.R. 2152 considered and passed House.
July 31, considered and passed Senate, amended.
Aug. 10, House concurred in Senate amendment with amendments.
Aug. 12, Senate concurred in House amendments with an amendment.
Oct. 4, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Nov. 2, Presidential statement.

Public Law 102-583
102d Congress

An Act

Nov. 2, 1992
[H.R. 6187]

To amend the Foreign Assistance Act of 1961 with respect to international narcotics control programs and activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Narcotics Control Act of 1992.
22 USC 2151 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Narcotics Control Act of 1992".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Authorizations of appropriations.
Sec. 4. Amendments relating to certain authorities and requirements.
Sec. 5. Annual reporting and certification requirements.
Sec. 6. Technical, conforming, and other amendments; repeal of obsolete provisions.
Sec. 7. Exemption of narcotics-related military assistance for fiscal years 1993 and 1994 from prohibition on assistance for law enforcement agencies.
Sec. 8. Waiver of restrictions for narcotics-related economic assistance.
Sec. 9. Transfers of excess defense articles for counternarcotics purposes.
Sec. 10. Participants in international military education and training programs.
Sec. 11. Definition of appropriate congressional committees.
Sec. 12. Export-Import Bank financing of sales of defense articles or services.

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

22 USC 2291a.

Section 482(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out "$115,000,000 for fiscal year 1990" and inserting in lieu thereof "$147,783,000 for fiscal year 1993 and $171,500,000 for fiscal year 1994".

SEC. 4. AMENDMENTS RELATING TO CERTAIN AUTHORITIES AND REQUIREMENTS.

22 USC 2291.

(a) POLICY STATEMENT.—Section 481 of the Foreign Assistance Act of 1961 is amended by striking out the section designation and section heading and subsection (a)(1) and inserting in lieu thereof the following:

"SEC. 481. POLICY, GENERAL AUTHORITIES, COORDINATION, FOREIGN POLICE ACTIONS, DEFINITIONS, AND OTHER PROVISIONS.

"(a) POLICY AND GENERAL AUTHORITIES.—

"(1) STATEMENTS OF POLICY.—(A) International narcotics trafficking poses an unparalleled transnational threat in today's world, and its suppression is among the most important foreign policy objectives of the United States.

"(B) Under the Single Convention on Narcotic Drugs, 1961, and under the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the parties are required to criminalize certain drug-related activities, pro-

vide appropriately severe penalties, and cooperate in the extradition of accused offenders.

"(C) International narcotics control programs should include, as priority goals, the suppression of the illicit manufacture of and trafficking in narcotic and psychotropic drugs, money laundering, and precursor chemical diversion, and the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived.

"(D) The international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations.

"(E) The objective of the United States in dealing with the problem of international money laundering is to ensure that countries adopt comprehensive domestic measures against money laundering and cooperate with each other in narcotics money laundering investigations, prosecutions, and related forfeiture actions.

"(F) Effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.".

(b) AUTHORITY TO CONCLUDE AGREEMENTS.—Section 481(a)(2) of that Act is amended by inserting ", including reciprocal maritime agreements," after "agreements".

22 USC 2291.

(c) COORDINATION OF ALL UNITED STATES ANTINARCOTICS ASSISTANCE TO FOREIGN COUNTRIES.—Section 481(b) of that Act is amended to read as follows:

"(b) COORDINATION OF ALL UNITED STATES ANTINARCOTICS ASSISTANCE TO FOREIGN COUNTRIES.—

"(1) RESPONSIBILITY OF SECRETARY OF STATE.—Consistent with subtitle A of title I of the Anti-Drug Abuse Act of 1988, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.

"(2) RULE OF CONSTRUCTION.—Nothing contained in this subsection or section 489(b) shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.".

(d) MARITIME LAW ENFORCEMENT IN ARCHIPELAGIC WATERS.—Section 481(c)(4) of that Act is amended by inserting "or archipelagic waters" after "sea".

(e) PROCUREMENT OF WEAPONS AND AMMUNITION.—Section 482(b) of that Act is amended to read as follows:

22 USC 2291a.

"(b) PROCUREMENT OF WEAPONS AND AMMUNITION.—

"(1) PROHIBITION.—Except as provided in paragraph (2), funds made available to carry out this chapter shall not be made available for the procurement of weapons or ammunition.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to funds for the procurement of—

"(A) weapons or ammunition provided only for the defensive arming of aircraft used for narcotics-related purposes, or

"(B) firearms and related ammunition provided only for defensive purposes to employees or contract personnel

of the Department of State engaged in activities under this chapter,

if, at least 15 days before obligating those funds, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A.".

(f) REQUIREMENTS RELATING TO AIRCRAFT AND OTHER EQUIPMENT.—

22 USC 2291c.

(1) RETENTION OF TITLE.—Section 484 of that Act is amended to read as follows:

"SEC. 484. REQUIREMENTS RELATING TO AIRCRAFT AND OTHER EQUIPMENT.

"(a) RETENTION OF TITLE TO AIRCRAFT.—

"(1) IN GENERAL.—(A) Except as provided in paragraph (2), any aircraft made available to a foreign country under this chapter, or made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis.

"(B) Subparagraph (A) applies to aircraft made available at any time after October 27, 1986 (which was the date of enactment of the International Narcotics Control Act of 1986).

"(2) EXCEPTIONS.—(A) Paragraph (1) shall not apply to the extent that—

"(i) the application of that paragraph with respect to particular aircraft would be contrary to the national interest of the United States; and

"(ii) the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A.

"(B) Paragraph (1) does not apply with respect to aircraft made available to a foreign country under any provision of law that authorizes property that has been civilly or criminally forfeited to the United States to be made available to foreign countries.

"(3) ASSISTANCE FOR LEASING OF AIRCRAFT.—(A) For purposes of satisfying the requirement of paragraph (1), funds made available for the 'Foreign Military Financing Program' under section 23 of the Arms Export Control Act may be used to finance the leasing of aircraft under chapter 6 of that Act.

"(B) Section 61(a)(3) of that Act shall not apply with respect to leases so financed; rather the entire cost of any such lease (including any renewals) shall be an initial, one time payment of the amount which would be the sales price for the aircraft if they were sold under section 21(a)(1)(B) or section 22 of that Act (as appropriate).

"(C) To the extent that aircraft so leased were acquired under chapter 5 of that Act, funds used pursuant to this paragraph to finance such leases shall be credited to the Special Defense Acquisition Fund under chapter 5 of that Act (excluding the amount of funds that reflects the charges described in section 21(e)(1) of that Act). The funds described in the parenthetical clause of the preceding sentence shall be available for payments consistent with sections 37(a) and 43(b) of that Act.".

(2) PERMISSIBLE USES OF AIRCRAFT AND OTHER EQUIPMENT.—Chapter 8 of part I of that Act is amended—

(A) by striking out the section designation and section heading of section 489;

22 USC 2291h.

(B) in subsection (a) of section 489, by striking out "IN GENERAL" and inserting in lieu thereof "PERMISSIBLE USES OF AIRCRAFT AND OTHER EQUIPMENT";

(C) in subsection (b) of section 489 by striking out "subsection (e)" and inserting in lieu thereof "section 489(a)";

(D) by redesignating subsections (a) and (b) of section 489 as subsections (b) and (c) of section 484 and inserting those subsections after subsection (a) of section 484 (as amended by paragraph (1) of this subsection); and

22 USC 2291h, 2291c.

(E) by repealing subsections (c) and (d) of section 489.

(3) RECORDS OF AIRCRAFT USE.—Section 485 of that Act is amended by striking out "Secretary of State" both places it appears and inserting in lieu thereof "President".

22 USC 2291d.

(g) ACQUISITION OF REAL PROPERTY; CONSTRUCTION OF FACILITIES.—Section 488 of that Act is amended to read as follows:

22 USC 2291g.

"SEC. 488. LIMITATIONS ON ACQUISITION OF REAL PROPERTY AND CONSTRUCTION OF FACILITIES.

"(a) ACQUISITION OF REAL PROPERTY.—

"(1) PROHIBITION.—Funds made available to carry out this chapter may not be used to acquire (by purchase or other means) any land or other real property for use by foreign military, paramilitary, or law enforcement forces.

"(2) EXCEPTION FOR CERTAIN LEASES.—Paragraph (1) shall not apply to the acquisition of real property by lease of a duration not to exceed 2 years.

"(3) REPORT.—The Secretary of State shall provide to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate within 30 days after the end of each quarter of the fiscal year a detailed report on all leases entered into pursuant to paragraph (2), including the cost and duration of such lease, a description of the property leased, and the purpose for which such lease was entered into.

"(b) CONSTRUCTION OF FACILITIES.—

"(1) LIMITATION.—Funds made available to carry out this chapter may not be used for construction of facilities for use by foreign military, paramilitary, or law enforcement forces unless, at least 15 days before obligating funds for such construction, the President notifies the appropriate congressional committees in accordance with procedures applicable to reprogramming notifications under section 634A.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the construction of facilities which would require the obligation of less than $750,000 under this chapter.".

SEC. 5. ANNUAL REPORTING AND CERTIFICATION REQUIREMENTS.

(a) REVISION OF REQUIREMENTS FOR FISCAL YEARS 1993 AND 1994.—Chapter 8 of part I of the Foreign Assistance Act of 1961, as amended by the preceding section of this Act, is amended by adding at the end the following:

22 USC 2291h.

"SEC. 489. REPORTING REQUIREMENTS FOR FISCAL YEARS 1993 AND 1994.

President.

"(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Not later than April 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report containing the following:

"(1) For each country that received assistance under this chapter for either of the 2 preceding fiscal years, a report on the extent to which the country has—

"(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport, and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

"(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

"(2)(A) A description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including appropriate information on the status of negotiations between the United States and other countries on updated extradition treaties, mutual legal assistance treaties, precursor chemical controls, money laundering, and agreements pursuant to section 2015 of the International Narcotics Act of 1986 (relating to interdiction procedures for vessels of foreign registry).

"(B) Information on multilateral and bilateral strategies with respect to money laundering pursued by the Department of State, the Department of Justice, the Department of the Treasury, and other relevant United States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering and to demonstrate that all United States Government agencies are pursuing a common strategy with respect to major money laundering countries. The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

"(3) The identity of those countries which are—

"(A) major illicit drug producing countries or major drug-transit countries as determined under section 490(h);

"(B) the significant direct or indirect sources of narcotics and psychotropic drugs and other controlled substances significantly affecting the United States;

"(C) major sources of precursor chemicals used in the production of illicit narcotics; or

"(D) major money laundering countries.

"(4) In addition, for each country identified pursuant to paragraph (3), the following:

"(A) A description of the plans, programs, and timetables adopted by such country, including efforts to meet the objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with those plans.

"(B) Whether as a matter of government policy or practice, such country encourages or facilitates the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances or the laundering of proceeds from illegal drug transactions; and whether any senior official of the government of such country engages in, encourages, or facilitates the illicit production or distribution of such drugs or substances, or the laundering of proceeds from illegal drug transactions.

"(5) In addition, for each country identified pursuant to paragraph (3)(A) or (3)(B), a detailed status report, with such information as can be reliably obtained, on the narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

"(6) In addition, for those countries identified pursuant to paragraph (3)(C)—

"(A) which countries are parties to international agreements on a method for maintaining records of transactions of an established list of precursor and essential chemicals;

"(B) which countries have established a procedure by which such records may be made available to United States law enforcement authorities; and

"(C) which countries have enacted national chemical control legislation which would impose specific recordkeeping and reporting requirements for listed chemicals, establish a system of permits or declarations for imports and exports of listed chemicals, and authorize government officials to seize or suspend shipments of listed chemicals.

"(7) In addition, for those countries identified pursuant to paragraph (3)(D) the following:

"(A)(i) Which countries have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

"(ii) which countries identified pursuant to clause (i) have not reached agreement with the United States authorities on a mechanism for exchanging adequate

records in connection with narcotics investigations and proceedings; and

"(iii) which countries identified pursuant to clause (ii)—

"(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

"(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings.

"(B) Which countries—

"(i) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations; and

"(ii) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States.

"(C) Findings on each country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

"(i) criminalized narcotics money laundering;

"(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

"(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

"(iv) required or allowed financial institutions to report suspicious transactions;

"(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

"(vi) enacted laws for the sharing of seized narcotics assets with other governments;

"(vii) cooperated, when requested, with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics; and

"(viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to

address such obstacles, including the imposition of sanctions or penalties.

"(b) ANNUAL REPORTS ON ASSISTANCE.—

"(1) IN GENERAL.—At the time that the report required by subsection (a) is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided or proposed to be provided by the United States Government during the preceding fiscal year, the current fiscal year, and the next fiscal year to support international efforts to combat illicit narcotics production or trafficking.

"(2) INFORMATION TO BE INCLUDED.—Each report pursuant to this subsection shall—

"(A) specify the amount and nature of the assistance provided or to be provided;

"(B) include, for each country identified in subsection (a)(3)(A), information from the Drug Enforcement Administration, the Customs Service, and the Coast Guard describing in detail—

"(i) the assistance provided or to be provided to such country by that agency, and

"(ii) the assistance provided or to be provided to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year; and

"(C) list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'precursor chemical' has the same meaning as the term 'listed chemical' has under paragraph (33) of section 102 of the Controlled Substances Act (21 U.S.C. 902(33)); and

"(2) the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking.

"(d) EFFECTIVE DATES OF SECTIONS.—This section applies only during fiscal years 1993 and 1994. Section 489A does not apply during those fiscal years.

"SEC. 489A. REPORTING REQUIREMENTS APPLICABLE AFTER SEPTEMBER 30, 1994.

22 USC 2291i.

"(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—

President.

"(1) REQUIREMENT FOR REPORT.—Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on United States policy to establish and encourage an international strategy to prevent the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances.

"(2) CONTENTS.—Each report pursuant to this subsection shall include the following:

"(A) A description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including policy development, bilateral and multilateral funding and other support for international narcotics control projects, representations of the United States Government to international organizations and agencies concerned with narcotics control, training of foreign enforcement personnel, coordination of the international narcotics control activities of United States Government agencies, and technical assistance to international demand reduction programs.

"(B) A description of the activities of the United States in international financial institutions to combat the entry of narcotic and psychotropic drugs and other controlled substances into the United States for the fiscal year just ended, for the current fiscal year, and for the next fiscal year.

"(C) The identity of those countries which are the significant direct or indirect sources of narcotic and psychotropic drugs and other controlled substances significantly affecting the United States. For each such country, each report shall include the following:

"(i) A detailed status report, with such information as can be reliably obtained, on the narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

"(ii) A description of the assistance under this chapter and the other kinds of United States assistance which such country received in the preceding fiscal year, which are planned for such country for the current fiscal year, and which are proposed for such country for the next fiscal year, with an analysis of the impact that the furnishing of each such kind of assistance has had or is expected to have on the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances in such country.

"(iii) A description of the plans, programs, and timetables adopted by such country for the progressive elimination of the illicit cultivation of narcotic and psychotropic drugs and other controlled substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with these plans.

"(iv) A discussion of the extent to which such country has cooperated with United States narcotics control efforts through the extradition or prosecution of drug traffickers, and, where appropriate, a description of the status of negotiations with such country to nego-

tiate a new or updated extradition treaty relating to narcotics offenses.

"(D) For each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, a determination by the President of the maximum reductions in illicit drug production which are achievable during the next fiscal year. Each such determination shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated.

"(E) For each major illicit drug producing country which received United States assistance for the preceding fiscal year, the actual reductions in illicit drug production achieved by that country during such fiscal year.

"(F) Specific comments and recommendations by appropriate Federal agencies involved in drug enforcement, including the United States Customs Service and the Drug Enforcement Administration, with respect to the degree to which countries listed in the report have, during the preceding year, cooperated fully with such agencies (as described in section 490A(b)).

"(G) A description of the United States assistance for the preceding fiscal year which was denied, pursuant to section 490 or 490A, to each major illicit drug producing country and each major drug-transit country.

"(b) MIDYEAR REPORT.—Not later than September 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include the status of each agreement concluded prior to such date with other countries to carry out this chapter.

President.

"(c) ANNUAL REPORTS ON ASSISTANCE.—

"(1) IN GENERAL.—At the time that the report required by subsection (a) is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided by the United States Government during the preceding fiscal year to support international efforts to combat illicit narcotics production or trafficking.

"(2) INFORMATION TO BE INCLUDED.—Each report pursuant to this subsection shall—

"(A) specify the amount and nature of the assistance provided;

"(B) include, for each country which is a significant direct or indirect source of narcotic and psychotropic drugs and other controlled substances significantly affecting the United States, a section prepared by the Drug Enforcement Administration, a section prepared by the Customs Service, and a section prepared by the Coast Guard, which describes in detail—

"(i) the assistance provided or to be provided (as the case may be) to such country by that agency, and

"(ii) the assistance provided or to be provided (as the case may be) to that agency by such country, with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year; and

"(C) list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

22 USC 2291j.

"SEC. 490. ANNUAL CERTIFICATION PROCEDURES FOR FISCAL YEARS 1993 AND 1994.

"(a) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL DEVELOPMENT ASSISTANCE.—

"(1) BILATERAL ASSISTANCE.—Fifty percent of the United States assistance allocated each fiscal year in the report required by section 653 for each major illicit drug producing country or major drug-transit country (as determined under subsection (h)) shall be withheld from obligation and expenditure, except as provided in subsection (b). This paragraph shall not apply with respect to a country if the President determines that its application to that country would be contrary to the national interest of the United States, except that any such determination shall not take effect until at least 15 days after the President submits written notification of that determination to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A.

"(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote, on and after April 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country (as determined under subsection (h)), except as provided in subsection (b). For purposes of this paragraph, the term 'multilateral development bank' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

"(b) CERTIFICATION PROCEDURES.—

"(1) WHAT MUST BE CERTIFIED.—Subject to subsection (d), the assistance withheld from a country pursuant to subsection (a)(1) may be obligated and expended, and the requirement of subsection (a)(2) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by section 489(a), that—

"(A) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own, to achieve full compliance with the goals and objectives established by the United Nations

Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

"(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld pursuant to subsection (a)(1) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2).

"(2) CONSIDERATIONS REGARDING COOPERATION.—In making the determination described in paragraph (1)(A), the President shall consider the extent to which the country has—

"(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

"(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

"(3) INFORMATION TO BE INCLUDED IN NATIONAL INTEREST CERTIFICATION.—If the President makes a certification with respect to a country pursuant to paragraph (1)(B), the President shall include in such certification—

"(A) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this section and multilateral development bank assistance is not provided to such country; and

"(B) a statement weighing the risk described in subparagraph (A) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

"(c) LICIT OPIUM PRODUCING COUNTRIES.—The President may make a certification under subsection (b)(1)(A) with respect to a major illicit drug producing country, or major drug-transit country, that is a producer of licit opium only if the President determines that such country has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

"(d) CONGRESSIONAL REVIEW.—Subsection (e) shall apply if, within 45 calendar days after receipt of a certification submitted under subsection (b) at the time of submission of the report required by section 489(a), the Congress enacts a joint resolution disapprov-

ing the determination of the President contained in such certification.

"(e) DENIAL OF ASSISTANCE FOR COUNTRIES DECERTIFIED.—If the President does not make a certification under subsection (b) with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in subsection (f) are satisfied—

"(1) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

"(2) the requirement to vote against multilateral development bank assistance pursuant to subsection (a)(2) shall apply with respect to that country, without regard to the date specified in that subsection.

"(f) RECERTIFICATION.—Subsection (e) shall apply to a country described in that subsection until—

"(1) the President, at the time of submission of the report required by section 489(a), makes a certification under subsection (b)(1)(A) or (b)(1)(B) with respect to that country, and the Congress does not enact a joint resolution under subsection (d) disapproving the determination of the President contained in that certification; or

"(2) the President, at any other time, makes the certification described in subsection (b)(1)(B) with respect to that country, except that this paragraph applies only if either—

"(A) the President also certifies that—

"(i) that country has undergone a fundamental change in government, or

"(ii) there has been a fundamental change in the conditions that were the reason—

"(I) why the President had not made a certification with respect to that country under subsection (b)(1)(A), or

"(II) if he had made such a certification and the Congress enacted a joint resolution disapproving the determination contained in the certification, why the Congress enacted that joint resolution; or

"(B) the Congress enacts a joint resolution approving the determination contained in the certification under subsection (b)(1)(B).

Any certification under subparagraph (A) of paragraph (2) shall discuss the justification for the certification.

"(g) CONGRESSIONAL REVIEW PROCEDURES.—

"(1) SENATE.—Any joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(2) HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and enactment of joint resolutions under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(h) DETERMINING MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES FOR FISCAL YEARS 1993 AND 1994.—

Not later than January 1 of each year, the President shall notify the appropriate committees of the Congress of which countries have been determined to be major drug-transit countries, and which countries have been determined to be major illicit drug producing countries, for purposes of this Act.

President.

"(i) EFFECTIVE DATES OF SECTIONS.—This section applies only during fiscal years 1993 and 1994. During those fiscal years, section 490A does not apply and the definitions provided in section 481(e)(2) and (5) do not apply.

"SEC. 490A. ANNUAL CERTIFICATION PROCEDURES AFTER SEPTEMBER 30, 1994.

22 USC 2291k.

"(a) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL DEVELOPMENT ASSISTANCE.—

"(1) BILATERAL ASSISTANCE.—Fifty percent of the United States assistance allocated each fiscal year in the report required by section 653 for each major illicit drug producing country or major drug-transit country shall be withheld from obligation and expenditure, except as provided in subsection (b).

"(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country, except as provided in subsection (b). For purposes of this paragraph, the term 'multilateral development bank' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

"(b) CERTIFICATION PROCEDURE.—

"(1) WHAT MUST BE CERTIFIED.—Subject to subsection (d), the assistance withheld from a country pursuant to subsection (a)(1) may be obligated and expended, and the requirement of subsection (a)(2) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by section 489A(a), that—

"(A) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

"(i) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in paragraph (2)) or a multilateral agreement which achieves the objectives of paragraph (2),

"(ii) in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States,

"(iii) in preventing and punishing the laundering in that country of drug-related profits or drug-related moneys, and

"(iv) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts; or

"(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld pursuant to subsection (a)(1) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2).

"(2) BILATERAL NARCOTICS AGREEMENT.—A bilateral narcotics agreement referred to in paragraph (1)(A)(i) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(A) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

"(B) increase drug interdiction and enforcement;

"(C) increase drug treatment;

"(D) increase the identification of and elimination of illicit drug laboratories;

"(E) increase the identification of, and elimination of trafficking in, essential precursor chemicals for use in the illicit production of narcotic and psychotropic drugs and other controlled substances;

"(F) increase cooperation with United States drug enforcement officials; and

"(G) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

"(3) REQUIREMENT FOR NARCOTICS AGREEMENT FOR CERTAIN COUNTRIES.—A country which in the previous year was designated as a major illicit drug producing country or a major drug-transit country may not be determined to be cooperating fully under paragraph (1)(A) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of paragraph (2).

"(4) INFORMATION TO BE INCLUDED IN CERTIFICATION.—If the President makes a certification with respect to a country pursuant to paragraph (1)(B), the President shall include in such certification—

"(A) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this section and multilateral development bank assistance is not provided to such country; and

"(B) a statement weighing the risk described in subparagraph (A) against the risks posed to the vital national interests of the United States by the failure of

such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

"(5) LICIT OPIUM PRODUCING COUNTRIES.—The President may make a certification under paragraph (1)(A) with respect to a major illicit drug producing country, or major drug-transit country, that is a producer of licit opium only if the President determines that such country has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

"(c) MATTERS TO BE CONSIDERED.—In determining whether to make the certification required by subsection (b) with respect to a country, the President shall consider the following:

"(1) Have the actions of the government of that country resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to section 489A(a)(2)(D)? In the case of a major illicit drug producing country, the President shall give foremost consideration, in determining whether to make the determination required by subsection (b)(1)(A), to whether the government of that country has taken actions which have resulted in such reductions.

"(2) Has that government taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacturing of and trafficking in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States?

"(3) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related moneys, as evidenced by—

"(A) the enactment and enforcement by that government of laws prohibiting such conduct;

"(B) that government entering into, and cooperating under the terms of, mutual legal assistance agreements with the United States governing (but not limited to) money laundering; and

"(C) the degree to which that government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts?

"(4) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the illicit production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

"(5) Has that government, as a matter of government policy or practice, encouraged or facilitated the illicit production or distribution of narcotic and psychotropic drugs and other controlled substances?

"(6) Does any senior official of that government engage in, encourage, or facilitate the illicit production or distribution of narcotic and psychotropic drugs and other controlled substances?

"(7) Has that government investigated aggressively all cases in which any member of an agency of the United States Government engaged in drug enforcement activities has been the victim, since January 1, 1985, of acts or threats of violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and energetically sought to bring the perpetrators of such offense or offenses to justice?

"(8) Having been requested to do so by the United States Government, does that government fail to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country?

"(9) Has that government made necessary changes in legal codes in order to enable law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws?

"(10) Has that government expeditiously processed United States extradition requests relating to narcotics trafficking?

"(11) Has that government refused to protect or give haven to any known drug traffickers, and has it expeditiously processed extradition requests relating to narcotics trafficking made by other countries?

"(d) CONGRESSIONAL REVIEW.—Subsection (e) shall apply if, within 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of a certification under subsection (b), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

"(e) DENIAL OF ASSISTANCE FOR COUNTRIES DECERTIFIED.—If the President does not make a certification under subsection (b) with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in subsection (f)(1) are satisfied—

"(1) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

"(2) the requirement to vote against multilateral development bank assistance pursuant to subsection (a)(2) shall apply with respect to that country, without regard to the date specified in that subsection.

"(f) RECERTIFICATION.—

"(1) TIME OF RECERTIFICATION; CONGRESSIONAL ACTION.—Subsection (e) shall apply to a country described in that subsection until—

"(A) the President makes a certification under subsection (b) with respect to that country, and the Congress does not enact a joint resolution under subsection (d) disapproving the determination of the President contained in that certification; or

"(B) the President submits, at any other time, a certification described in subparagraph (A) or (B) of subsection (b)(1) with respect to such country, and the Congress enacts a joint resolution approving the determination of the President contained in that certification.

"(2) CONGRESSIONAL REVIEW PROCEDURES.—(A) Any joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B) For the purpose of expediting the consideration and enactment of joint resolutions under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(g) DETERMINING MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES AFTER SEPTEMBER 30, 1994.—

"(1) ESTABLISHMENT OF GUIDELINES.—For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under subparagraphs (A) and (B) of section 481(e)(5).

"(2) NOTICE TO CONGRESS OF PRELIMINARY STANDARDS.—Not later than September 1 of each year, the Secretary of State shall make a preliminary determination of the numerical standards and other guidelines to be used pursuant to paragraph (1) with respect to that year and shall notify the appropriate committees of the Congress of those standards and guidelines.

"(3) NOTICE TO CONGRESS OF PRELIMINARY DETERMINATIONS.—Not later than October 1 of each year, the Secretary of State shall notify the appropriate committees of the Congress of—

"(A) which countries have been determined to be major drug-transit countries for that year under the numerical standards and other guidelines developed pursuant to this subsection; and

"(B) which countries have been determined to be major illicit drug producing countries for that year.".

(b) DEFINITION OF UNITED STATES ASSISTANCE.—Paragraph (4) of section 481(i) of that Act is amended to read as follows:

22 USC 2291.

"(4) the term 'United States assistance' means—

"(A) any assistance under this Act (including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation), other than—

"(i) assistance under this chapter,

"(ii) any other narcotics-related assistance under this part (including chapter 4 of part II), but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of this Act,

"(iii) disaster relief assistance, including any assistance under chapter 9 of this part,

"(iv) assistance which involves the provision of food (including monetization of food) or medicine, and

"(v) assistance for refugees;

"(B) sales, or financing on any terms, under the Arms Export Control Act;

"(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954; and

"(D) financing under the Export-Import Bank Act of 1945;".

SEC. 6. TECHNICAL, CONFORMING, AND OTHER AMENDMENTS; REPEAL OF OBSOLETE PROVISIONS.

22 USC 2291h note.

(a) STATUTORY REFERENCES TO ANNUAL REPORTS, CERTIFICATIONS, AND DEFINITIONS.—After September 30, 1994, any reference in any provision of law to section 489 or 490 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to the corresponding provision of section 489A or 490A, respectively, unless the context requires otherwise. Any reference in any provision of law enacted before the date of enactment of this Act to section 481(e) or section 481(i) of that Act shall be deemed to be a reference to section 489 or section 481(e) (as amended by subsection (b)(3) of this section), respectively; and any reference in any provision of law enacted before the date of enactment of this Act to section 481(h) of that Act shall be deemed, as of October 1, 1992, to be a reference to section 490.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO FOREIGN ASSISTANCE ACT.—Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended as follows:

22 USC 2291.

(1) Section 481(d)(3) is amended by striking out "subsection (e)" and inserting in lieu thereof "section 489(a)".

(2) Subsections (e), (f), (g), (h), (j), and (k) of section 481 are repealed.

(3) Subsection (i) of section 481 is amended by striking out "(i) As used in this section—" and inserting in lieu thereof "(e) DEFINITIONS.—Except as provided in sections 490(h) and (i) with respect to the definition of major illicit drug producing country and major drug-transit country, for purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—".

22 USC 2291a.

(4) Subsection (c) of section 482 is repealed, and subsection (d) of that section is redesignated as subsection (c).

22 USC 2291e.

(5) Section 486 is amended—

(A) in subsection (a), in the text preceding paragraph (1), by striking out "481(h)" and inserting in lieu thereof "490"; and

(B) in subsection (b), by striking out "(relating to foreign military sales financing)" and inserting in lieu thereof "(relating to the 'Foreign Military Financing Program')".

22 USC 2291f.

(6) Section 487(a)(1) is amended by striking out "(as defined in section 481(i)(3) of this Act)".

(c) CONFORMING AMENDMENTS TO EXPORT-IMPORT BANK ACT.—

12 USC 635.

Section 2(b)(6) of the Export-Import Bank Act of 1945 is amended—

(1) in subparagraph (B)(iii), by striking out "481(h)(5)" and inserting in lieu thereof "490(e)"; and

(2) in subparagraph (C)(ii), by striking out "defined in section 481(i)" and inserting in lieu thereof "determined under section 490(h) or 481(e), as appropriate,".

(d) AMENDMENT TO 1989 DRUG ACT.—Section 3 of the International Narcotics Control Act of 1989 is amended by adding at the end the following:

22 USC 2291 note.

"(j) CERTAIN FUNDING LIMITATIONS.—The dollar limitations specified in subsections (c)(1) and (d)(1) shall not apply after the date of enactment of this subsection.".

(e) REPEAL OF OBSOLETE PROVISIONS.—

(1) 1988 DRUG ACT.—All sections of the International Narcotics Control Act of 1988 (which is title IV of the Anti-Drug Abuse Act of 1988) are repealed except for sections 4001, 4306, 4308, 4309, 4501, 4702, and 4804. Section 4501(b) of that Act is amended by striking out "Section 4601 of this title" and inserting in lieu thereof "Section 489(b) of the Foreign Assistance Act of 1961".

102 Stat. 4261; 22 USC 2291-3.

22 USC 2291-2.

(2) 1986 DRUG ACT.—All sections of the International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986) are repealed except for sections 2001, 2010, 2015, 2018, and 2029.

100 Stat. 3207-60; 22 USC 2291 note, 2291-1.

22 USC 2420 note.

SEC. 7. EXEMPTION OF NARCOTICS-RELATED MILITARY ASSISTANCE FOR FISCAL YEARS 1993 AND 1994 FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

(a) EXEMPTION.—For fiscal years 1993 and 1994, section 660 of the Foreign Assistance Act of 1961 shall not apply with respect to—

(1) transfers of excess defense articles under section 517 of that Act;

(2) funds made available for the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act that are used for assistance provided for narcotics-related purposes; or

(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 that is provided for narcotics-related purposes.

(b) NOTIFICATION TO CONGRESS.—At least 15 days before any transfer under subsection (a)(1) or any obligation of funds under subsection (a)(2) or (a)(3), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

President.

(c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance provided pursuant to this section shall be coordinated with international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961.

SEC. 8. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE.

22 USC 2151 note.

For fiscal years 1992 through 1994, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any provision of law that restricts assistance to foreign countries (other than section 490(e) of that Act) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act.

SEC. 9. TRANSFERS OF EXCESS DEFENSE ARTICLES FOR COUNTERNARCOTICS PURPOSES.

22 USC 2321k.

(a) CHANGES IN AUTHORITIES.—Section 517 of the Foreign Assistance Act of 1961 is amended—

(1) in the section heading, by striking out "MILITARY CAPABILITIES OF CERTAIN MAJOR ILLICIT DRUG PRODUCING" and inserting in lieu thereof "COUNTERNARCOTICS CAPABILITIES OF CERTAIN";

(2) in subsection (a)(1), by striking out "(as defined in section 481(i)(2))" and inserting in lieu thereof "or a major drug-transit country";

(3) in subsection (b)—

(A) by inserting "and local law enforcement agencies" after "military forces";

(B) by striking out "with local law enforcement agencies" and inserting in lieu thereof "cooperatively"; and

(C) by striking out "(as defined in section 481(i)(3))";

(4) in subsection (d), by striking out "4601 of the International Narcotics Control Act of 1988" and inserting in lieu thereof "481(b) of this Act";

(5) in subsection (i), by striking out "30" and inserting in lieu thereof "15"; and

(6) by adding at the end the following:

"(j) LIMITATION ON USE OF OTHER AUTHORITIES TO TRANSFER EXCESS DEFENSE ARTICLES.—The transfer authority provided in sections 518 and 519 may not be exercised with respect to any major illicit drug producing country or major drug-transit country in Latin America or the Caribbean.

"(k) EXCESS COAST GUARD PROPERTY.—As used in this section, the term 'excess defense articles' shall be deemed to include excess property of the Coast Guard, and the term 'Department of Defense' shall be deemed, with respect to such excess property, to include the Coast Guard.".

22 USC 2403.

(b) EXCLUSION OF CONSTRUCTION EQUIPMENT FROM DEFINITION OF EXCESS DEFENSE ARTICLES.—Section 644(g) of that Act is amended by inserting "(other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors)" after "articles" the second place it appears.

SEC. 10. PARTICIPANTS IN INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS.

22 USC 2347.

Section 541 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting ", and may also include legislators," after "ministries of defense"; and

(2) by striking out "or (iii)" and inserting in lieu thereof "(iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv)".

SEC. 11. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

22 USC 2291.

(a) FOREIGN ASSISTANCE ACT AMENDMENTS.—Section 481(e) of the Foreign Assistance Act of 1961, as amended by the preceding provisions of this Act, is amended—

(1) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(2) after paragraph (5) insert the following:

"(6) the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(b) FREE-STANDING PROVISIONS OF THIS ACT.—As used in this Act, the term "appropriate congressional committees" has the definition given that term by section 481(e)(6) of the Foreign Assistance Act of 1961 (as added by subsection (a) of this section).

22 USC 2151 note.

SEC. 12. EXPORT-IMPORT BANK FINANCING OF SALES OF DEFENSE ARTICLES OR SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(6) of the Export-Import Bank Act of 1945 is amended by striking out "1992" in subparagraph (B)(vi) and inserting in lieu thereof "1997".

12 USC 635.

(b) ADDITIONAL CRITERIA FOR NATIONAL INTEREST WAIVER.—Section 2(b)(6)(D)(i) of that Act is amended by striking out "and" at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following:

"(II) the President determines, after consultation with the Assistant Secretary of State for Human Rights and Humanitarian Affairs, that the purchasing country has complied with all restrictions imposed by the United States on the end use of any defense articles or services for which a guarantee or insurance was provided under subparagraph (B), and has not used any such defense articles or services to engage in a consistent pattern of gross violations of internationally recognized human rights; and".

(c) CONFORMING AMENDMENTS.—

(1) EXPORT-IMPORT BANK ACT.—Section 2(b)(6) of that Act is amended—

(A) in subparagraph (A), by striking out "designated" and all that follows through the end of the subparagraph and inserting in lieu thereof ", except as otherwise provided in subparagraph (B).";

12 USC 635.

(B) in subparagraph (B)—

(i) by striking out ", and section 32 of the Arms Export Control Act,"; and

(ii) in clause (v), by striking out "and services" and inserting in lieu thereof "or services";

(C) in subparagraph (D)(i)(III), as so redesignated by subsection (b) of this section, by striking out "determination has" and inserting in lieu thereof "determinations have"; and

(D) in subparagraph (D)(ii), by striking out "sentence" and inserting in lieu thereof "clause".

(2) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by repealing section 32.

22 USC 2772.

(d) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—If an Act is enacted during 1992 entitled "An Act to reauthorize the Export-Import Bank of the United States" that contains amendments identical to amendments made by this section, the amendments contained in this section that are identical to the amendments contained in that Act shall not be effective.

Approved November 2, 1992.

LEGISLATIVE HISTORY—H.R. 6187:

CONGRESSIONAL RECORD, Vol. 138 (1992):
Oct. 5, considered and passed House.
Oct. 7, considered and passed Senate.

Public Law 102–584
102d Congress

An Act

To authorize an exchange of lands in the States of Arkansas and Idaho.

Nov. 2, 1992
[S. 2572]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arkansas-Idaho Land Exchange Act of 1992.
16 USC 668dd note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arkansas-Idaho Land Exchange Act of 1992".

SEC. 2. FINDINGS AND PURPOSE.

16 USC 668dd note.

(a) FINDINGS.—Congress finds that—

(1) the Potlatch Corporation has offered to the United States Government an exchange of lands under which Potlatch would receive approximately 17,625 acres of scattered tracts of Federal lands in the State of Idaho in return for conveying to the United States lands owned by Potlatch consisting of approximately 40,922 acres of undisturbed bottomland hardwood lands in the State of Arkansas and approximately 1,170 acres of lands with important recreational and fisheries values in the State of Idaho;

(2) the lands in Arkansas that Potlatch has offered to convey to the United States are surrounded by Federal and State lands on the Cache and White Rivers which are designated as a "Wetland of International Importance" under the Convention on Wetlands of International Importance (commonly referred to as the "Ramsar Convention"), one of only 10 areas in the United States so designated;

(3) acquisition of these lands by the United States will remove the lands from sustained timber production and other development in the heart of this critical wetland ecosystem;

(4) the lands Potlatch has offered to convey to the United States will qualify for inclusion as a Wetland of International Importance under the Ramsar Convention;

(5) the lands Potlatch has offered to convey to the United States are outstanding fish and wildlife habitat and should continue to be made available for activities such as public hunting, fishing, trapping, nature observation, enjoyment, and education;

(6) the lands the United States would convey to Potlatch do not contain comparable fish, wildlife, or wetland values;

(7) appraisals of all lands to be conveyed in the exchange have been completed; and

(8) the United States and Potlatch have agreed to the values and boundaries of all lands to be conveyed in the exchange and concur that the lands to be conveyed by Potlatch and the lands to be conveyed by the United States are of equal value.

(b) PURPOSE.—The purpose of this Act is to authorize and require the Secretary and the Secretary of Agriculture to participate

nomic benefits to the States of Arkansas and Idaho and to the Nation.

16 USC 668dd note.

SEC. 3. EXCHANGE.

(a) INTER-AGENCY LAND TRANSFERS.—

(1) TRANSFERS BETWEEN SECRETARY AND SECRETARY OF AGRICULTURE.—

(A) TRANSFER TO SECRETARY OF AGRICULTURE.—Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), not later than 30 days after the date of the enactment of this Act, the Secretary shall transfer to the jurisdiction of the Secretary of Agriculture for inclusion in the National Forest System approximately 9,114 acres of public lands in the State of Idaho, as identified upon a map entitled "Arkansas-Idaho Exchange—Idaho Lands", dated July 1992 and available for inspection in appropriate offices of the Secretary.

(B) TRANSFER TO SECRETARY OF AGRICULTURE.—Subsequent to the exchange required by subsection (b), the Secretary shall transfer to the Secretary of Agriculture for inclusion in the National Forest System approximately 891 acres of public lands in the State of Idaho identified for postexchange transfer upon the map referenced in subparagraph (A).

(2) TRANSFER TO SECRETARY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall transfer to the Secretary for conveyance to Potlatch pursuant to subsection (b), approximately 7,979 acres of lands within the National Forest System in the State of Idaho, as identified upon the map referenced in subparagraph (A).

(b) EXCHANGE OF LANDS.—

(1) IN GENERAL.—Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), within 60 days after the date of the enactment of this Act, the Secretary shall convey to Potlatch, in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and subject to paragraph (2) and any valid existing rights, approximately 17,625 acres of public lands in the State of Idaho identified for transfer to Potlatch on the map referenced in subsection (a)(1)(A) in exchange for lands owned by Potlatch consisting of—

(A) approximately 40,921 acres in the State of Arkansas, as depicted for transfer to the United States upon a map entitled "Arkansas-Idaho Land Exchange—Arkansas Lands," dated July 1992 and available for inspection in appropriate offices of the Secretary, and

(B) approximately 1,170 acres in the State of Idaho, as identified for transfer to the United States upon the map referenced in subsection (a)(1)(A).

(2) LIMITATION.—The Secretary may not convey any lands to Potlatch under this subsection unless title to the lands to be conveyed by Potlatch in exchange is in accordance with

the Department of Justice standards for the preparation of title evidence in land acquisitions by the United States.

(c) GENERAL PROVISIONS.—

(1) MAPS CONTROLLING.—To ensure the management benefits of consolidating isolated tracts of lands, any conflict between a number of acres of lands referred to in this Act and a depiction of the lands on a map referenced in this Act shall be resolved in favor of the map.

(2) CANCELLATION.—Prior to implementation of the exchange required by subsection (b), if Potlatch notifies the Secretary in writing that it no longer intends to complete the exchange, the lands referenced in subsection (a) shall revert to their status as of the day before the date of enactment of this Act, and shall be managed in accordance with applicable management plans.

(3) FINAL MAPS.—Not later than 6 months after the conclusion of the exchange required by subsection (b), the Secretary shall transmit maps accurately depicting the lands transferred and conveyed pursuant to this Act and the acreages and legal descriptions of such lands to the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(4) WITHDRAWAL.—Subject to valid existing rights, the lands depicted for conveyance to Potlatch on the map referenced in subsection (a)(1)(A) are withdrawn from all forms of entry and appropriation under the public land laws (including the mining laws) and from operation of the mineral leasing and geothermal leasing laws effective upon the date of the enactment of this Act. Such withdrawal shall terminate on the date of completion of the exchange required by subsection (b) or on the date of any notification by Potlatch of a decision not to complete the exchange pursuant to paragraph (2).

(5) POWER SITE RESERVATIONS.—The following Executive Orders shall have no effect insofar as they involve the following described lands:

(A) The Executive order dated July 2, 1910, which established Powersite Reserve No. 91, with respect to those lands at Boise Meridian, T. 45 N., R. 4 E., Sec. 18, SW¼NE¼, comprising approximately 40 acres.

(B) The Executive order dated July 2, 1910, which established Powersite Reserve No. 106, with respect to those lands at Boise Meridian, T. 32 N., R. 5 E., Sec. 14, W½NE¼NE and SE¼NE¼NE¼, comprising approximately 30 acres.

(C) The Executive order dated August 31, 1917, which established Power Reservation No. 654, with respect to those lands at Boise Meridian, T. 48 N., R. 1 W., Sec. 3, SE¼NE¼, comprising approximately forty acres, and T. 46 N., R. 2 W., Sec. 14, lot 1, comprising approximately 28.15 acres.

(6) INDEMNITY LIST CLASSIFICATION ORDER.—Bureau of Land Management Indemnity List Classification Orders on public lands to be conveyed to Potlatch as required by subsection (b) are hereby removed from such classification.

(7) CONVEYANCE DOCUMENTS; BEFORE SURVEY.—Lands to be conveyed by the United States pursuant to subsection (b) on which any boundary is required to be surveyed in order to describe remaining public lands shall be conveyed by an interim conveyance. An interim conveyance under this paragraph shall convey to and vest in the recipient the same right, title, and interest in and to such lands as the recipient would have received in a patent issued pursuant to this Act. Upon completion of the survey, the Secretary shall issue a patent for such lands. The boundaries of such lands shall be those which were defined in and conveyed by the interim conveyance, except that the boundaries shall be corrected and redescribed in the patent, where necessary, as a result of the survey of such lands.

Patents and trademarks.

16 USC 668dd note.

SEC. 4. USE OF ACQUIRED LANDS.

(a) NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) ADDITION TO THE SYSTEM.—The Secretary shall add the lands conveyed to the United States in Arkansas pursuant to section 3(b), to the Cache River and White River National Wildlife Refuges, as depicted upon the map described in such section. The Secretary shall manage such lands in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

(2) PLAN PREPARATION.—Within 24 months after the completion of the exchange required by section 3(b), the Secretary shall prepare and implement a single refuge management plan for the Cache River and White River Refuges, as expanded by this Act. Such plan shall recognize the important public purposes served by nonconsumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing, and trapping. The plan shall permit, to the maximum extent practicable, such uses to the extent that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable law. Any regulations promulgated by the Secretary with respect to fishing, hunting, and trapping on those lands shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary shall consult with the Arkansas Game and Fish Commission.

(3) INTERIM USE OF LANDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), during the period beginning on the date of the completion of the exchange of lands under subsection 3(b) and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary shall administer all lands added to the Cache River and White River National Wildlife Refuges pursuant to this Act in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668d–668ee) and other applicable law.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the duration of any hunting seasons on the lands referred to in subsection (a) shall comport with State law.

(b) PUBLIC LANDS.—

(1) STATUS.—Except as provided in section 3(a)(1)(B), the lands referred to in section 3(b)(1)(B) shall be public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and shall be managed in accordance with the provisions of such Act.

(2) GRANDMOTHER MOUNTAIN AREA.—Subject to valid existing rights, those Federal and non-Federal lands within the Grandmother Mountain Wilderness Study Area which are transferred to the jurisdiction of the Forest Service pursuant to section 3(b) shall be managed so as to preserve their suitability for designation as wilderness, pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), until the Congress determines otherwise. Nothing in this Act shall be construed as permitting or prohibiting continued use of motorized vehicles on existing routes within such area at the level of such use as was permitted on August 1, 1992.

(3) PLAN AMENDMENTS AND ENVIRONMENTAL ANALYSIS.—Within 24 months after the completion of the exchange under section 3(b), the Secretary and the Secretary of Agriculture shall prepare amendments to applicable resource management plans and accompanying documents pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for lands in Idaho conveyed to the United States pursuant to section 3(b).

SEC. 5. DEFINITIONS.

16 USC 668dd note.

For purposes of this Act, the term—

(1) "Potlatch" means the Potlatch Corporation, chartered in the State of Delaware;

(2) "Secretary" means the Secretary of the Interior; and

(3) "lands" means both the surface and subsurface estates whenever both estates are owned by the United States or Potlatch, as applicable.

SEC. 6. OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Ouachita National Forest are hereby adjusted to include those lands generally depicted on the map entitled "Proposed Proclamation Boundary Extension, East End of Lake Ouachita" and dated August 3, 1992.

(b) MAP AND LEGAL DESCRIPTION.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the appropriate offices of the Forest Service, United States Department of Agriculture. Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall prepare a legal description of the lands depicted on the map referred to in subsection (a). Such map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Ouachita National Forest, as adjusted by this Act, shall be considered to be the boundaries of such forest as of January 1, 1965.

Approved November 2, 1992.

LEGISLATIVE HISTORY—S. 2572:

HOUSE REPORTS: No. 102-931, Pt. 1 (Comm. on Merchant Marine and Fisheries), Pt. 2 (Comm. on Agriculture), and Pt. 3 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-371 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 138 (1992):
Sept. 10, considered and passed Senate.
Sept. 29, considered and passed House, amended.
Oct. 7, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Nov. 2, Presidential statement.

Public Law 102-585
102d Congress

An Act

To amend title 38, United States Code, to improve health care services for women veterans, to expand authority for health care sharing agreements between the Department of Veterans Affairs and the Department of Defense to revise certain pay authorities that apply to Department of Veterans Affairs nurses, to improve preventive health services for veterans, to establish discounte on pharmaceuticals purchased by the Department of Veterans Affairs, to provide for a Persian Gulf War Veterans Health Registry, and to make other improvements in the delivery and administration of health care by the Department of Veterans Affairs.

Nov. 4, 1992
[H.R. 5193]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Health Care Act of 1992.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Care Act of 1992".

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

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

TITLE I—WOMEN VETERANS HEALTH PROGRAMS

Sec. 101. Short title.
Sec. 102. Sexual trauma counseling.
Sec. 103. Priority for outpatient care for sexual trauma counseling.
Sec. 104. Commencement of provision of information on services.
Sec. 105. Report on implementation of sexual trauma counseling program.
Sec. 106. Health care services for women.
Sec. 107. Report on health care and research.
Sec. 108. Coordination of services.
Sec. 109. Research relating to women veterans health.
Sec. 110. Population study of women veterans.

TITLE II—HEALTH-CARE SHARING AGREEMENTS BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE

Sec. 201. Temporary expansion of authority for sharing agreements.
Sec. 202. Requirement for improvement in services for veterans.
Sec. 203. Expanded sharing agreements with Department of Defense.
Sec. 204. Expiration of authority.
Sec. 205. Consultation with veterans service organizations.
Sec. 206. Annual report.

TITLE III—NURSE PAY

Sec. 301. Revision to nurse pay grade schedule.
Sec. 302. Authority to establish special rates of pay for employees of facilities located outside the contiguous United States, Alaska, and Hawaii.
Sec. 303. Salary data for nurse anesthetists.
Sec. 304. Rates of pay for transferring nurses.
Sec. 305. Nursing personnel qualification standards.
Sec. 306. Report on pay for chief nurse position.
Sec. 307. Report on pay compression.
Sec. 308. Effective date.

TITLE IV—STATE HOME AMENDMENTS

Sec. 401. Treatment of earnings of veterans under certain rehabilitative services programs.
Sec. 402. Permanent authority to make grants to States relating to State homes.

Sec. 403. Extension of period for completion of conditionally approved applications for construction.
Sec. 404. Limited prohibition on obligation of funds for rescinded projects.
Sec. 405. Commencement date for recapture period.
Sec. 406. Commencement date for payment of per diem.

TITLE V—GENERAL HEALTH CARE AND ADMINISTRATION

Subtitle A—General Health

Sec. 501. Contract hospital care for veterans with permanent and total service-connected disabilities.
Sec. 502. Permanent authority for respite care program.
Sec. 503. Extension of authority to contract with the Veterans Memorial Medical Center, Republic of the Philippines.

Subtitle B—Preventive Health

Sec. 511. National Center for Preventive Health.
Sec. 512. Annual report on preventive health services.
Sec. 513. Preventive health services.
Sec. 514. Repeal of pilot program.

Subtitle C—Health Care Administration and Personnel

Sec. 521. Geriatric research, education, and clinical centers.
Sec. 522. Extension of authority to waive certain limitations applicable to receipt of retirement pay by nurses.
Sec. 523. Health professionals education programs.
Sec. 524. Real property at Temple Junior College, Temple, Texas.
Sec. 525. Demonstration project to evaluate installation of telephones for patient use at Department health-care facilities.
Sec. 526. Use of Tobacco Products in Department Facilities.

TITLE VI—DRUG PRICING AGREEMENTS

Sec. 601. Treatment of prescription drugs procured by Department of Veterans Affairs or purchased by certain clinics and hospitals.
Sec. 602. Limitations on prices of drugs purchased by certain clinics and hospitals.
Sec. 603. Limitation on prices of drugs procured by Department of Veterans Affairs and certain other Federal agencies.

TITLE VII—PERSIAN GULF WAR VETERANS' HEALTH STATUS

Sec. 701. Short title.
Sec. 702. Persian Gulf War Veterans Health Registry.
Sec. 703. Health examinations and counseling for veterans eligible for inclusion in certain health-related registries.
Sec. 704. Expansion of coverage of Persian Gulf Registry.
Sec. 705. Study by Office of Technology Assessment of Persian Gulf Registry and Persian Gulf War Veterans Health Registry.
Sec. 706. Agreement with National Academy of Sciences for review of health consequences of service during the Persian Gulf War.
Sec. 707. Coordination of government activities on health-related research on the Persian Gulf War.
Sec. 708. Definition.

TITLE VIII—COURT OF VETERANS APPEALS

Sec. 801. Disciplinary procedures for judges of Court of Veterans Appeals.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Women Veterans Health Programs Act of 1992. 38 USC 101 note.

TITLE I—WOMEN VETERANS HEALTH PROGRAMS

SEC. 101. SHORT TITLE.

This title may be cited as the "Women Veterans Health Programs Act of 1992".

SEC. 102. SEXUAL TRAUMA COUNSELING.

(a) IN GENERAL.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 1720D. Counseling to women veterans for sexual trauma

"(a)(1) During the period through December 31, 1995, the Secretary may provide counseling to a woman veteran who the Secretary determines requires such counseling to overcome psychological trauma, which in the judgment of a mental health professional employed by the Department, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty.

"(2) To be eligible to receive counseling under this subsection, a veteran must seek such counseling from the Secretary within two years after the date of the veteran's discharge or release from active military, naval, or air service.

"(3) In furnishing counseling to a veteran under this subsection, the Secretary may, during the period through December 31, 1994, provide such counseling pursuant to a contract with a qualified mental health professional if (A) in the judgment of a mental health professional employed by the Department, the receipt of counseling by that veteran in facilities of the Department would be clinically inadvisable, or (B) Department facilities are not capable of furnishing such counseling to that veteran economically because of geographical inaccessibility.

"(b) In providing services to a veteran under subsection (a), the period for which counseling is provided may not exceed one year from the date of the commencement of the furnishing of such counseling to the veteran. However, the Secretary may authorize a longer period in any case if, in the judgment of the Secretary, a longer period of counseling is required.

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

"(2) In establishing a program to provide counseling under subsection (a), the Secretary shall—

"(A) provide for appropriate training of mental health professionals and such other health care personnel as the Secretary determines necessary to carry out the program effectively;

"(B) seek to ensure that such counseling is furnished in a setting that is therapeutically appropriate, taking into account the circumstances that resulted in the need for such counseling; and

"(C) provide referral services to assist women veterans who are not eligible for services under this chapter to obtain those from sources outside the Department.

Public information.

"(d) The Secretary shall provide information on the counseling available to women veterans under this section. Efforts by the Secretary to provide such information—

(1) may include establishment of an information system involving the use of a toll-free telephone number (commonly referred to as an 800 number), and

"(2) shall include coordination with the Secretary of Defense seeking to ensure that women who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for counseling under this section.

"(e) In this section, the term 'sexual harassment' means repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1720C the following new item:

"1720D. Counseling to women veterans for sexual trauma.".

38 USC 1720D note.

(b) TRANSITION PROVISION.—In the case of a veteran who was discharged or released from active military, naval, or air service before December 31, 1991, the two-year period specified in section 1720D(a)(2) of title 38, United States Code, as added by subsection (a), shall be treated as ending on December 31, 1993.

SEC. 103. PRIORITY FOR OUTPATIENT CARE FOR SEXUAL TRAUMA COUNSELING.

Section 1712(i)(2) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof ", (B)"; and

(2) by inserting before the period at the end thereof the following: ", or (C) who is eligible for counseling under section 1720D of this title, for the purposes of such counseling".

38 USC 1720D note.

SEC. 104. COMMENCEMENT OF PROVISION OF INFORMATION ON SERVICES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence the provision of information on the counseling relating to sexual trauma that is available to women veterans under section 1720D of title 38, United States Code (as added by section 102) in accordance with the provisions of subsection (d) of that section.

38 USC 1720D note.

SEC. 105. REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA COUNSELING PROGRAM.

Not later than March 31, 1994, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a comprehensive report on the Secretary's actions under section 1720D of title 38, United States Code (as added by section 102), and on the use made of the authority provided under that section. The report shall include the following:

(1) The numbers of veterans who have received counseling under such section, shown by reference to the facility that provided that counseling and including the use made of the contract authority under such section.

(2) The number of veterans who received care or services under chapter 17 of title 38, United States Code, under the circumstances described in subsection (c)(1) of such section and the numbers referred to sources outside the Department,

shown by reference to the facility that provided those services or made those referrals.

(3) A listing and description of the specific training programs which the Secretary has instituted to ensure that the counseling program established under such section is carried out effectively.

(4) A description of the specific efforts taken by the Secretary to ensure that the counseling furnished by the Secretary under such section is furnished in settings that are therapeutically appropriate, taking into account the circumstances that resulted in the need for such counseling.

SEC. 106. HEALTH CARE SERVICES FOR WOMEN.

38 USC 1710 note.

(a) GENERAL AUTHORITY.—In furnishing hospital care and medical services under chapter 17 of title 38, United States Code, the Secretary of Veterans Affairs may provide to women the following health care services:

(1) Papanicolaou tests (pap smears).

(2) Breast examinations and mammography.

(3) General reproductive health care, including the management of menopause, but not including under this section infertility services, abortions, or pregnancy care (including prenatal and delivery care), except for such care relating to a pregnancy that is complicated or in which the risks of complication are increased by a service-connected condition.

(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—The Secretary shall ensure that directors of medical facilities of the Department identify and assess opportunities under the authority provided in title II of this Act to (1) expand the availability of, and access to, health care services for women veterans under sections 1710 and 1712 of title 38, United States Code, and (2) provide counseling, care, and services authorized by this title.

SEC. 107. REPORT ON HEALTH CARE AND RESEARCH.

38 USC 1710 note.

(a) IN GENERAL.—Not later than January 1, 1993, January 1, 1994, and January 1, 1995, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the provision of health care services and the conduct of research carried out by, or under the jurisdiction of, the Secretary relating to women veterans.

(b) CONTENTS.—The report under subsection (a) shall include the following information with respect to the most recent fiscal year before the date of the report:

(1) The number of women veterans who have received services described in section 106 of this Act in facilities under the jurisdiction of the Secretary (or the Secretary of Defense), shown by reference to the Department facility which provided (or, in the case of Department of Defense facilities, arranged) those services;

(2) A description of (A) the services provided at each such facility, and (B) the extent to which each such facility relies on contractual arrangements under section 1703 or 8153 of title 38, United States Code, to furnish care to women veterans in facilities which are not under the jurisdiction of the Secretary where the provision of such care is not furnished in a medical emergency.

(3) The steps taken by each such facility to expand the provision of services at such facility (or under arrangements with a Department of Defense facility) to women veterans.

(4) A description (as of October 1 of the year preceding the year in which the report is submitted) of the status of any research relating to women veterans being carried out by or under the jurisdiction of the Secretary, including research under section 109 of this Act.

38 USC 1710 note.

SEC. 108. COORDINATION OF SERVICES.

The Secretary of Veterans Affairs shall ensure that an official in each regional office of the Veterans Health Administration shall serve as a coordinator of women's services. The responsibilities of such official shall include the following:

(1) Conducting periodic assessments of the needs for services of women veterans within such region.

(2) Planning to meet such needs.

(3) Assisting in carrying out the purposes of section 106(b) of this title.

(4) Coordinating the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator.

(5) Providing appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans.

38 USC 7303 note.

SEC. 109. RESEARCH RELATING TO WOMEN VETERANS HEALTH.

(a) INITIATION AND EXPANSION OF RESEARCH.—The Secretary of Veterans Affairs, in carrying out the Secretary's responsibilities under section 7303 of title 38, United States Code, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated to the Secretary to initiate new studies in accordance with subsection (a) as follows:

(A) For fiscal year 1993, $1,500,000.

(B) For fiscal year 1994, $2,000,000.

(C) For fiscal year 1995, $2,500,000.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) are in addition to other funds appropriated or otherwise made available to the Department of Veterans Affairs for research.

38 USC 1710 note.

SEC. 110. POPULATION STUDY OF WOMEN VETERANS.

(a) STUDY.—(1) The Secretary, subject to subsection (d), shall conduct a study to determine the needs of veterans who are women for health-care services. The study shall be based on an appropriate sample of veterans who are women.

(2) Before carrying out the study, the Secretary shall request the advice of the Advisory Committee on Women Veterans on the conduct of the study.

(3) In carrying out the study, the Secretary shall include in the sample veterans who are women and members of the Armed Forces serving on active duty who are women.

(b) REPORTS.—The Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives reports relating to the study as follows:

(1) Not later than 9 months after the date of the enactment of this Act, an interim report describing (A) the information and advice obtained by the Secretary from the Advisory Committee on Women Veterans, and (B) the status of the study.

(2) Not later than December 31, 1995, a final report describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the general operating expenses account of the Department of Veterans Affairs $2,000,000 to carry out the purposes of this section. Amounts appropriated pursuant to this authorization of appropriations shall be available for obligation until expended without fiscal year limitation.

(d) LIMITATION.—No funds may be used to conduct the study described in subsection (a) unless expressly provided for in an appropriation Act.

TITLE II—HEALTH-CARE SHARING AGREEMENTS BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE

38 USC 8111 note.

SEC. 201. TEMPORARY EXPANSION OF AUTHORITY FOR SHARING AGREEMENTS.

The Secretary of Veterans Affairs may enter into an agreement with the Secretary of Defense under this section to expand the availability of health-care sharing arrangements with the Department of Defense under section 8111(c) of title 38, United States Code. Under such an agreement—

(1) the head of a Department of Veterans Affairs medical facility may enter into agreements under section 8111(d) of that title with (A) the head of a Department of Defense medical facility, (B) with any other official of the Department of Defense responsible for the provision of care under chapter 55 of title 10, United States Code, to persons who are covered beneficiaries under that chapter, in the region of the Department of Veterans Affairs medical facility, or (C) with a contractor of the Department of Defense responsible for the provision of care under chapter 55 of title 10, United States Code, to persons who are covered beneficiaries under that chapter, in the region of the Department of Veterans Affairs medical facility; and

(2) the term "primary beneficiary" shall be treated as including—

(A) with respect to the Department of Veterans Affairs, any person who is described in section 1713 of title 38, United States Code; and

(B) with respect to the Department of Defense, any person who is a covered beneficiary under chapter 55 of title 10, United States Code.

SEC. 202. REQUIREMENT FOR IMPROVEMENT IN SERVICES FOR VETERANS.

A proposed agreement authorized by section 201 that is entered into by the head of a Department of Veterans Affairs medical facility may take effect only if the Chief Medical Director finds,

and certifies to the Secretary of Veterans Affairs, that implementation of the agreement—

(1) will result in the improvement of services to eligible veterans at that facility; and

(2) will not result in the denial of, or a delay in providing, access to care for any veteran at that facility.

SEC. 203. EXPANDED SHARING AGREEMENTS WITH DEPARTMENT OF DEFENSE.

Under an agreement under section 201, guidelines under section 8111(b) of title 38, United States Code, may be modified to provide that, notwithstanding any other provision of law, any person who is a covered beneficiary under chapter 55 of title 10 and who is furnished care or services by a facility of the Department of Veterans Affairs under an agreement entered into under section 8111 of that title, or who is described in section 1713 of title 38, United States Code, and who is furnished care or services by a facility of the Department of Defense, may be authorized to receive such care or services—

(1) without regard to any otherwise applicable requirement for the payment of a copayment or deductible; or

(2) subject to a requirement to pay only part of any such otherwise applicable copayment or deductible, as specified in the guidelines.

SEC. 204. EXPIRATION OF AUTHORITY.

The authority to provide services pursuant to agreements entered into under section 201 expires on October 1, 1996.

SEC. 205. CONSULTATION WITH VETERANS SERVICE ORGANIZATIONS.

In carrying out this title, the Secretary of Veterans Affairs shall consult with organizations named in or approved under section 5902 of title 38, United States Code.

SEC. 206. ANNUAL REPORT.

(a) IN GENERAL.—For each of fiscal years 1993 through 1996, the Secretary of Defense and the Secretary of Veterans Affairs shall include in the annual report of the Secretaries under section 8111(f) of title 38, United States Code, a description of the Secretaries' implementation of this section.

(b) ADDITIONAL MATTERS FOR FISCAL YEAR 1996 REPORT.—In the report under subsection (a) for fiscal year 1996, the Secretaries shall include the following:

(1) An assessment of the effect of agreements entered into under section 201 on the delivery of health care to eligible veterans.

(2) An assessment of the cost savings, if any, associated with provision of services under such agreements to retired members of the Armed Forces, dependents of members or former members of a uniformed service, and beneficiaries under section 1713 of title 38, United States Code.

(3) Any plans for administrative action, and any recommendations for legislation, that the Secretaries consider appropriate to include in the report.

TITLE III—NURSE PAY

SEC. 301. REVISION TO NURSE PAY GRADE SCHEDULE.

(a) REVISION.—Section 7404(b)(1) is amended in the matter relating to "NURSE SCHEDULE" by striking out "Director grade." and all that follows through "Entry grade." and inserting in lieu thereof the following:

"Nurse V.
"Nurse IV.
"Nurse III.
"Nurse II.
"Nurse I.".

(b) CONFORMING AMENDMENT.—Section 7451(b) of such title is amended by striking out "four" and inserting in lieu thereof "five".

SEC. 302. AUTHORITY TO ESTABLISH SPECIAL RATES OF PAY FOR EMPLOYEES OF FACILITIES LOCATED OUTSIDE THE CONTIGUOUS UNITED STATES, ALASKA, AND HAWAII.

Section 7451(a)(3) is amended—

(1) by striking out "(3) The rates" and inserting in lieu thereof "(3)(A) Except as provided in subparagraph (B), the rates"; and

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

Regulations.

"(B) Under such regulations as the Secretary shall prescribe, the Secretary shall establish and adjust the rates of basic pay for covered positions at the following health-care facilities in order to provide rates of basic pay that enable the Secretary to recruit and retain sufficient numbers of health-care personnel in such positions at those facilities:

"(i) The Veterans Memorial Medical Center in the Republic of the Philippines.

"(ii) Department of Veterans Affairs health-care facilities located outside the contiguous States, Alaska, and Hawaii.".

SEC. 303. SALARY DATA FOR NURSE ANESTHETISTS.

Section 7451(d)(3) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C)(i) A director of a Department health-care facility may use data on the beginning rates of compensation paid to certified registered nurse anesthetists who are employed on a salary basis by entities that provide anesthesia services through certified registered nurse anesthetists in the labor-market area only if the director—

"(I) has conducted a survey of beginning rates of compensation for certified registered nurse anesthetists in the local labor market area of the facility under subparagraph (B);

"(II) has used all available administrative authority with regard to collection of survey data; and

"(III) makes a determination (under regulations prescribed by the Secretary) that such survey methods are insufficient to permit the adjustments referred to in subparagraph (B) for such nurse anesthetists employed by the facility.

"(ii) For the purposes of this subparagraph, certified registered nurse anesthetists who are so employed by such entities shall be deemed to be corresponding health-care professionals to the certified registered nurse anesthetists employed by the facility.

"(iii) The authority of the director to use such additional data under this subparagraph with respect to certified registered nurse anesthetists expires on April 1, 1995.".

SEC. 304. RATES OF PAY FOR TRANSFERRING NURSES.

(a) SAVE-PAY AUTHORITY FOR NURSES TRANSFERRING TO ANOTHER FACILITY.—Section 7452(e) is amended by striking out the period at the end and inserting in lieu thereof ", except that in the case of an employee whose transfer (other than pursuant to a disciplinary action otherwise authorized by law) to another health-care facility is at the request of the Secretary, the Secretary may provide that for at least the first year following such transfer the employee shall be paid at a rate of basic pay up to the rate applicable to such employee before the transfer, if the Secretary determines that such rate of pay is necessary to fill the position. Whenever the Secretary exercises the authority under the preceding sentence relating to the rate of basic pay of a transferred employee, the Secretary shall, in the next annual report required under section 7451(g) of this title, provide justification for doing so.".

(b) CONFORMING AMENDMENT.—Section 7451(g) is amended by adding at the end the following new paragraph:

"(9) The justification required by section 7452(e) of this title.".

38 USC 7451 note.

SEC. 305. NURSING PERSONNEL QUALIFICATION STANDARDS.

(a) REVISION.—The Secretary of Veterans Affairs shall conduct a review of the qualification standards used for nursing personnel at Department health-care facilities and the relationship between those standards and the compression of nursing personnel in the existing intermediate and senior grades. Based upon that review, the Secretary shall revise those qualification standards—

(1) to reflect the five grade levels for nursing personnel under the Nurse Schedule, as amended by section 301; and

(2) to reduce the compression of nursing personnel in the existing intermediate and senior grades.

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary shall prescribe revised qualification standards for nursing personnel pursuant to subsection (a) not later than six months after the date of the enactment of this Act.

(c) REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's findings and actions under this section. The report shall be submitted not later than six months after the date on which revised qualification standards for nursing personnel are prescribed pursuant to subsection (b).

38 USC 7451 note.

SEC. 306. REPORT ON PAY FOR CHIEF NURSE POSITION.

(a) REVIEW.—The Secretary of Veterans Affairs shall conduct a review of—

(1) the process for determining the rate of basic pay applicable to the Chief Nurse position at Department of Veterans Affairs health-care facilities; and

(2) the relationship between the rate of such basic pay and the rate of basic pay applicable to nurses in positions

subordinate to the Chief Nurse at the respective Department facilities.

The review shall include an assessment of the adequacy of that process in determining an equitable pay rate for the Chief Nurse position, including an assessment of the accuracy of data collected in the survey process and the difficulties in obtaining accurate data.

(b) REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the review and assessment conducted under subsection (a). To the extent that the review discloses difficulties in obtaining accurate data in the survey process with respect to the Chief Nurse position at Department facilities, the Secretary shall include in the report recommendations for corrective action. The Secretary shall also include in the report (1) a listing of the salary differential (expressed as a percentage) between the Chief Nurse at a facility and the highest paid nurse (excluding certified registered nurse anesthetists) serving in a position subordinate to the Chief Nurse, and (2) an analysis of such data. The report shall be submitted not later than 12 months after the date of the enactment of this Act.

SEC. 307. REPORT ON PAY COMPRESSION.

Section 7451(g) (as amended by section 304(b)) is further amended by adding at the end the following new paragraph:

"(10) The number of nurses, shown by facility and by grade, who are on pay retention or in the top step of any grade and, with respect to those employees, comprehensive information (by facility) as to whether an extension of the pay grades was sought for these positions, and with respect to each such request for extension, whether such request was granted or denied.".

SEC. 308. EFFECTIVE DATE.

38 USC 7404 note.

The amendments made by sections 301, 302, 303, and 304 shall take effect with respect to the first pay period beginning on or after the end of the six-month period beginning on the date of the enactment of this Act.

TITLE IV—STATE HOME AMENDMENTS

SEC. 401. TREATMENT OF EARNINGS OF VETERANS UNDER CERTAIN REHABILITATIVE SERVICES PROGRAMS.

Subsection (f) of section 1718 is amended to read as follows:

"(f)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) Paragraph (1) applies to the following:

"(A) A veteran's participation in an activity carried out under this section.

"(B) A veteran's receipt of a distribution as a result of participation in an activity carried out under this section.

"(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary

as conforming appropriately to standards for activities carried out under this section.

"(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

"(3) A distribution of funds made under this section and a payment made to a veteran under a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

SEC. 402. PERMANENT AUTHORITY TO MAKE GRANTS TO STATES RELATING TO STATE HOMES.

Section 8133(a) is amended in the first sentence by striking out "through September 30, 1992".

SEC. 403. EXTENSION OF PERIOD FOR COMPLETION OF CONDITIONALLY APPROVED APPLICATIONS FOR CONSTRUCTION.

(a) EXTENSION OF PERIOD.—Section 8135(b)(6)(A) is amended by striking out "90 days" and inserting in lieu thereof "180 days".

38 USC 8135 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to projects that are conditionally approved after September 30, 1992.

SEC. 404. LIMITED PROHIBITION ON OBLIGATION OF FUNDS FOR RESCINDED PROJECTS.

(a) PROHIBITION.—Section 8135(b)(6)(B) is amended by adding at the end the following: "In the event the Secretary rescinds conditional approval of a project under this subparagraph, the Secretary may not further obligate funds for the project during the fiscal year in which the Secretary rescinds such approval.".

38 USC 8135 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to rescissions of conditional approval of projects after the date of the enactment of this Act.

SEC. 405. COMMENCEMENT DATE FOR RECAPTURE PERIOD.

(a) COMMENCEMENT DATE.—Section 8136 is amended by striking out "If, within 20 years after completion of any project" and inserting in lieu thereof "If, within the 20-year period beginning on the date of the approval by the Secretary of the final architectural and engineering inspection of any project".

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking out "such facilities cease" and inserting in lieu thereof "the facilities covered by the project cease".

SEC. 406. COMMENCEMENT DATE FOR PAYMENT OF PER DIEM.

Section 1741 is amended by adding at the end the following new subsection:

"(e) Subject to section 1743 of this title, the payment of per diem for care furnished in a State home facility shall commence on the date of the completion of the inspection for recognition of the facility under section 1742(a) of this title if the Secretary determines, as a result of that inspection, that the State home meets the standards described in such section.".

TITLE V—GENERAL HEALTH CARE AND ADMINISTRATION

Subtitle A—General Health

SEC. 501. CONTRACT HOSPITAL CARE FOR VETERANS WITH PERMANENT AND TOTAL SERVICE-CONNECTED DISABILITIES.

Section 1703(a)(1) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

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

"(C) a disability of a veteran who has a total disability permanent in nature from a service-connected disability.".

SEC. 502. PERMANENT AUTHORITY FOR RESPITE CARE PROGRAM.

Section 1720B is amended by striking out subsection (c).

SEC. 503. EXTENSION OF AUTHORITY TO CONTRACT WITH THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

Section 1732(a) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

Subtitle B—Preventive Health

SEC. 511. NATIONAL CENTER FOR PREVENTIVE HEALTH.

(a) ESTABLISHMENT.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7318. National Center for Preventive Health

"(a)(1) The Chief Medical Director shall establish and operate in the Veterans Health Administration a National Center for Preventive Health (hereinafter in this section referred to as the 'Center'). The Center shall be located at a Department health care facility.

"(2) The head of the Center is the Director of Preventive Health (hereinafter in this section referred to as the 'Director').

"(3) The Chief Medical Director shall provide the Center with such staff and other support as may be necessary for the Center to carry out effectively its functions under this section.

"(b) The purposes of the Center are the following:

"(1) To provide a central office for monitoring and encouraging the activities of the Veterans Health Administration with respect to the provision, evaluation, and improvement of preventive health services.

"(2) To promote the expansion and improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to such services.

"(c) In carrying out the purposes of the Center, the Director shall do the following:

"(1) Develop and maintain current information on clinical activities of the Veterans Health Administration relating to preventive health services, including activities relating to—

"(A) the on-going provision of regularly-furnished services; and

"(B) patient education and screening programs carried out throughout the Administration.

"(2) Develop and maintain detailed current information on research activities of the Veterans Health Administration relating to preventive health services.

"(3) In order to encourage the effective provision of preventive health services by Veterans Health Administration personnel—

"(A) ensure the dissemination to such personnel of any appropriate information on such services that is derived from research carried out by the Administration; and

"(B) acquire and ensure the dissemination to such personnel of any appropriate information on research and clinical practices relating to such services that are carried out by researchers, clinicians, and educators who are not affiliated with the Administration.

"(4) Facilitate the optimal use of the unique resources of the Department for cooperative research into health outcomes by initiating recommendations, and responding to requests of the Chief Medical Director and the Director of the Medical and Prosthetic Research Service, for such research into preventive health services.

"(5) Provide advisory services to personnel of Department health-care facilities with respect to the planning or furnishing of preventive health services by such personnel.

Appropriation authorization.

"(d) There is authorized to be appropriated $1,500,000 to the Medical Care General and Special Fund of the Department of Veterans Affairs for each fiscal year for the purpose of permitting the National Center for Preventive Health to carry out research, clinical, educational, and administrative activities under this section. Such activities shall be considered to be part of the operation of health-care facilities of the Department without regard to the location at which such activities are carried out.

"(e) In this section, the term 'preventive health services' has the meaning given such term in section 1701(9) of this title.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating section 7317 the following new item:

"7318. National Center for Preventive Health.".

(b) DIRECTOR OF CENTER.—(1) Subsection (a) of section 7306 is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

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

"(7) The Director of the National Center for Preventive Health, who shall be responsible to the Chief Medical Director for the operation of the Center.".

(2) Subsection (c) of such section is amended in the second sentence by striking out "and (4)" and inserting in lieu thereof "(4), and (7)".

38 USC 7318 note.

(c) SELECTION OF FACILITY AT WHICH CENTER TO BE ESTABLISHED.—In order to establish the National Center for Preventive Health pursuant to section 7318 of title 38, United States Code, as added by subsection (a), the Chief Medical Director of the Depart-

ment of Veterans Affairs shall solicit proposals from Department health care facilities to establish the center. The Chief Medical Director shall establish such center at the facility or facilities which the Chief Medical Director determines, on the basis of a review and analysis of such proposals, would most effectively carry out the purposes set forth in subsection (b) of such section.

SEC. 512. ANNUAL REPORT ON PREVENTIVE HEALTH SERVICES.

(a) ANNUAL REPORT.—Chapter 17 is amended by inserting after section 1703 the following new section:

"§ 1704. Preventive health services: annual report

"Not later than October 31 each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on preventive health services. Each such report shall include the following:

"(1) A description of the programs and activities of the Department with respect to preventive health services during the preceding fiscal year, including a description of the following:

"(A) The programs conducted by the Department—

"(i) to educate veterans with respect to health promotion and disease prevention; and

"(ii) to provide veterans with preventive health screenings and other clinical services, with such description setting forth the types of resources used by the Department to conduct such screenings and services and the number of veterans reached by such screenings and services.

"(B) The means by which the Secretary addressed the specific preventive health services needs of particular groups of veterans (including veterans with service-connected disabilities, elderly veterans, low-income veterans, women veterans, institutionalized veterans, and veterans who are at risk for mental illness).

"(C) The manner in which the provision of such services was coordinated with the activities of the Medical and Prosthetic Research Service of the Department and the National Center for Preventive Health.

"(D) The manner in which the provision of such services was integrated into training programs of the Department, including initial and continuing medical training of medical students, residents, and Department staff.

"(E) The manner in which the Department participated in cooperative preventive health efforts with other governmental and private entities (including State and local health promotion offices and not-for-profit organizations).

"(F) The specific research carried out by the Department with respect to the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes.

"(G) The cost effectiveness of such programs and activities, including an explanation of the means by which the costs and benefits (including the quality of life of veterans who participate in such programs and activities) of such programs and activities are measured.

"(2) A specific description of research activities on preventive health services carried out during that period using employees, funds, equipment, office space, or other support services of the Department, with such description setting forth—

"(A) the source of funds for those activities;

"(B) the articles or publications (including the authors of the articles and publications) in which those activities are described;

"(C) the Federal, State, or local governmental entity or private entity, if any, with which such activities were carried out; and

"(D) the clinical, research, or staff education projects for which funding applications were submitted (including the source of the funds applied for) and upon which a decision is pending or was denied.

"(3) An accounting of the expenditure of funds during that period by the National Center for Preventive Health under section 7318 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1703 the following new item:

"1704. Preventive health services: annual report.".

SEC. 513. PREVENTIVE HEALTH SERVICES.

(a) IN GENERAL.—The text of section 1762 is transferred to the end of section 1701, redesignated as paragraph (9), and amended—

(1) by striking out "For the purposes of this subchapter, the term 'preventive health-care services' means" and inserting in lieu thereof "The term 'preventive health services' means"; and

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) as subparagraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K), respectively.

(b) CONFORMING AMENDMENT.—Section 1701(6)(A)(i) is amended by striking out "preventive health-care services as defined in section 1762 of this title," and inserting in lieu thereof "preventive health services,".

SEC. 514. REPEAL OF PILOT PROGRAM.

(a) REPEAL.—Subchapter VII of chapter 17 is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking out the items relating to subchapter VII (including the items relating to the sections of that subchapter).

Subtitle C—Health Care Administration and Personnel

SEC. 521. GERIATRIC RESEARCH, EDUCATION, AND CLINICAL CENTERS.

Section 7314 is amended—

(1) in subsection (c), by inserting after "unless" in the matter preceding paragraph (1) the following: "the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility

as a location for a new center under subsection (a) is among those proposals which have met the highest competitive standards of scientific and clinical merit, and";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d)(1) In order to provide advice to assist the Chief Medical Director and the Secretary to carry out their responsibilities under this section, the Assistant Chief Medical Director described in section 7306(b)(3) of this title shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

"(2) The membership of the panel shall consist of experts in the fields of geriatric and gerontological research, education, and clinical care. Members of the panel shall serve as consultants to the Department for a period of no longer than six months.

"(3) The panel shall review each proposal submitted to the panel by the Assistant Chief Medical Director and shall submit its views on the relative scientific and clinical merit of each such proposal to the Assistant Chief Medical Director.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.".

SEC. 522. EXTENSION OF AUTHORITY TO WAIVE CERTAIN LIMITATIONS APPLICABLE TO RECEIPT OF RETIREMENT PAY BY NURSES.

Section 7426(c) is amended by striking out "September 30, 1992" and inserting in lieu thereof "December 31, 1994".

SEC. 523. HEALTH PROFESSIONALS EDUCATION PROGRAMS.

(a) EXTENSION OF HEALTH SCHOLARSHIP PROGRAM.—Section 7618 is amended by striking out "September 30, 1992" and inserting in lieu thereof "December 31, 1995".

38 USC 7601 note.

(b) HEALTH PROFESSIONALS.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs may not provide payments to health-care professional employees of the Department of Veterans Affairs for payment of tuition loans.

SEC. 524. REAL PROPERTY AT TEMPLE JUNIOR COLLEGE, TEMPLE, TEXAS.

(a) REMOVAL OF RESTRICTIONS ON USE OF PREVIOUSLY CONVEYED LAND.— Subject to subsection (b), the Secretary of Veterans Affairs shall release all restrictions and conditions (including a right of reverter) imposed in a quitclaim deed executed by the Administrator of Veterans Affairs on March 8, 1968, pursuant to Public Law 90-197 (81 Stat. 582; December 14, 1967), in which the United States, acting through the Administrator of Veterans Affairs, conveyed a tract of land consisting of 73 acres, more or less, to Temple Junior College, Temple, Texas.

(b) REQUIREMENT FOR PAYMENT.—Subsection (a) shall be effective upon the payment to the Secretary of Veterans Affairs of such monetary consideration as the Secretary determines to be appropriate. Any amount received by the Secretary pursuant to this subsection shall be deposited in the general fund of the Treasury.

(c) EXECUTION OF LEGAL INSTRUMENTS.—The Secretary of V erans Affairs shall execute such legal documents as necessary carry out subsection (a). The Secretary may include in such le documents such terms, conditions, reservations, easements, a restrictions (other than those released pursuant to subsection (as the Secretary considers necessary to protect the interest the United States.

38 USC 1710 note.

SEC. 525. DEMONSTRATION PROJECT TO EVALUATE INSTALLATI OF TELEPHONES FOR PATIENT USE AT DEPARTME HEALTH-CARE FACILITIES.

(a) DEMONSTRATION PROJECT.—The Secretary of Veter Affairs shall carry out a demonstration project to evaluate—

(1) the feasibility and desirability of (A) providing teleph service in patient rooms in Department of Veterans Affa health-care facilities which do not currently provide such se ice, and (B) the use of telephones by the patients of s health-care facilities; and

(2) the relative feasibility and cost-effectiveness of a vari of options for providing such service.

(b) PROJECT ACTIVITIES.—(1) In carrying out the demonstrat project under this section, the Secretary shall, at an appropri number (as determined by the Secretary) of health care faciliti provide patients reasonable access to telephone service in patie rooms to the extent feasible, and subject to paragraph (2).

(2) The Secretary shall ensure that patients who use s telephones bear financial responsibility for the cost of any lo distance telephone calls made during such use.

(c) PROJECT EVALUATION.—In carrying out the evaluation un subsection (a), the Secretary shall determine—

(1) the cost of the installation, use, and maintenance such telephones, including—

(A) the amount of any savings which accrue to facility by reason of such installation and use (includ the amount of any savings that may result from decrease in the amount of assistance in using telepho that the staff of the facility would otherwise provide patients); and

(B) any costs that result from providing special t phones or other special equipment to facilitate the of telephones by disabled veterans; and

(2) the effect of the use of such telephones on the the peutic course of veterans who receive care at the facility;

(3) the relative feasibility and cost effectiveness of a ra of options for providing access to telephone service, includin

(A) the expenditure of appropriated funds;

(B) the receipt of donated funds, equipment, and se ices; and

(C) the procuring of equipment and services by Veterans Canteen Service.

(d) REPORT.—Not later than September 30, 1994, the Secret shall submit to the Committees on Veterans' Affairs of the Sen and the House of Representatives a report on the demonstrat project. The report shall contain the following:

(1) The determinations of the Secretary under s section (c).

(2) An assessment by the Secretary of the feasibility and desirability of providing telephones for patients in other health-care facilities of the Department.

(3) The experience of the Secretary in using, and an assessment by the Secretary of the feasibility and cost effectiveness of, alternative arrangements to the expenditure of appropriated funds for securing telephone service for patients in health-care facilities of the Department.

(4) Any additional information and recommendations with respect to the provision and use of patient telephones at Department health-care facilities as the Secretary considers appropriate.

SEC. 526. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

38 USC 1715 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that, consistent with medical requirements and limitations, each facility of the Department described in subsection (b)—

(1) establishes and maintains—

(A) a suitable indoor area in which patients or residents may smoke and which is ventilated in a manner that, to the maximum extent feasible, prevents smoke from entering other areas of the facility; or

(B) an area in a building that—

(i) is detached from the facility;

(ii) is accessible to patients or residents of the facility; and

(iii) has appropriate heating and air conditioning; and

(2) provides access to an area established and maintained under paragraph (1), consistent with medical requirements and limitations, for patients or residents of the facility who are receiving care or services and who desire to smoke tobacco products.

(b) COVERED FACILITIES.—A Department facility referred to in subsection (a) is any Department of Veterans Affairs medical center, nursing home, or domiciliary care facility.

(c) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility of the establishment and maintenance of areas for smoking in Department facilities under this section. The report shall include information on—

(A) the cost of, and a proposed schedule for, the establishment of such an area at each Department facility covered by this section;

(B) the extent to which the ventilating system of each facility is adequate to ensure that use of the area for smoking does not result in health problems for other patients or residents of the facility; and

(C) the effect of the establishment and maintenance of an area for smoking in each facility on the accreditation score issued for the facility by the Joint Commission on the Accreditation of Health Organizations.

(2) Not later than 120 days after the effective date of this section, the Secretary shall submit to the committees referred to in paragraph (1) a report on the implementation of this section.

The report shall include a description of the actions taken at ea covered facility to ensure compliance with this section.

(d) EFFECTIVE DATE.—The requirement to establish and mai tain areas for smoking under subsection (a) shall take effect days after the date on which the Comptroller General submi to the committees referred to in subsection (c)(1) that repo required under that subsection.

TITLE VI—DRUG PRICING AGREEMENT

SEC. 601. TREATMENT OF PRESCRIPTION DRUGS PROCURED DEPARTMENT OF VETERANS AFFAIRS OR PURCHASED CERTAIN CLINICS AND HOSPITALS.

(a) EXCLUSION OF PRICES FROM CALCULATION OF BEST PRIC FOR MEDICAID REBATE AGREEMENTS.—Section 1927(c)(1)(C) of t Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)) is amended striking "(excluding" and inserting "(excluding any prices charg on or after October 1, 1992, to the Indian Health Service, t Department of Veterans Affairs, a State home receiving funds und section 1741 of title 38, United States Code, the Department Defense, the Public Health Service, or a covered entity describ in subsection (a)(5)(B), any prices charged under the Federal Supp Schedule of the General Services Administration, or any pric used under a State pharmaceutical assistance program, a excluding".

(b) AGREEMENTS REQUIRED TO RECEIVE PAYMENT.—

(1) IN GENERAL.—The first sentence of section 1927(a) of such Act (42 U.S.C. 1396r–8(a)(1)) is amended by striki "manufacturer)." and inserting "manufacturer), and must me the requirements of paragraph (5) (with respect to drugs pu chased by a covered entity on or after the first day of t first month that begins after the date of the enactment title VI of the Veterans Health Care Act of 1992) and paragra (6).".

(2) AGREEMENTS DESCRIBED.—Section 1927(a) of such A (42 U.S.C. 1396r–8(a)) is amended by adding at the end t following new paragraphs:

"(5) LIMITATION ON PRICES OF DRUGS PURCHASED BY CO ERED ENTITIES.—

"(A) AGREEMENT WITH SECRETARY.—A manufactu meets the requirements of this paragraph if the manuf turer has entered into an agreement with the Secreta that meets the requirements of section 340B of the Pub Health Service Act with respect to covered outpatient dru purchased by a covered entity on or after the first d of the first month that begins after the date of the ena ment of this paragraph.

"(B) COVERED ENTITY DEFINED.—In this subsection, t term 'covered entity' means an entity described in secti 340B(a)(4) of the Public Health Service Act.

"(C) ESTABLISHMENT OF ALTERNATIVE MECHANISM ENSURE AGAINST DUPLICATE DISCOUNTS OR REBATES.—If t Secretary does not establish a mechanism under secti 340B(a)(5)(A) of the Public Health Service Act within months of the date of the enactment of such section, t following requirements shall apply:

"(i) ENTITIES.—Each covered entity shall inform the single State agency under section 1902(a)(5) when it is seeking reimbursement from the State plan for medical assistance described in section 1905(a)(12) with respect to a unit of any covered outpatient drug which is subject to an agreement under section 340B(a) of such Act.

"(ii) STATE AGENCY.—Each such single State agency shall provide a means by which a covered entity shall indicate on any drug reimbursement claims form (or format, where electronic claims management is used) that a unit of the drug that is the subject of the form is subject to an agreement under section 340B of such Act, and not submit to any manufacturer a claim for a rebate payment under subsection (b) with respect to such a drug.

"(D) EFFECT OF SUBSEQUENT AMENDMENTS.—In determining whether an agreement under subparagraph (A) meets the requirements of section 340B of the Public Health Service Act, the Secretary shall not take into account any amendments to such section that are enacted after the enactment of title VI of the Veterans Health Care Act of 1992.

"(E) DETERMINATION OF COMPLIANCE.—A manufacturer is deemed to meet the requirements of this paragraph if the manufacturer establishes to the satisfaction of the Secretary that the manufacturer would comply (and has offered to comply) with the provisions of section 340B of the Public Health Service Act (as in effect immediately after the enactment of this paragraph) and would have entered into an agreement under such section (as such section was in effect at such time), but for a legislative change in such section after the date of the enactment of this paragraph.

"(6) REQUIREMENTS RELATING TO MASTER AGREEMENTS FOR DRUGS PROCURED BY DEPARTMENT OF VETERANS AFFAIRS AND CERTAIN OTHER FEDERAL AGENCIES.—

"(A) IN GENERAL.—A manufacturer meets the requirements of this paragraph if the manufacturer complies with the provisions of section 8126 of title 38, United States Code, including the requirement of entering into a master agreement with the Secretary of Veterans Affairs under such section.

"(B) EFFECT OF SUBSEQUENT AMENDMENTS.—In determining whether a master agreement described in subparagraph (A) meets the requirements of section 8126 of title 38, United States Code, the Secretary shall not take into account any amendments to such section that are enacted after the enactment of title VI of the Veterans Health Care Act of 1992.

"(C) DETERMINATION OF COMPLIANCE.—A manufacturer is deemed to meet the requirements of this paragraph if the manufacturer establishes to the satisfaction of the Secretary that the manufacturer would comply (and has offered to comply) with the provisions of section 8126 of title 38, United States Code (as in effect immediately after the enactment of this paragraph) and would have entered

into an agreement under such section (as such section was in effect at such time), but for a legislative change in such section after the date of the enactment of this paragraph.".

(3) CONFIDENTIALITY OF INFORMATION.—Section 1927(b)(3)(D) of such Act (42 U.S.C. 1396r–8(b)(3)(D)) is amended—

(A) by striking "this paragraph" and inserting "this paragraph or under an agreement with the Secretary of Veterans Affairs described in subsection (a)(6)(A)(ii)";

(B) by striking "Secretary" each place it appears and inserting "Secretary or the Secretary of Veterans Affairs"; and

(C) by striking "except" and all that follows through the period and inserting: "except—

"(i) as the Secretary determines to be necessary to carry out this section,

"(ii) to permit the Comptroller General to review the information provided, and

"(iii) to permit the Director of the Congressional Budget Office to review the information provided.".

(4) TERMINATION OF REBATE AGREEMENTS.—Section 1927(b)(4)(B) of such Act (42 U.S.C. 1396r–8(b)(4)(B)) is amended—

(i) in clause (ii), by striking "such period" and inserting "the calendar quarter beginning at least 60 days",

(ii) in clause (ii), by striking "of the notice" and all through "the agreement)." and inserting "the manufacturer provides notice to the Secretary.", and

(iii) by adding at the end the following new clauses:

"(iv) NOTICE TO STATES.—In the case of a termination under this subparagraph, the Secretary shall provide notice of such termination to the States within not less than 30 days before the effective date of such termination.

"(v) APPLICATION TO TERMINATIONS OF OTHER AGREEMENTS.—The provisions of this subparagraph shall apply to the terminations of agreements described in section 340B(a)(1) of the Public Health Service Act and master agreements described in section 8126(a) of title 38, United States Code.".

(c) BUDGET NEUTRALITY ADJUSTMENT.—Section 1927(c)(1)(B) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)) is amended—

(1) by striking "January 1, 1993," and inserting "October 1, 1992,";

(2) by striking "and" at the end of clause (i); and

(3) by striking clause (ii) and inserting the following:

"(ii) for quarters (or other periods) beginning after September 30, 1992, and before January 1, 1994, the greater of—

"(I) 15.7 percent of the average manufacturer price for the drug, or

"(II) the difference between the average manufacturer price for the drug and the best price (as defined in subparagraph (C)) for such quarter (or period) for such drug;

"(iii) for quarters (or other periods) beginning after December 31, 1993, and before January 1, 1995, the greater of—

"(I) 15.4 percent of the average manufacturer price for the drug, or

"(II) the difference between the average manufacturer price for the drug and the best price (as defined in subparagraph (C)) for such quarter (or period) for such drug;

"(iv) for quarters (or other periods) beginning after December 31, 1994, and before January 1, 1996, the greater of—

"(I) 15.2 percent of the average manufacturer price for the drug, or

"(II) the difference between the average manufacturer price for the drug and the best price (as defined in subparagraph (C)) for such quarter (or period) for such drug; and

"(v) for quarters (or other periods) beginning after December 31, 1995, the greater of—

"(I) 15.1 percent of the average manufacturer price for the drug, or

"(II) the difference between the average manufacturer price for the drug and the best price (as defined in subparagraph (C)) for such quarter (or period) for such drug.".

(d) REPORTS ON BEST PRICE CHANGES AND PAYMENT OF REBATES.—

42 USC 1396r-8 note.

(1) IN GENERAL.—Not later than 90 days after the expiration of each calendar quarter that begins on or after October 1, 1992, and ends on or before December 31, 1995, the Secretary of Health and Human Services shall submit a report to Congress that contains the following information relating to prescription drugs dispensed in the quarter (subject to paragraph (2)):

(A) With respect to single source drugs and innovator multiple source drugs (as such terms are defined in section 1927(k)(7) of the Social Security Act)—

(i) the percentage of such drugs whose best price (as reported to the Secretary under section 1927(b) of the Social Security Act) increased compared to the best price during the previous calendar quarter, and the amount of expenditures under State plans under title XIX of such Act attributable to such drugs;

(ii) the percentage of such drugs whose best price (as so reported) decreased compared to the best price during the previous calendar quarter, and the amount of expenditures under State plans under title XIX of such Act attributable to such drugs;

(iii) the percentage of such drugs whose best price (as so reported) was the same as the best price during the previous calendar quarter, and the amount of expenditures under State plans under title XIX of such Act attributable to such drugs;

(iv) the median and mean percentage increase (or decrease) in the best price of such single source drugs (as so reported) compared to the best price during

the previous calendar quarter, unweighted and weighted (in the case of the mean percentage increase or decrease) by the dollar volume of drugs dispensed;

(v) the median and mean percentage increase (or decrease) in the best price of such innovator multiple source drugs (as so reported) compared to the best price during the previous calendar quarter, unweighted and weighted (in the case of the mean percentage increase or decrease) by the dollar volume of drugs dispensed; and

(vi) the median and mean percentage increase (or decrease) in the best price of all such drugs (as so reported) compared to the best price during the previous calendar quarter, unweighted and weighted (in the case of the mean percentage increase or decrease) by the dollar volume of drugs dispensed.

(B) With respect to all drugs for which manufacturers are required to pay rebates under section 1927(c) of the Social Security Act, the Secretary's estimate, on a State-by-State and a national aggregate basis, of—

(i) the total amount of all rebates paid under such section during the quarter, broken down by the portions of such total amount attributable to rebates described in paragraphs (1), (2), and (3) of such section;

(ii) the percentages of such total amount attributable to rebates described in paragraphs (1), (2), and (3) of such section; and

(iii) the amount of the portion of such total amount attributable to the rebate described in paragraph (1) of such section that is solely attributable to the application of subclause (II) of clause (i), (ii), (iii), (iv), or (v) of such paragraph.

(2) LIMITATION ON DRUGS SUBJECT TO REPORT.—No report submitted under paragraph (1) shall include any information relating to any prescription drug unless the Secretary finds that expenditures for the drug are significant expenditures under the medicaid program. In the previous sentence, expenditures for a drug are "significant" if the drug was one of the 1,000 drugs for which the greatest amount of the Federal financial assistance attributable to prescription drugs was paid under section 1903(a) of the Social Security Act during calendar year 1991.

(3) SPECIAL RULE FOR INITIAL REPORT.—For purposes of the first report required to be submitted under paragraph (1)—

(A) the Secretary shall submit the report not later than May 1, 1993; and

(B) the information contained in the report shall include information on prescription drugs dispensed during each calendar quarter that began on or after January 1, 1991, and ended on or before December 31, 1992.

42 USC 1396r-8 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to payments to State plans under title XIX of the Social Security Act for calendar quarters (or periods) beginning on or after January 1, 1993 (without regard to whether or not regulations to carry out such amendments have been promulgated by such date).

SEC. 602. LIMITATIONS ON PRICES OF DRUGS PURCHASED BY CERTAIN CLINICS AND HOSPITALS.

(a) IN GENERAL.—Part D of title III of the Public Health Service Act is amended by adding the following subpart:

"Subpart VII—Drug Pricing Agreements

"LIMITATION ON PRICES OF DRUGS PURCHASED BY COVERED ENTITIES

"SEC. 340B. (a) REQUIREMENTS FOR AGREEMENT WITH SECRETARY.—

42 USC 256b.

"(1) IN GENERAL.—The Secretary shall enter into an agreement with each manufacturer of covered drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after the first day of the first month that begins after the date of the enactment of this section, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2).

"(2) REBATE PERCENTAGE DEFINED.—

"(A) IN GENERAL.—For a covered outpatient drug purchased in a calendar quarter, the 'rebate percentage' is the amount (expressed as a percentage) equal to—

"(i) the average total rebate required under section 1927(c) of the Social Security Act with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

"(ii) the average manufacturer price for such a unit of the drug during such quarter.

"(B) OVER THE COUNTER DRUGS.—

"(i) IN GENERAL.—For purposes of subparagraph (A), in the case of over the counter drugs, the 'rebate percentage' shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(4) of such Act.

"(ii) DEFINITION.—The term 'over the counter drug' means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

"(3) DRUGS PROVIDED UNDER STATE MEDICAID PLANS.—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

"(4) COVERED ENTITY DEFINED.—In this section, the term 'covered entity' means an entity that meets the requirements described in paragraph (5) and is one of the following:

"(A) A Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act).

"(B) An entity receiving a grant under section 340A.

"(C) A family planning project receiving a grant or contract under section 1001.

"(D) An entity receiving a grant under subpart II of part C of title XXVI (relating to categorical grants for outpatient early intervention services for HIV disease).

"(E) A State-operated AIDS drug purchasing assistance program receiving financial assistance under title XXVI.

"(F) A black lung clinic receiving funds under section 427(a) of the Black Lung Benefits Act.

"(G) A comprehensive hemophilia diagnostic treatment center receiving a grant under section 501(a)(2) of the Social Security Act.

"(H) A Native Hawaiian Health Center receiving funds under the Native Hawaiian Health Care Act of 1988.

"(I) An urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act.

"(J) Any entity receiving assistance under title XXVI (other than a State or unit of local government or an entity described in subparagraph (D)), but only if the entity is certified by the Secretary pursuant to paragraph (7).

"(K) An entity receiving funds under section 318 (relating to treatment of sexually transmitted diseases) or section 317(j)(2) (relating to treatment of tuberculosis) through a State or unit of local government, but only if the entity is certified by the Secretary pursuant to paragraph (7).

"(L) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

"(i) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private non-profit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan under this title;

"(ii) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of the Social Security Act) greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act; and

"(iii) does not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement.

"(5) REQUIREMENTS FOR COVERED ENTITIES.—

"(A) PROHIBITING DUPLICATE DISCOUNTS OR REBATES.—

"(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

"(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that cov-

ered entities comply with clause (i). If the Secretary does not establish a mechanism within 12 months under the previous sentence, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

"(B) PROHIBITING RESALE OF DRUGS.—With respect to any covered outpatient drug that is subject to an agreement under this subsection, a covered entity shall not resell or otherwise transfer the drug to a person who is not a patient of the entity.

"(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered outpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary's or the manufacturer's expense the records of the entity that directly pertain to the entity's compliance with the requirements described in subparagraphs (A) or (B) with respect to drugs of the manufacturer.

"(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraphs (A) or (B), the covered entity shall be liable to the manufacturer of the covered outpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the entity and the manufacturer under this paragraph.

"(6) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the hospital shall not be considered a covered entity under this paragraph unless the hospital is otherwise a covered entity under this subsection.

"(7) CERTIFICATION OF CERTAIN COVERED ENTITIES.—

"(A) DEVELOPMENT OF PROCESS.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall develop and implement a process for the certification of entities described in subparagraphs (J) and (K) of paragraph (4).

"(B) INCLUSION OF PURCHASE INFORMATION.—The process developed under subparagraph (A) shall include a requirement that an entity applying for certification under this paragraph submit information to the Secretary concerning the amount such entity expended for covered outpatient drugs in the preceding year so as to assist the Secretary in evaluating the validity of the entity's subsequent purchases of covered outpatient drugs at discounted prices.

"(C) CRITERIA.—The Secretary shall make available to all manufacturers of covered outpatient drugs a description of the criteria for certification under this paragraph.

"(D) LIST OF PURCHASERS AND DISPENSERS.—The certification process developed by the Secretary under subparagraph (A) shall include procedures under which each State shall, not later than 30 days after the submission of the descriptions under subparagraph (C), prepare and submit a report to the Secretary that contains a list of entities

described in subparagraphs (J) and (K) of paragraph (4) that are located in the State.

"(E) RECERTIFICATION.—The Secretary shall require the recertification of entities certified pursuant to this paragraph on a not more frequent than annual basis, and shall require that such entities submit information to the Secretary to permit the Secretary to evaluate the validity of subsequent purchases by such entities in the same manner as that required under subparagraph (B).

"(8) DEVELOPMENT OF PRIME VENDOR PROGRAM.—The Secretary shall establish a prime vendor program under which covered entities may enter into contracts with prime vendors for the distribution of covered outpatient drugs. If a covered entity obtains drugs directly from a manufacturer, the manufacturer shall be responsible for the costs of distribution.

"(9) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered outpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this paragraph, and of entities that no longer meet the requirements of paragraph (5) or that are no longer certified pursuant to paragraph (7).

"(10) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

"(b) OTHER DEFINITIONS.—In this section, the terms 'average manufacturer price', 'covered outpatient drug', and 'manufacturer' have the meaning given such terms in section 1927(k) of the Social Security Act.

"(c) REFERENCES TO SOCIAL SECURITY ACT.—Any reference in this section to a provision of the Social Security Act shall be deemed to be a reference to the provision as in effect on the date of the enactment of this section.

"(d) COMPLIANCE WITH REQUIREMENTS.—A manufacturer is deemed to meet the requirements of subsection (a) if the manufacturer establishes to the satisfaction of the Secretary that the manufacturer would comply (and has offered to comply) with the provisions of this section (as in effect immediately after the enactment of the Veterans Health Care Act of 1992), as applied by the Secretary, and would have entered into an agreement under this section (as such section was in effect at such time), but for a legislative change in this section (or the application of this section) after the date of the enactment of such Act.".

42 USC 256b note.

(b) STUDY OF TREATMENT OF CERTAIN CLINICS AS COVERED ENTITIES ELIGIBLE FOR PRESCRIPTION DRUG DISCOUNTS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study of the feasibility and desirability of including entities described in paragraph (3) as covered entities eligible for limitations on the prices of covered outpatient drugs under section 340B(a) of the Public Health Service Act (as added by subsection (a)).

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report—

(A) a description of the entities that are the subject of the study;

(B) an analysis of the extent to which such entities procure prescription drugs; and

(C) an analysis of the impact of the inclusion of such entities as covered entities under section 340B(a) of the Public Health Service Act on the quality of care provided to and the health status of the patients of such entities.

(3) ENTITIES DESCRIBED.—An entity described in this paragraph is an entity—

(A) receiving funds from a State for the provision of mental health or substance abuse treatment services under subparts I or II of part B of title XIX of the Public Health Service Act or under title V of such Act; or

(B) receiving funds from a State under title V of the Social Security Act for the provision of maternal and child health services that are furnished on an outpatient basis (other than an entity described in section 340B(a)(4)(G) of the Public Health Service Act).

SEC. 603. LIMITATION ON PRICES OF DRUGS PROCURED BY DEPARTMENT OF VETERANS AFFAIRS AND CERTAIN OTHER FEDERAL AGENCIES.

(a) AGREEMENTS WITH SECRETARY OF VETERANS AFFAIRS.—(1) Subchapter II of chapter 81 is amended by adding at the end the following new section:

"§ 8126. Limitation on prices of drugs procured by Department and certain other Federal agencies

"(a) Each manufacturer of covered drugs shall enter into a master agreement with the Secretary under which—

"(1) beginning January 1, 1993, the manufacturer shall make available for procurement on the Federal Supply Schedule of the General Services Administration each covered drug of the manufacturer;

"(2) with respect to each covered drug of the manufacturer procured by a Federal agency described in subsection (b) on or after January 1, 1993, that is purchased under depot contracting systems or listed on the Federal Supply Schedule, the manufacturer has entered into and has in effect a pharmaceutical pricing agreement with the Secretary (or the Federal agency involved, if the Secretary delegates to the Federal agency the authority to enter into such a pharmaceutical pricing agreement) under which the price charged during the one-year period beginning on the date on which the agreement takes effect may not exceed 76 percent of the non-Federal average manufacturer price (less the amount of any additional discount required under subsection (c)) during the one-year period ending one month before such date (or, in the case of a covered drug for which sufficient data for determining the non-Federal average manufacturer price during such period are not available, during such period preceding such date as the Secretary considers appropriate), except that such price may nominally exceed such amount if found by the Secretary to be in the best interests of the Department or such Federal agencies;

"(3) with respect to each covered drug of the manufacturer procured by a State home receiving funds under section 1741 of this title, the price charged may not exceed the price charged under the Federal Supply Schedule at the time the drug is procured; and

"(4) unless the manufacturer meets the requirements of paragraphs (1), (2), and (3), the manufacturer may not receive payment for the purchase of drugs or biologicals from—

"(A) a State plan under title XIX of the Social Security Act, except as authorized under section 1927(a)(3) of such Act,

"(B) any Federal agency described in subsection (b), or

"(C) any entity that receives funds under the Public Health Service Act.

"(b) The Federal agencies described in this subsection are as follows:

"(1) The Department.

"(2) The Department of Defense.

"(3) The Public Health Service, including the Indian Health Service.

"(c) With respect to any covered drug the price of which is determined in accordance with a pharmaceutical pricing agreement entered into pursuant to subsection (a)(2), for calendar quarters beginning on or after January 1, 1993, the manufacturer shall provide a discount in an amount equal to the amount by which the change in non-Federal price exceeds the amount equal to—

"(1) the non-Federal average manufacturer price of the drug during the 3-month period that ends one year before the last day of the month preceding the month during which the contract for the covered drug goes into effect (or, in the case of a covered drug for which sufficient data for determining the non-Federal average manufacturer price during such period is not available, during such period preceding the month during which the contract goes into effect as the Secretary considers appropriate); increased by

"(2) the percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) between the last month of the period described in paragraph (1) and the last month preceding the month during which the contract goes into effect for which Consumer Price Index data is available.

"(d) In the case of a covered drug of a manufacturer that has entered into a multi-year contract with the Secretary under subsection (a)(2) for the procurement of the drug—

"(1) during any one-year period that follows the first year for which the contract is in effect, the price charged may not exceed the price charged during the preceding one-year period, increased by the percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) between the last months of such one-year periods for which Consumer Price Index data is available; and

"(2) in applying subsection (c) to determine the amount of the discount provided with respect to the drug during a year that follows the first year for which the contract is in effect, any reference in such subsection to 'the month during which the contract goes into effect' shall be considered a reference to the first month of such following year.

Reports.

"(e)(1) The manufacturer of any covered drug the price of which is determined in accordance with a pharmaceutical pricing agreement entered into pursuant to subsection (a)(2) shall—

"(A) not later than 30 days after the first day of the last quarter that begins before the agreement takes effect (or, in the case of an agreement that takes effect on January 1, 1993, not later than 30 days after the date of the enactment of this section), report to the Secretary the non-Federal average manufacturer price for the drug during the 1-year period that ends on the last day of the previous quarter; and

"(B) not later than 30 days after the last day of each quarter for which the agreement is in effect, report to the Secretary the non-Federal average manufacturer price for the drug during such quarter.

"(2) The provisions of subparagraphs (B) and (C) of section 1927(b)(3) of the Social Security Act shall apply to drugs described in paragraph (1) and the Secretary in the same manner as such provisions apply to covered outpatient drugs and the Secretary of Health and Human Services under such subparagraphs, except that references in such subparagraphs to prices or information reported or required under 'subparagraph (A)' shall be deemed to refer to information reported under paragraph (1).

"(3) In order to determine the accuracy of a drug price that is reported to the Secretary under paragraph (1), the Secretary may audit the relevant records of the manufacturer or of any wholesaler that distributes the drug, and may delegate the authority to audit such records to the appropriate Federal agency described in subsection (b).

Privacy.

"(4) Any information contained in a report submitted to the Secretary under paragraph (1) or obtained by the Secretary through any audit conducted under paragraph (3) shall remain confidential, except as the Secretary determines necessary to carry out this section and to permit the Comptroller General and the Director of the Congressional Budget Office to review the information provided.

"(f) The Secretary shall supply to the Secretary of Health and Human Services—

"(1) upon the execution or termination of any master agreement, the name of the manufacturer, and

"(2) on a quarterly basis, a list of manufacturers who have entered into master agreements under this section, and

"(g)(1) Any reference in this section to a provision of the Social Security Act shall be deemed to be a reference to the provision as in effect on the date of the enactment of this section.

"(2) A manufacturer is deemed to meet the requirements of subsection (a) if the manufacturer establishes to the satisfaction of the Secretary that the manufacturer would comply (and has offered to comply) with the provisions of this section (as in effect immediately after the enactment of this section), and would have entered into an agreement under this section (as such section was in effect at such time), but for a legislative change in this section after the date of the enactment of this section.

"(h) In this section:

"(1) The term 'change in non-Federal price' means, with respect to a covered drug that is subject to an agreement under this section, an amount equal to—

"(A) the non-Federal average manufacturer price of the drug during the 3-month period that ends with the month preceding the month during which a contract goes into effect (or, in the case of a covered drug for which sufficient data for determining the non-Federal average manufacturer price during such period is not available, during such period as the Secretary considers appropriate); minus

"(B) the non-Federal average manufacturer price of the drug during the 3-month period that ends one year before the end of the period described in subparagraph (A) (or, in the case of a covered drug for which sufficient data for determining the non-Federal average manufacturer price during such period is not available, during such period preceding the period described in subparagraph (A) as the Secretary considers appropriate).

"(2) The term 'covered drug' means—

"(A) a drug described in section 1927(k)(7)(A)(ii) of the Social Security Act, or that would be described in such section but for the application of the first sentence of section 1927(k)(3) of such Act;

"(B) a drug described in section 1927(k)(7)(A)(iv) of the Social Security Act, or that would be described in such section but for the application of the first sentence of section 1927(k)(3) of such Act;

"(C) any biological product identified under section 600.3 of title 21, Code of Federal Regulations; or

"(D) insulin certified under section 506 of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'depot' means a centralized commodity management system through which covered drugs procured by an agency of the Federal Government are—

"(A) received, stored, and delivered through—

"(i) a federally owned and operated warehouse system, or

"(ii) a commercial entity operating under contract with such agency; or

"(B) delivered directly from the commercial source to the entity using such covered drugs.

"(4) The term 'manufacturer' means any entity which is engaged in—

"(A) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or

"(B) in the packaging, repackaging, labeling, relabeling, or distribution of prescription drug products.

Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

"(5) The term 'non-Federal average manufacturer price' means, with respect to a covered drug and a period of time (as determined by the Secretary), the weighted average price of a single form and dosage unit of the drug that is paid by wholesalers in the United States to the manufacturer, taking

into account any cash discounts or similar price reductions during that period, but not taking into account—

"(A) any prices paid by the Federal Government; or

"(B) any prices found by the Secretary to be merely nominal in amount.

"(6) The term 'weighted average price' means, with respect to a covered drug and a period of time (as determined by the Secretary) an amount equal to—

"(A) the sum of the products of the average price per package unit of each quantity of the drug sold during the period and the number of package units of the drug sold during the period; divided by

"(B) the total number of package units of the drug sold during the period.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8125 the following new item:

"8126. Limitation on prices of drugs procured by Department.".

TITLE VII—PERSIAN GULF WAR VETERANS' HEALTH STATUS

Persian Gulf War Veterans' Health Status Act.
38 USC 527 note.

SEC. 701. SHORT TITLE.

This title may be cited as the "Persian Gulf War Veterans' Health Status Act".

SEC. 702. PERSIAN GULF WAR VETERANS HEALTH REGISTRY.

(a) ESTABLISHMENT OF REGISTRY.—The Secretary of Veterans Affairs shall establish and maintain a special record to be known as the "Persian Gulf War Veterans Health Registry" (in this section referred to as the "Registry").

(b) CONTENTS OF REGISTRY.—Except as provided in subsection (c), the Registry shall include the following information:

(1) A list containing the name of each individual who served as a member of the Armed Forces in the Persian Gulf theater of operations during the Persian Gulf War and who—

(A) applies for care or services from the Department of Veterans Affairs under chapter 17 of title 38, United States Code;

(B) files a claim for compensation under chapter 11 of such title on the basis of any disability which may be associated with such service;

(C) dies and is survived by a spouse, child, or parent who files a claim for dependency and indemnity compensation under chapter 13 of such title on the basis of such service;

(D) requests from the Department a health examination under section 703; or

(E) receives from the Department of Defense a health examination similar to the health examination referred to in subparagraph (D) and requests inclusion in the Registry.

(2) Relevant medical data relating to the health status of, and other information that the Secretary considers relevant and appropriate with respect to, each individual described in paragraph (1) who—

(A) grants to the Secretary permission to include such information in the Registry; or

(B) at the time the individual is listed in the Registry, is deceased.

(c) INDIVIDUALS SUBMITTING CLAIMS OR MAKING REQUESTS BEFORE DATE OF ENACTMENT.—If in the case of an individual described in subsection (b)(1) the application, claim, or request referred to in such subsection was submitted, filed, or made, before the date of the enactment of this Act, the Secretary shall, to the extent feasible, include in the Registry such individual's name and the data and information, if any, described in subsection (b)(2) relating to the individual.

(d) DEPARTMENT OF DEFENSE INFORMATION.—The Secretary of Defense shall furnish to the Secretary of Veterans Affairs such information maintained by the Department of Defense as the Secretary of Veterans Affairs considers necessary to establish and maintain the Registry.

(e) RELATION TO DEPARTMENT OF DEFENSE REGISTRY.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall ensure that information is collected and maintained in the Registry in a manner that permits effective and efficient cross-reference between the Registry and the registry established under section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1411; 10 U.S.C. 1074 note), as amended by section 704.

(f) ONGOING OUTREACH TO INDIVIDUALS LISTED IN REGISTRY.—The Secretary of Veterans Affairs shall, from time to time, notify individuals listed in the Registry of significant developments in research on the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

SEC. 703. HEALTH EXAMINATIONS AND COUNSELING FOR VETERANS ELIGIBLE FOR INCLUSION IN CERTAIN HEALTH-RELATED REGISTRIES.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs—

(A) shall, upon the request of a veteran described in subsection (b)(1), provide the veteran with a health examination and consultation and counseling with respect to the results of the examination; and

(B) may, upon the request of a veteran described in subsection (b)(2), provide the veteran with such an examination and such consultation and counseling.

(2) The Secretary shall carry out appropriate outreach activities with respect to the provision of any health examinations and consultation and counseling services under paragraph (1).

(b) COVERED VETERANS.—(1) In accordance with subsection (a)(1)(A), the Secretary shall provide an examination, consultation, and counseling under that subsection to any veteran who is eligible for listing or inclusion in the Persian Gulf War Veterans Health Registry established by section 702.

(2) In accordance with subsection (a)(1)(B), the Secretary may provide an examination, consultation, and counseling under that subsection to any veteran who is eligible for listing or inclusion in any other similar health-related registry administered by the Secretary.

SEC. 704. EXPANSION OF COVERAGE OF PERSIAN GULF REGISTRY.

(a) IN GENERAL.—Subsections (a) and (b) of section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1411; 10 U.S.C. 1074 note) are amended to read as follows:

"(a) ESTABLISHMENT OF REGISTRY.—The Secretary of Defense shall establish and maintain a special record (in this section referred to as the 'Registry') relating to the following members of the Armed Forces:

"(1) Members who, as determined by the Secretary, were exposed to the fumes of burning oil in the Operation Desert Storm theater of operations during the Persian Gulf conflict.

"(2) Any other members who served in the Operation Desert Storm theater of operations during the Persian Gulf conflict.

"(b) CONTENTS OF REGISTRY.—(1) The Registry shall include—

"(A) with respect to each class of members referred to in each of paragraphs (1) and (2) of subsection (a)—

"(i) a list containing each such member's name and other relevant identifying information with respect to the member; and

"(ii) to the extent that data are available and inclusion of the data is feasible, a description of the circumstances of the member's service during the Persian Gulf conflict, including the locations in the Operation Desert Storm theater of operations in which such service occurred and the atmospheric and other environmental circumstances in such locations at the time of such service; and

"(B) with respect to the members referred to in subsection (a)(1), a description of the circumstances of each exposure of each such member to the fumes of burning oil as described in such subsection (a)(1), including the length of time of the exposure.

"(2) The Secretary shall establish the Registry with the advice of an independent scientific organization.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (c)(1) of such section is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(1)".

(2) Subsection (d) of such section is amended by inserting "pursuant to subsection (a)(1)" after "Registry".

SEC. 705. STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT OF PERSIAN GULF REGISTRY AND PERSIAN GULF WAR VETERANS HEALTH REGISTRY.

(a) STUDY.—The Director of the Office of Technology Assessment shall, in a manner consistent with the Technology Assessment Act of 1972 (2 U.S.C. 472(d)), assess—

(1) the potential utility of each of the Persian Gulf Registry and the Persian Gulf War Veterans Health Registry for scientific study and assessment of the intermediate and long-term health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War;

(2) the extent to which each registry meets the requirements of the provisions of law under which the registry is established;

(3) the extent to which data contained in each registry—

(A) are maintained in a manner that ensures permanent preservation and facilitates the effective, efficient

retrieval of information that is potentially relevant to the scientific study of the intermediate and long-term health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War; and

(B) would be useful for scientific study regarding such health consequences;

(4) the adequacy of any plans to update each of the registries;

(5) the extent to which the Department of Defense or the Department of Veterans Affairs, as the case may be, is assembling and maintaining information on the Persian Gulf theater of operations (including information on troop locations and atmospheric and weather conditions) in a manner that facilitates the usefulness of, maintenance of, and retrieval of information from, the applicable registry; and

(6) the adequacy and compatibility of protocols for the health examinations and counseling provided under section 703 and health examinations provided by the Department of Defense to members of the Armed Forces for the purpose of assessing the health status of members of the Armed Forces who served in the Persian Gulf theater of operations during the Persian Gulf War.

(b) ACCESS TO INFORMATION.—The Secretary of Veterans Affairs and the Secretary of Defense shall provide the Director with access to such records and information under the jurisdiction of each such secretary as the Director determines necessary to permit the Director to carry out the study required under this section.

(c) REPORTS.—The Director shall—

(1) not later than 270 days after the date of the enactment of this Act, submit to Congress a report on the results of the assessment carried out under this section of the Persian Gulf Registry and health-examination protocols; and

(2) not later than 15 months after such date, submit to Congress a report on the results of the assessment carried out under this section of the Persian Gulf War Veterans Health Registry.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "Persian Gulf Registry" means the registry established under section 734 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1411; 10 U.S.C. 1074 note), as amended by section 704.

(2) The term "Persian Gulf War Veterans Health Registry" means the Persian Gulf War Veterans Health Registry established under section 702.

SEC. 706. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES FOR REVIEW OF HEALTH CONSEQUENCES OF SERVICE DURING THE PERSIAN GULF WAR.

(a) AGREEMENT.—(1) The Secretary of Veterans Affairs and Secretary of Defense jointly shall seek to enter into an agreement with the National Academy of Sciences for the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the Academy to review existing scientific, medical, and other information on the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

(2) The agreement shall require MFUA to provide members of veterans organizations and members of the scientific community (including the Director of the Office of Technology Assessment) with the opportunity to comment on the method or methods MFUA proposes to use in conducting the review.

(3) The agreement shall permit MFUA, in conducting the review, to examine and evaluate medical records of individuals who are included in the registries referred to in section 705(d) for purposes that MFUA considers appropriate, including the purpose of identifying illnesses of those individuals.

(4) The Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into the agreement under this section not later than 180 days after the date of the enactment of this Act.

(b) REPORT.—(1) The agreement under this section shall require the National Academy of Sciences to submit to the committees and secretaries referred to in paragraph (2) a report on the results of the review carried out under the agreement. Such report shall contain the following:

(A) An assessment of the effectiveness of actions taken by the Secretary of Veterans Affairs and the Secretary of Defense to collect and maintain information that is potentially useful for assessing the health consequences of the military service referred to in subsection (a).

(B) Recommendations on means of improving the collection and maintenance of such information.

(C) Recommendations on whether there is sound scientific basis for an epidemiological study or studies on the health consequences of such service, and if the recommendation is that there is sound scientific basis for such a study or studies, the nature of the study or studies.

(2) The committees and secretaries referred to in paragraph (1) are the following:

(A) The Committees on Veterans' Affairs of the Senate and House of Representatives.

(B) The Committees on Armed Services of the Senate and House of Representatives.

(C) The Secretary of Veterans Affairs.

(D) The Secretary of Defense.

(c) FUNDING.—(1) The Secretary of Veterans Affairs and the Secretary of Defense shall make available up to a total of $500,000 in fiscal year 1993, from funds available to the Department of Veterans Affairs and the Department of Defense in that fiscal year, to carry out the review. Any amounts provided by the two departments shall be provided in equal amounts.

(2) If the Secretary of Veterans Affairs and the Secretary of Defense enter into an agreement under subsection (a) with the National Academy of Sciences—

(A) the Secretary of Veterans Affairs shall make available $250,000 in each of fiscal years 1994 through 2003, from amounts available to the Department of Veterans Affairs in each such fiscal year, to the National Academy of Sciences for the general purposes of conducting epidemiological research with respect to military and veterans populations; and

(B) the Secretary of Defense shall make available $250,000 in each of fiscal years 1994 through 2003, from amounts available to the Department of Defense in each such fiscal year,

to the National Academy of Sciences for the purposes of carrying out the research referred to in subparagraph (A).

SEC. 707. COORDINATION OF GOVERNMENT ACTIVITIES ON HEALTH-RELATED RESEARCH ON THE PERSIAN GULF WAR.

(a) DESIGNATION OF COORDINATING ORGANIZATION.—The President shall designate, and may redesignate from time to time, the head of an appropriate department or agency of the Federal Government to coordinate all research activities undertaken or funded by the Executive Branch of the Federal Government on the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

(b) REPORT.—Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and results of all such research activities undertaken or by the Executive Branch of the Federal Government during the previous year.

SEC. 708. DEFINITION.

For the purposes of this title, the term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

TITLE VIII—COURT OF VETERANS APPEALS

SEC. 801. DISCIPLINARY PROCEDURES FOR JUDGES OF COURT OF VETERANS APPEALS.

Section 7253(g) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) The provisions of paragraphs (7) through (15) of section 372(c) of title 28, regarding referral or certification to, and petition for review in, the Judicial Conference of the United States and action thereon, shall apply to the exercise by the Court of the powers of a judicial council under paragraph (1) of this subsection. The grounds for removal from office specified in subsection (f)(1) shall provide a basis for a determination pursuant to paragraph (7) or (8) of section 372(c) of title 28, and certification and transmittal by the Conference shall be made to the President for consideration under subsection (f).

"(3)(A) In conducting hearings pursuant to paragraph (1), the Court may exercise the authority provided under section 1821 of title 28 to pay the fees and allowances described in that section.

"(B) The Court shall have the power provided under section 372(c)(16) of title 28 to award reimbursement for the reasonable expenses described in that section. Reimbursements under this subparagraph shall be made from funds appropriated to the Court.".

Approved November 4, 1992.

LEGISLATIVE HISTORY—H.R. 5193 (S. 2575):

HOUSE REPORTS: No. 102–714, Pt. 1 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 102–401 accompanying S. 2575 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 138 (1992):
 Aug. 4, considered and passed House.
 Oct. 1, H.R. 5193 considered and passed Senate, amended, in lieu of S. 2575.
 Oct. 5, House concurred in Senate amendments with amendments.
 Oct. 8, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
 Nov. 4, Presidential statement.

Public Law 102-586
102d Congress

An Act

Nov. 4, 1992
[H.R. 5194]

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;

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

"(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

"(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;";

(3) in paragraph (4), as redesignated by paragraph (1), by inserting "prosecutorial and public defender offices," after "juvenile courts,";

(4) by striking "and" at the end of paragraph (9), as redesignated by paragraph (1);

(5) by striking the period at the end of paragraph (10), as redesignated by paragraph (1), and inserting ";"; and

(6) by adding at the end the following new paragraphs:

"(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

"(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.".

(b) PURPOSE.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "delinquency" and inserting "justice and delinquency prevention";

(B) in paragraph (2) by striking "agencies, institutions, and individuals in developing and implementing juvenile delinquency programs" and inserting "nonprofit juvenile justice and delinquency prevention programs";

(C) by striking "and" at the end of paragraph (7);

(D) by redesignating paragraph (8) as paragraph (9);

(E) by inserting after paragraph (7) the following new paragraph:

"(8) to strengthen families in which juvenile delinquency has been a problem;";

(F) by striking the period at the end of paragraph (9), as redesignated by subparagraph (D), and inserting a semicolon; and

(G) by adding at the end the following new paragraphs:

"(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

"(11) to assist States and local communities to prevent youth from entering the justice system to begin with."; and

(2) in subsection (b)—

(A) by striking "maintaining and strengthening the family unit" and inserting "preserving and strengthening families";

(B) by striking "and (4)" and inserting "(4)"; and

(C) by inserting "; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services" before the period at the end.

(c) DEFINITIONS.—Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by amending paragraph (16) to read as follows:

"(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

"(A) who was brought before the court and made subject to such order;

"(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

"(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

"(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

"(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

"(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

"(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);";

(2) by striking "and" at the end of paragraph (17);

(3) by striking the period at the end of paragraph (18) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(19) the term 'comprehensive and coordinated system of services' means a system that—

"(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing

appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

"(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

"(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

"(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

"(20) the term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided;

"(21) the term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

"(22) the term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

"(i) pending the filing of a charge of violating a criminal law;

"(ii) awaiting trial on a criminal charge; or

"(iii) convicted of violating a criminal law; and

"(23) the term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.".

SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 (b)) is amended by amending the third sentence to read as follows: "The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.".

(b) PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.—Section 202 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612) is amended—

(1) in subsection (b) by striking "prescribes for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376";

(2) in subsection (c) by striking "Act" and inserting "title"; and

(3) in subsection (d) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376".

(c) CONCENTRATION OF EFFORT.—Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by inserting "(1)" after "(a)"; and

(ii) by striking "implement overall policy and develop objectives and priorities" and inserting "develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan,"; and

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

"(2)(A) The plan described in paragraph (1) shall—

"(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this title; and

"(ii) provide for coordinating the administration programs and activities under this title with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

"(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the Federal Register—

Federal Register, publication.

"(i) not later than 240 days after the date of enactment of this paragraph, in the case of the initial plan required by paragraph (1); and

"(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.";

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (5); and

(B) by striking the period at the end of paragraph (6) and inserting "; and";

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

"(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing health care to incarcerated juveniles."; and

(4) by striking subsections (f) and (g).

(d) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "the Director of the Office of Community Services" and all that follows through the period and inserting "the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Director of the ACTION Agency, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2)."; and

(B) by amending paragraph (2) to read as follows:

"(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

"(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

"(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

President.

"(iii) Three members shall be appointed by the President.

"(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

"(I) 1 shall be appointed for a term of 1 year;

"(II) 1 shall be appointed for a term of 2 years; and

"(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

"(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

"(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.";

(2) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) in the first sentence by inserting "(in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles," after "delinquency programs";

(C) in the second sentence—

(i) by inserting "shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and" after "Council"; and

(ii) by inserting "and all Federal programs and activities that detain or care for unaccompanied juveniles" before the period; and

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

"(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

"(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

"(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate."; and

(3) in subsection (f)—

(A) by inserting "Members appointed under subsection (a)(2) shall serve without compensation." after "(f)"; and

(B) by striking "who are employed by the Federal Government full time".

(e) ANNUAL REPORT.—Section 207(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(1)) is amended—

(1) in subparagraph (D)—

(A) by inserting "(including juveniles treated as adults for purposes of prosecution)" after "juveniles"; and

(B) by striking "and" at the end;

(2) in subparagraph (E) by striking the period at the end and inserting "; and"; and

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

"(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.".

(f) FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS.—

(1) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 221(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5613(b)(2)) is amended—

42 USC 5631.

(A) in the first sentence by striking "existence" and inserting "experience"; and

(B) in the second sentence by striking "section 291(c)(1)" and inserting "section 299(c)(1)".

(2) ALLOCATION.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(A) by striking "allotted" each place it appears and inserting "allocated" and striking "allotment" each place it appears and inserting "allocation";

(B) in subsection (a)—

(i) in paragraph (2)(A)—

(I) by striking "part D" and inserting "parts D and E";

(II) by inserting "or such greater amount, up to $400,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$325,000,"; and

(III) by inserting ", or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992," after "$75,000";

(ii) in paragraph (2)(B)—

(I) by inserting "or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by section 299(a) (1) and (3)" after "$400,000,"; and

(II) by inserting ", or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$100,000"; and

(iii) in paragraph (3) by striking "1988" each place it appears and inserting "1992"; and

(C) in subsection (c)—

(i) in the first sentence by striking "and evaluation" and inserting ", evaluation, and one full-time staff position"; and

(ii) in the second sentence by striking "7½ per centum" and inserting "10 percent".

(3) STATE PLANS.—(A) Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(i) in subsection (a)—

(I) in the second sentence by striking "programs, and the State" and inserting "programs and challenge activities subsequent to State participation in part E. The State";

(II) in paragraph (1) by striking "section 291(c)(1)" and inserting "section 299(c)(1)";

(III) by amending paragraph (3) to read as follows:

"(3) provide for an advisory group, which—

"(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

"(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

"(ii) which members include—

"(I) at least 1 locally elected official representing general purpose local government;

"(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

"(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

"(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

"(V) volunteers who work with delinquents or potential delinquents;

"(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

"(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

"(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

"(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

"(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

"(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

"(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

"(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

"(D) shall, consistent with this title—

"(i) advise the State agency designated under paragraph (1) and its supervisory board;

"(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E; and

"(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

"(E) may, consistent with this title—

"(i) advise on State supervisory board and local criminal justice advisory board composition;

"(ii) review progress and accomplishments of projects funded under the State plan.";

(IV) in paragraph (8)—

(aa) by inserting "(A)" after "(8)";

(bb) by striking "(A) an" and inserting "(i) an";

(cc) by striking "(B)" and inserting "(ii)";

(dd) by striking "(C)" and inserting "(iii)";

(ee) by inserting "(including educational needs)" after "delinquency prevention needs" each place it appears; and

(ff) by adding at the end the following new subparagraphs:

"(B) contain—

"(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

"(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(C) contain—

"(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(D) contain—

"(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular place-

ments of juveniles in order to receive such services) and of barriers to access to such services; and

"(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;";

(V) in paragraph (9) by inserting "recreation," after "special education,";

(VI) by amending paragraph (10) to read as follows:

"(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

"(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, specifically—

"(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

"(ii) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

"(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

"(B) community-based programs and services to work with—

"(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

"(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

"(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

"(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

"(E) educational programs or supportive services for delinquent or other juveniles, provided equitably regardless of sex, race, or family income, designed to—

"(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

"(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

"(II) assistance in making the transition to the world of work and self-sufficiency;

"(III) alternatives to suspension and expulsion; and

"(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

"(ii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

"(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

"(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

"(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

"(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;

"(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

"(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

"(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

"(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

"(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

"(i) a sense of safety and structure;

"(ii) a sense of belonging and membership;

"(iii) a sense of self-worth and social contribution;

"(iv) a sense of independence and control over one's life;

"(v) a sense of closeness in interpersonal relationships; and

"(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

"(M) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(ii) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

"(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and

"(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of their families.";

(VII) in paragraph (12)(A) by inserting "or alien juveniles in custody," after "court orders,";

(VIII) in paragraph (13)—

(aa) by striking "regular", and

(bb) by inserting before the semicolon at the end "or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults";

(IX) in paragraph (14)—

(aa) by striking "; beginning after the five-year period following December 8, 1980,";

(bb) by striking "1993" and inserting "1997"; and

(cc) by striking "areas which" and all that follows through the end of the paragraph and inserting "areas that are in compliance with paragraph (13) and—

"(A)(i) are outside a Standard Metropolitan Statistical Area; and

"(ii) have no existing acceptable alternative placement available;

"(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

"(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;";

(X) by amending paragraph (16) to read as follows:

"(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions;"; and

(XI) in paragraph (17)—

(aa) by striking "and maintain the family units" and inserting "the families";

(bb) by striking "deliquency. Such" and inserting "delinquency (which"; and

(cc) by inserting "and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)" before the semicolon;

(XII) by striking "and" at the end of paragraph (23);

(XIII) by striking the period at the end of paragraph (24) and inserting "; and"; and

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

"(25) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services."; and

(ii) by amending subsection (c) to read as follows:

"(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

"(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

"(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

"(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

"(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

"(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

"(ii) the Administrator determines, in the discretion of the Administrator, that the State—

"(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

"(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time."; and

(iii) in subsection (d)—

(I) by inserting ", excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d)," after "section 222(a)";

(II) by striking "the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)" and inserting "activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23)"; and

(III) by striking "subsection (a)(12)(A) and subsection (a)(13)" and inserting "subsection (a) (12)(A), (13), (14) and (23)".

42 USC 5633 note.

(B) Notwithstanding the amendment made by subparagraph (A)(ii), section 223(c)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)(3)), as in effect on the day prior to the date of enactment of this Act, shall remain in effect to the extent that it provides the Administrator authority to grant a waiver with respect to a fiscal year prior to a fiscal year beginning before January 1, 1993.

(g) NATIONAL PROGRAMS.—

(1) NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 241(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)(2)) is amended—

(A) in subsection (d)—

(i) by inserting "recreation and park personnel," after "special education personnel"; and

(ii) by inserting "prosecutors and defense attorneys," after "probation personnel,"; and

(B) in subsection (e)—

(i) in paragraph (5) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376"; and

(ii) in paragraph (6) by striking "Act" and inserting "title".

(2) INFORMATION FUNCTION.—Section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)) is amended by inserting "(including drug and alcohol programs and gender-specific programs)" after "treatment programs".

(3) RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.—Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended—

(A) by striking "The" and inserting "(a) The";

(B) in paragraph (1) by striking "maintain the family unit" and inserting "preserve families";

(C) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), (10), and (11), respectively;

(D) by inserting after paragraph (2) the following new paragraphs:

"(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(ii) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

"(4) Encourage the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

"(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;";

(E) in subparagraph (D) of paragraph (7), as redesignated by subparagraph (C), by inserting "(including the productive use of discretionary time through organized recreational" after "lawful activities";

(F) by striking "and" at the end of paragraph (10), as redesignated by subparagraph (C);

(G) by striking the period at the end of paragraph (11), as redesignated by subparagraph (C), and inserting "; and"; and

(H) by adding at the end the following new paragraphs and subsection:

"(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

"(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

"(14) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

"(A) all aspects of juveniles as victims and offenders;

"(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

"(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

Public information.

"(b) The Administrator shall make available to the public—

"(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8); and

"(2) the data and studies referred to in subsection (a)(9);

that the Administrator is authorized to disseminate under subsection (a).".

(3) TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.—Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(A) in paragraph (2) by inserting "(including juveniles who commit hate crimes)" after "offenders";

(B) in paragraph (3)—

(i) by inserting "prosecutors and defense attorneys," after "judges";

(ii) by striking "and" at the end;

(C) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).".

(4) ESTABLISHMENT OF TRAINING PROGRAM.—Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5659) is amended in the first sentence by inserting ", including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles" before the period.

(5) CURRICULUM FOR TRAINING PROGRAM.—Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended in the second sentence by inserting "and shall include training designed to prevent juveniles from committing hate crimes" before the period.

(6) SPECIAL STUDIES AND REPORTS.—Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(A) by striking "(a) Not later than 1 year after the date" and inserting "(a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date";

(B) by striking "(1) to review" and inserting "(A) to review";

(C) by striking "(A) conditions" and inserting "(i) conditions";

(D) by striking "(B) the extent" and inserting "(ii) the extent";

(E) by striking "(2) to make" and inserting "(B) to make";

(F) by striking "(b)(1) Not later" and inserting "(2)(A) Not later";

(G) by striking "(A) how" and inserting "(i) how";

(H) by striking "(B) the amount" and inserting "(ii) the amount";

(I) by striking "(C) the extent" and inserting "(iii) the extent";

(J) by striking "(2)(A) for purposes" and inserting "(B)(i) for purposes";

(K) by striking "(B) For purposes" and inserting "(ii) for purposes";

(L) by striking "(c) Not later" and inserting "(3) Not later";

(M) by striking "subsection (a) or (b)" and inserting "paragraph (1) or (2)"; and

(N) by adding at the end the following new subsection:

"(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to juveniles waived to adult court that reviews—

"(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

"(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

"(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

"(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

"(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

"(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

"(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of gender bias within State juvenile justice systems that reviews—

"(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

"(ii) the appropriateness of the placement and conditions of confinement for females; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

"(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

"(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

"(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

"(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

"(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study

and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

"(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

Urban and rural areas.

"(B) The urban areas shall include—

"(i) the District of Columbia;

"(ii) Los Angeles, California;

"(iii) Milwaukee, Wisconsin;

"(iv) Denver, Colorado;

"(v) Pittsburgh, Pennsylvania;

"(vi) Rochester, New York; and

"(vii) such other cities as the Administrator determines to be appropriate.

"(C) At least one rural area shall be included.

"(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

"(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

"(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

"(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

"(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

"(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

"(vi) to improve current systems to prevent and control violence by or against juveniles; and

"(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

"(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

"(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

"(i) conduct a study described in subparagraph (B); and

"(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

"(B) The study required by subparagraph (A) shall assess—

"(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—

"(I) the motives for committing hate crimes;

"(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

"(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

"(ii) the characteristics of hate crimes committed by juveniles, including—

"(I) the types of hate crimes committed;

"(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

"(III) the number of persons who participated with juveniles in committing such crimes;

"(IV) the types of law enforcement investigations conducted with respect to such crimes;

"(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

"(VI) the penalties imposed on such juveniles as a result of such proceedings; and

"(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

"(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

"(II) the motivation behind the attack.".

(7) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665) is amended—

(A) in subsection (a)—

(i) by striking "(a) The" and inserting "(a) Except as provided in subsection (f), the";

(ii) in paragraph (1) by inserting "(including home-based treatment programs)" after "alternatives"; and

(iii) by amending paragraph (3) to read as follows:

"(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.";

(iv) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(v) by inserting after paragraph (3) the following new paragraph:

"(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.";

(vi) in paragraph (4), as redesignated by clause (iv)—

(I) by inserting "(including self-help programs for parents)" after "programs"; and

(II) by inserting ", including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability" before the period at the end;

(vii) in paragraph (7), as redesignated by clause (iv)—

(I) by striking the period at the end of subchapter (C) and inserting a comma; and

(II) by adding at the end the following:

"that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system."; and

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

"(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

"(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

"(i) addressing the specific prejudicial attitude of each offender;

"(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

"(iii) educating the offender about the importance of tolerance in our society; and

"(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration."; and

(B) in subsection (b)(5) by inserting "community service personnel," after "law enforcement personnel,";

(C) in subsection (b)—

(i) by striking "(b) The" and inserting "(b) Except as provided in subsection (f), the"; and

(ii) in paragraph (2) by inserting "to assist in identifying learning difficulties (including learning disabilities)," after "schools,"; and

(D) by adding at the end the following new subsection:

"(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.".

(h) CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.—Section 262(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(d)(1)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

"(i) with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists; or

"(ii) with respect to a particular program described in part C that is uniquely qualified."; and

(2) by striking subparagraph (C).

(i) PREVENTION, INTERVENTION, AND TREATMENT PROGRAM RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is amended to read as follows:

Grants.

"PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

"Subpart I—Gang-Free Schools and Communities

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

42 USC 5667.

"SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

"(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

"(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

"(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

"(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

"(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

"(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

"(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(3) To target elementary school students, with the purpose of steering students away from gang involvement.

"(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

"(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

"(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

"(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

"(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

"(10) To provide services authorized in this section at a special location in a school or housing project.

"(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

"(1) to conduct research on issues related to juvenile gangs;

"(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

"(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

"APPROVAL OF APPLICATIONS

42 USC 5667-1.

"SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle

B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

Reports.

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart II—Community-Based Gang Intervention

42 USC 5667a.

"SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

"(1) to reduce the participation of juveniles in the illegal activities of gangs;

"(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

"(3) to facilitate coordination and cooperation among—

"(A) local education, juvenile justice, employment, and social service agencies; and

"(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

"(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

"(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation,

mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

"(B) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

"(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

"(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

"(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

"(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

"(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

"(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

"(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"APPROVAL OF APPLICATIONS

42 USC 5667a-1.

"SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

Reports.

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart III—General Provisions

"DEFINITION

42 USC 5667b.

"SEC. 283. For purposes of this part, the term 'juvenile' means an individual who is less than 22 years of age.".

(i) ADDITIONAL PARTS IN TITLE II.—(1) Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

42 USC prec. 5671.

(A) by redesignating part E as part I;

42 USC 5671-5676.

(B) by redesignating sections 291, 292, 293, 294, 295, and 296 as sections 299, 299A, 299B, 299C, 299D, and 299E, respectively; and

(C) by inserting after part D the following new parts:

"PART E—STATE CHALLENGE ACTIVITIES

"ESTABLISHMENT OF PROGRAM

42 USC 5667c.

"SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222,

in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

"(b) DEFINITIONS.—For purposes of this part—

"(1) the term 'case review system' means a procedure for ensuring that—

"(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interests and special needs of the youth;

"(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

"(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

"(D) a youth's health, mental health, and education record is reviewed and updated periodically; and

"(2) the term 'challenge activity' means a program maintained for 1 of the following purposes:

"(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

"(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

"(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

"(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

"(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

"(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

"(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

"(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

"(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

"(J) Developing and adopting policies to establish—

"(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

"(ii) a statewide case review system.

"PART F—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

"DEFINITION

42 USC 5667d.

"SEC. 287. For the purposes of this part, the term 'juvenile' means a person who is less than 18 years of age.

"AUTHORITY TO MAKE GRANTS

42 USC 5667d-1.

"SEC. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public

and nonprofit private organizations to develop, establish, and support projects that—

"(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

"(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

"(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

"(B) to facilitate their alternative placement; and

"(C) to prepare juveniles aged 16 years and older to live independently; and

"(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

"ADMINISTRATIVE REQUIREMENTS

42 USC 5667d-2.

"SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

"PRIORITY

42 USC 5667d-3.

"SEC. 287C. In making grants under section 287A, the Administrator—

"(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

"(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.

"PART G—MENTORING

"PURPOSES

42 USC 5667e.

"SEC. 288. The purposes of this part are—

"(1) to reduce juvenile delinquency and gang participation;

"(2) to improve academic performance; and

"(3) to reduce the dropout rate,

through the use of mentors for at-risk youth.

"DEFINITIONS

42 USC 5667e-1.

"SEC. 288A. For purposes of this part—

"(1) the term 'at-risk youth' means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

"(2) the term 'mentor' means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth's ability to become a responsible citizen.

42 USC 5667e-2.

"SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

"(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to at-risk youth.

"(B) Promote personal and social responsibility among at-risk youth.

"(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

"(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

"(E) Discourage involvement of at-risk youth in gangs.

"(F) Encourage at-risk youth's participation in community service and community activities.

"REGULATIONS AND GUIDELINES

42 USC 5667e-3.

"SEC. 288C. (a) REGULATIONS.—The Administrator, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Labor, shall promulgate regulations to implement this part.

"(b) GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"USE OF GRANTS

42 USC 5667e-4.

"SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

"(1) hiring of mentoring coordinators and support staff;

"(2) recruitment, screening, and training of adult mentors;

"(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

"(4) such other purposes as the Administrator may reasonably prescribe by regulation.

"(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

"(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

"(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

"(3) to support litigation of any kind; or

"(4) for any other purpose reasonably prohibited by the Administrator by regulation.

"PRIORITY

"SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

Grants. 42 USC 5667e-5.

"(1) serve at-risk youth in high crime areas;

"(2) have 60 percent or more of their youth eligible to receive funds under chapter 1 of the Elementary and Secondary Education Act of 1965; and

"(3) have a considerable number of youth who drop out of school each year.

"(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

"(1) the geographic distribution (urban and rural) of applications;

"(2) the quality of a mentoring plan, including—

"(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

"(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

"(3) the capability of the applicant to effectively implement the mentoring plan.

"APPLICATIONS

"SEC. 288F. An application for assistance under this part shall include—

42 USC 5667e-6.

"(1) information on the youth expected to be served by the program;

"(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

"(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

"(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

"(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

"(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

"(C) assistance with homework assignments; and

"(D) exposure to experiences that youth might not otherwise encounter;

"(5) an assurance that projects operated in elementary schools will provide youth with—

"(A) academic assistance;

"(B) exposure to new experiences and activities that youth might not encounter on their own; and

"(C) emotional support;

"(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

"(7) the method by which mentors and youth will be recruited to the project;

"(8) the method by which prospective mentors will be screened; and

"(9) the training that will be provided to mentors.

"GRANT CYCLES

42 USC 5667e-7.

"SEC. 288G. Grants under this part shall be made for 3-year periods.

"REPORTS

42 USC 5667e-8.

"SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.

"PART H—BOOT CAMPS

"ESTABLISHMENT OF PROGRAM

42 USC 5667f.

"SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as 'boot camps').

"(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

"(2) The Administrator shall—

"(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

"(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

"(c) REGIMEN.—The boot camps shall provide—

"(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

"(2) regular, remedial, special, and vocational education; and

"(3) counseling and treatment for substance abuse and other health and mental health problems.

"CAPACITY

42 USC 5667f-1.

"SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

"ELIGIBILITY AND PLACEMENT

"SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

42 USC 5667f-2.

"(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

"(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

"(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

"(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

"(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

"POST-RELEASE SUPERVISION

"SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

42 USC 5667f-3.

"(1) the provisions that the State will make for the continued supervision of juveniles following release; and

"(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

"PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

"SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the 'Conference') in accordance with this part.

42 USC 5667g.

"(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

"(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

"(2) to examine the status of minors currently in the juvenile and adult justice systems;

"(3) to examine the increasing number of violent crimes committed by juveniles;

"(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

"(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

"(6) to examine the need for improving services for girls in the juvenile justice system;

"(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

"(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

"(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

"(d) PRIOR STATE AND REGIONAL CONFERENCES.—

"(1) IN GENERAL.—Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

"(2) PURPOSE OF STATE AND REGIONAL CONFERENCES.—State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

"(3) ADMITTANCE.—No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

"CONFERENCE PARTICIPANTS

42 USC 5667g-1.

"SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

"(b) SELECTION.—

"(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

"(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

"(i) each Governor may appoint 1 delegate and 1 alternate;

"(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

"(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

"(iv) the President may appoint 20 delegates and 5 alternates;

"(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

"(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

"(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

"(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

"(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed $10.

"STAFF AND EXECUTIVE BRANCH

42 USC 5667g-2.

"SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

"(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

"PLANNING AND ADMINISTRATION OF CONFERENCE

42 USC 5667g-3.

"SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

"(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

"(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

"(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

"(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

"REPORTS

42 USC 5667g-4.

"SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

"(b) CONTENTS.—A report described in subsection (a)—

"(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

Public information.

"(2) shall be made available to the public.

"OVERSIGHT

42 USC 5667g-5.

"SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.".

Termination date.

(2) REPEALER.—Subtitle G of title II of the Crime Control Act of 1990 (42 U.S.C. 13051 et seq.) is repealed effective September 30, 1993.

(j) General and Administrative Provisions.—Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974, as redesignated by subsection (g), is amended—

42 USC 5671.

(1) by amending subsection (a) to read as follows:

"(a)(1) To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated $150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

"(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

"(i) to carry out subpart 1, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

"(ii) to carry out subpart 2, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

"(3) To carry out part E, there are authorized to be appropriated $50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

"(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

"(i) $15,000,000 for fiscal year 1993; and

"(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate amount appropriated to carry out this title for the preceding fiscal year.

"(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

"(i) not less than 85 percent to make grants for treatment and transitional services;

"(ii) not to exceed 10 percent for grants for research; and

"(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

"(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

"(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

"(i) not more than $12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

"(ii) not more than $2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

"(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

"(7)(A) There are authorized to be appropriated such sums as are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

"(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

"(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

"(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursuant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts."; and

(2) by adding at the end the following new subsection:

"(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.".

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701) is amended—

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

"(1) juveniles who have become homeless or who leave and remain away from home without parental permission, are at risk of developing serious health and other problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;";

(2) by striking "and" at the end of paragraph (4);

(3) in paragraph (5) by striking "temporary" and all that follows through the period at the end and inserting "care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;" and

(4) by adding at the end the following new paragraphs:

"(6) runaway and homeless youth have a disproportionate share of health, behavioral, and emotional problems compared to the general population of youth, but have less access to health care and other appropriate services and therefore may need access to longer periods of residential care, more intensive aftercare service, and other assistance;

"(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment;

"(8) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures;

"(9) early intervention services (such as home-based services) are needed to prevent runaway and homeless youth from becoming involved in the juvenile justice system and other law enforcement systems; and

"(10) street-based services that target runaway and homeless youth where they congregate are needed to reach youth who require assistance but who would not otherwise avail themselves of such assistance or services without street-based outreach.".

(b) AUTHORITY TO MAKE GRANTS.—

(1) AUTHORITY.—Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended by striking "structure and" and inserting "system, the child welfare system, the mental health system, and".

(2) ALLOTMENT OF FUNDS.—Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended—

(A) in paragraph (2)—

(i) by striking "$75,000" and inserting "$100,000"; and

(ii) by striking "$30,000" and inserting "$45,000"; and

(B) in paragraph (3) by striking "1988" each place it appears and inserting "1992".

(3) STREET-BASED SERVICES; HOME-BASED SERVICES.—Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended by striking subsection (c) and inserting the following:

42 USC 5711.

"(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants under this subsection for that fiscal year to entities that receive grants under subsection (a) to establish and operate street-based service projects for runaway and homeless youth.

"(2) For purposes of this part, the term 'street-based services' includes—

"(i) street-based crisis intervention and counseling;

"(ii) information and referral for housing;

"(iii) information and referral for transitional living and health care services; and

"(iv) advocacy, education, and prevention services for—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases including HIV/AIDS infection; and

"(III) physical and sexual assault.

"(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, the Secretary may make grants for that fiscal year to entities that receive grants under subsection (a) to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

"(2) For purposes of this part—

"(A) the term 'home-based service project' means a project that provides—

"(i) case management; and

"(ii) in the family residence (to the maximum extent practicable)—

"(I) intensive, time-limited, family and individual counseling;

"(II) training relating to life skills and parenting; and

"(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth to return to their families;

"(B) the term 'youth at risk of family separation' means an individual—

"(i) who is less than 18 years of age; and

"(ii)(I) who has a history of running away from the family of such individual;

"(II) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(III) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

"(C) the term 'time-limited' means for a period not to exceed 6 months.".

(c) ELIGIBILITY.—Section 312 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712) is amended—

(1) in subsection (a) by striking "facility providing" and inserting "project (including a host family home) that provides"; and

(2) in subsection (b)—

(A) by amending paragraph (2) to read as follows: "(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

"(A) a maximum capacity of not more than 20 youth; and

"(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;";

(B) in paragraph (3)—

(i) by striking "child's parents or relatives and assuring" and inserting "parents or other relatives of the youth and ensuring"; and

(ii) by striking "child" each place it appears and inserting "youth";

(C) by amending paragraph (4) to read as follows: "(4) shall develop an adequate plan for ensuring—

"(A) proper relations with law enforcement personnel, health and mental health care personnel, social service personnel, school system personnel, and welfare personnel;

"(B) coordination with personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of those schools; and

"(C) the return of runaway and homeless youth from correctional institutions;";

(D) in paragraph (5)—

(i) by striking "aftercare" and all that follows through "assuring" and inserting "providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring"; and

(ii) by striking "children" and inserting "youth";

(E) in paragraph (6) by striking "children and family members which it serves" and inserting "youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)";

(F) by redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (7), (8), (9), (10), and (11), respectively;

(G) by inserting after paragraph (5) the following new paragraph:

"(6) shall develop an adequate plan for establishing or coordinating with outreach programs designed to attract persons (including, where applicable, persons who are members of a cultural minority and persons with limited ability to speak English) who are eligible to receive services for which a grant under subsection (a) may be expended;"; and

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

"(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) to provide backup personnel for on-street staff;

"(3) to provide informational and health educational material to runaway and homeless youth in need of services;

"(4) to provide initial and periodic training of staff who provide services under the project;

"(5) to carry out outreach activities for runaway and homeless youth and to collect statistical information on runaway and homeless youth contacted through such activities;

"(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, mental health and health care;

Reports.

"(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth who participate in such project in the year for which the report is submitted;

"(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under subsection 311(c);

Records.

"(10) to keep adequate statistical records that profile runaway and homeless youth whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

"(11) not to disclose records maintained on an individual runaway and homeless youth without the informed consent of the youth, to any person other than an agency compiling statistical records; and

Privacy.

"(12) to provide to the Secretary such other information as the Secretary may reasonably require.

"(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

"(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises);

"(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

"(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

"(5) to provide initial and periodic training of staff who provide services under the project;

"(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

"(7) to ensure that—

"(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

"(ii) qualified supervision will be provided to staff who provide services under the project;

"(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

Reports.

"(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

Records.

"(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

Privacy.

"(12) not to disclose records maintained on an individual runaway youth or youth at risk of family separation without the informed consent of the youth, to any person other than an agency compiling statistical records; and

"(13) to provide to the Secretary such other information as the Secretary may reasonably require.".

(d) APPROVAL BY SECRETARY.—Section 316 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended—

(1) in the first sentence by striking "section 311(a)" each place it appears and inserting "section 311 (a), (c), or (d)"; and

(2) in the second sentence by striking "$150,000" and inserting "$200,000".

(e) GRANTS TO PRIVATE ENTITIES; STAFFING.—Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended—

(1) by striking "part" each place it appears and inserting "title";

(2) in the first sentence inserting "and the programs, projects, and activities they carry out under this title" after "center"; and

(3) in the last sentence by inserting "under this title" before the period.

(f) TRANSITIONAL LIVING GRANT PROGRAM.—Section 322(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1) by inserting "which shall include money management, budgeting, consumer education, and use of credit" after "basic life skills"; and

(2) in paragraph (13)—

(A) by striking "consent of the individual youth and parent or legal guardian" and inserting "informed consent of the individual youth"; and

(B) by striking "or a government agency involved in the disposition of criminal charges against youth".

(g) NATIONAL COMMUNICATION SYSTEM; STREET-BASED SERVICES PROGRAM; HOME-BASED SERVICES PROGRAM; COORDINATING ACTIVITIES.—

(1) ADDITIONAL PARTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) in part D—

42 USC prec. 5715.

(i) by striking "PART D" and inserting "PART F"; and

42 USC 5715, 5716, 5731, 5732, 5751.

(ii) by redesignating sections 361, 362, 363, 364, and 366 as sections 381 through 385, respectively;

(B) in part C—

42 USC prec. 5714a.

(i) by striking "PART C" and inserting "PART E"; and

42 USC 5714a, 5714b.

(ii) by redesignating sections 341 and 342 as sections 371 and 372, respectively; and

(C) by inserting after part B the following new parts:

"PART C—NATIONAL COMMUNICATIONS SYSTEM

"AUTHORITY TO MAKE GRANTS

"SEC. 331. With funds reserved under section 385(a)(3), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

42 USC 5714-11.

"PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

"COORDINATION

"SEC. 341. With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.

42 USC 5714-21.

"GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"SEC. 342. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under this title, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

42 USC 5714-22.

"AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

"SEC. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

42 USC 5714-23.

"(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

"(1) youth who repeatedly leave and remain away from their homes;

"(2) home-based and street-based services for, and outreach to, runaway youth and homeless youth;

"(3) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

"(4) the special needs of runaway youth and homeless youth programs in rural areas;

"(5) the special needs of programs that place runaway youth and homeless youth in host family homes;

"(6) staff training in—

"(A) the behavioral and emotional effects of sexual abuse and assault;

"(B) responding to youth who are showing effects of sexual abuse and assault; and

"(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

"(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers;

"(8) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

"(9) increasing access to health care (including mental health care) for runaway youth and homeless youth; and

"(10) increasing access to education for runaway youth and homeless youth.

"(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.

"TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

42 USC 5714-24.

"SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

"(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

"(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants to carry out projects in not fewer than 10 States.

"(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

"(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

"(b) To be eligible to receive a grant under subsection (a), an applicant shall—

"(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

"(2) propose to carry out such project in a geographical area that—

"(A) has a population under 20,000;

"(B) is located outside a Standard Metropolitan Statistical Area; and

"(C) agree to provide to the Secretary an annual report identifying—

"(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

"(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

"(iii) the reasons the services identified under clause (ii) were not provided by the project; and

"(iv) such other information as the Secretary may require.".

(2) TECHNICAL AMENDMENTS.—(A) Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5712a) is repealed.

(B) Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5712b) is repealed.

(C) Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5712c) is repealed.

(D) Sections 316 and 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5713, 5714) are redesignated as sections 313 and 314, respectively.

(E) Section 365 of the Runaway and Homeless Youth Act (42 U.S.C. 5733) is repealed.

(h) REPORTS.—Section 361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 361. (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status, activities, and accomplishments of the runaway and homeless youth centers that are funded under parts A, B, C, D, and E, with particular attention to—

42 USC 5715.

"(1) in the case of centers funded under part A—

"(A) their effectiveness in alleviating the problems of runaway and homeless youth;

"(B) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

"(C) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

"(D) their effectiveness in helping youth decide upon a future course of action; and

"(2) in the case of centers funded under part B—

"(A) the number and characteristic of homeless youth served by such projects;

"(B) describing the types of activities carried out under such projects;

"(C) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living;

"(F) the ability of such projects to strengthen family relationships, and encourage the resolution of intrafamily problems through counseling and the development of self-sufficient living skills; and

"(G) plans for the following fiscal year.".

(2) by adding at the end the following:

"(b)(1) The Secretary shall include in the report required by subsection (a) an evaluation of the results of Federal evaluation of the programs, projects, and activities carried out under this

title and a description of the training provided to the persons who carry out the evaluation.

"(2) As part of the evaluation described in paragraph (1), the Secretary shall require the persons who carry out the evaluation to visit each grantee on-site not less frequently than every 3 years.".

42 USC 5751.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751) is amended—

(1) in subsection (a)—

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

"(1) There are authorized to be appropriated to carry out this title (other than part B and section 344) $75,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996."; and

(B) by adding at the end the following new paragraphs:

"(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 331—

"(A) for fiscal year 1993 not less than $912,500, of which $125,000 shall be available for the acquisition of communications equipment;

"(B) for fiscal year 1994 not less than $826,900;

"(C) for fiscal year 1995 not less than $868,300; and

"(D) for fiscal year 1996 not less than $911,700.

"(4) In the use of funds appropriated under paragraph (1) that are in excess of $38,000,000 but less than $42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

"(A) increasing and retaining trained staff;

"(B) strengthening family reunification efforts;

"(C) improving aftercare services;

"(D) fostering better coordination of services with public and private entities;

"(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and vocational services; and

"(F) improving data collection efforts.

"(5) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

"(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

"(B) 50 percent may be targeted at program enhancement activities described in paragraph (3).";

(2) in subsection (b) by amending paragraph (1) to read as follows:

"(1) Subject to paragraph (2), there are authorized to be appropriated to carry out (B) $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996."

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following new subsection:

"(c) There is authorized to be appropriated to carry out section 344 $1,000,000 for each of fiscal years 1993, 1994, 1995, and 1996.".

SEC. 4. MISSING CHILDREN.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended by striking "fiscal years 1989, 1990, 1991, and 1992" and inserting "fiscal years 1993, 1994, 1995, and 1996".

SEC. 5. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

"TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Incentive Grants for Local Delinquency Prevention Programs Act.

"SEC. 501. SHORT TITLE.

42 USC 5601 note.

"This title may be cited as the 'Incentive Grants for Local Delinquency Prevention Programs Act'.

"SEC. 502. FINDINGS.

42 USC 5781.

"The Congress finds that—

"(1) approximately 700,000 youth enter the juvenile justice system every year;

"(2) Federal, State, and local governments spend close to $2,000,000,000 a year confining many of those youth;

"(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

"(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

"(5) few Federal resources are dedicated to delinquency prevention; and

"(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

"SEC. 503. DEFINITION.

42 USC 5782.

"In this title, the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

"SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

42 USC 5783.

"The Administrator shall—

Regulations.

"(1) issue such rules as are necessary or appropriate to carry out this title;

"(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

"(3) provide adequate staff and resources necessary to properly carry out this title; and

Reports.

"(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

"(A) describing activities and accomplishments of grant activities funded under this title;

"(B) describing procedures followed to disseminate grant activity products and research findings;

"(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

"(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

42 USC 5784.

"SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

"(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

"(1) recreation services;

"(2) tutoring and remedial education;

"(3) assistance in the development of work awareness skills;

"(4) child and adolescent health and mental health services;

"(5) alcohol and substance abuse prevention services;

"(6) leadership development activities; and

"(7) the teaching that people are and should be held accountable for their actions.

"(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

"(1) the unit is in compliance with the requirements of part B of title II;

"(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

"(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

"(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

"(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

"(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

"(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

"(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

"(1) plans for service and agency coordination and collaboration including the colocation of services;

"(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

"(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

42 USC 5785.

"To carry out this title, there are authorized to be appropriated $30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.".

(b) STUDY.—After the program established by subsection (a) has been funded for two years, the General Accounting Office shall prepare and submit to Congress a study of the effects of the program in encouraging States and units of general local government to comply with the requirements of part B of title II.

42 USC 5781 note.

SEC. 6. CHILDREN'S ADVOCACY PROGRAM.

(a) FINDINGS.—Section 211 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (6), and (7), respectively;

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

"(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;" and

(3) by inserting after paragraph (4), as redesignated by paragraph (1), the following new paragraph:

"(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;".

(b) REGIONAL CHILDREN'S ADVOCACY PROGRAM.—Subtitle A of the Victims of Child Abuse Act (42 U.S.C. 13001 et seq.) is amended—

(1) by redesignating sections 212, 213, and 214 as sections 214, 214A, and 214B, respectively; and

42 USC 13002-13004.

(2) by inserting after section 211 the following new sections:

"SEC. 212. DEFINITIONS.

42 USC 13001a.

"For purposes of this subtitle—

"(1) the term 'Administrator' means the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b));

"(2) the term 'applicant' means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

"(3) the term 'board' means the Children's Advocacy Advisory Board established under section 213(e);

"(4) the term 'census region' means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section;

"(5) the term 'child abuse' means physical or sexual abuse or neglect of a child;

"(6) the term 'Director' means the Director of the National Center on Child Abuse and Neglect;

"(7) the term 'multidisciplinary response to child abuse' means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

"(8) the term 'nonoffending family member' means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse; and

"(9) the term 'regional children's advocacy program' means the children's advocacy program established under section 213(a).

42 USC 13001b.

"SEC. 213. REGIONAL CHILDREN'S ADVOCACY CENTERS.

"(a) ESTABLISHMENT OF REGIONAL CHILDREN'S ADVOCACY PROGRAM.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall establish a children's advocacy program to—

"(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

"(2) provide support for nonoffending family members;

"(3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

"(4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

"(b) ACTIVITIES OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

"(1) ADMINISTRATOR.—The Administrator, in coordination with the Director, shall—

"(A) establish regional children's advocacy program centers;

"(B) fund existing regional centers with expertise in the prevention, judicial handling, and treatment of child abuse and neglect; and

"(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities,

for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

"(2) GRANT RECIPIENTS.—A grant recipient under this section shall—

"(A) assist communities—

"(i) in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

"(ii) in establishing a freestanding facility where interviews of and services for abused children can be provided;

"(iii) in preventing or reducing trauma to children caused by multiple contacts with community professionals;

"(iv) in providing families with needed services and assisting them in regaining maximum functioning;

"(v) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

"(vi) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

"(vii) in obtaining information useful for criminal and civil proceedings;

"(viii) in holding offenders accountable through improved prosecution of child abuse cases;

"(ix) in enhancing professional skills necessary to effectively respond to cases of child abuse through training; and

"(x) in enhancing community understanding of child abuse; and

"(B) provide training and technical assistance to local children's advocacy centers in its census region that are grant recipients under section 214.

"(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

"(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section, the Administrator shall solicit proposals for assistance under this section.

"(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

"(A) A proven record in conducting activities of the kinds described in subsection (c).

"(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

"(C) Multidisciplinary staff experienced in providing remedial counseling to children and families.

"(D) Experience in serving as a center for training and education and as a resource facility.

"(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

"(3) PROPOSAL REQUIREMENTS.—

"(A) IN GENERAL.—A proposal submitted in response to the solicitation under paragraph (1) shall—

"(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities

so that communities can establish multidisciplinary programs that respond to child abuse;

"(ii) demonstrate the ability of the applicant to operate successfully a multidisciplinary child abuse program or provide training to allow others to do so; and

"(iii) state the annual cost of the proposal and a breakdown of those costs.

"(B) CONTENT OF MANAGEMENT PLAN.—A management plan described in paragraph (3)(A) shall—

"(i) outline the basic activities expected to be performed;

"(ii) describe the entities that will conduct the basic activities;

"(iii) establish the period of time over which the basic activities will take place; and

"(iv) define the overall program management and direction by—

"(I) identifying managerial, organizational, and administrative procedures and responsibilities;

"(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

"(III) providing sufficient rationale to support the costs of the plan.

"(4) SELECTION OF PROPOSALS.—

"(A) COMPETITIVE BASIS.—Proposals shall be selected under this section on a competitive basis.

"(B) CRITERIA.—The Administrator, in coordination with the Director, shall select proposals for funding that—

"(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

"(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse; and

"(iii) carry out the objectives developed by the Board under subsection (e)(2)(A);

"(C) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

"(D) otherwise best carry out the purposes of this section.

"(5) FUNDING OF PROGRAM.—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

"(6) COORDINATION OF EFFORT.—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipi-

ents on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

"(d) REVIEW.—

"(1) EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.—The Administrator, in coordination with the Director, shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

"(2) ANNUAL REPORT.—A grant recipient shall provide an annual report to the Administrator and the Director that—

"(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

"(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

"(3) DISCONTINUATION OF FUNDING.—

"(A) FAILURE TO IMPLEMENT PROGRAM ACTIVITIES.—If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.

"(B) SOLICITATION OF NEW PROPOSALS.—Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

"(e) CHILDREN'S ADVOCACY ADVISORY BOARD.—

"(1) ESTABLISHMENT OF BOARD.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

"(B) MEMBERSHIP.—(i) The board—

"(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority of whom shall be individuals experienced in the child abuse investigation, prosecution, prevention, and intervention systems;

"(II) shall include at least 1 member from each of the 4 census regions; and

"(III) shall have members appointed for a term not to exceed 3 years.

"(ii) Members of the Board may be reappointed for successive terms.

"(2) REVIEW AND RECOMMENDATIONS.—

"(A) OBJECTIVES.—Not later than 180 days after the date of enactment of this section and annually thereafter, the Board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b).

"(B) REVIEW.—The board shall annually—

"(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

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"(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

"(3) RULES AND REGULATIONS.—The Board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section.

"(f) REPORTING.—The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities.".

(c) LOCAL CHILDREN'S ADVOCACY PROGRAM.—Section 214 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002), as redesignated by subsection (b)(1), is amended—

(1) by amending the heading to read as follows:

"SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.";

(2) in subsection (a) by striking "The Director of the Office of Victims of Crime (hereinafter in this subtitle referred to as the 'Director'), in consultation with officials of the Department of Health and Human Services," and inserting "The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime,";

(3) in subsection (b)(2)(B) by inserting "and nonoffending family members" after "neglect"; and

(4) by adding at the end the following new subsection:

"(d) CONSULTATION WITH REGIONAL CHILDREN'S ADVOCACY CENTERS.—A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 213.".

(d) SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003), as redesignated by subsection (b)(1), is amended in subsections (a) and (c)(1) by striking "Director" and inserting "Administrator".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004), as redesignated by subsection (b)(1), is amended to read as follows:

"SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214—

"(1) $15,000,000 for fiscal year 1993; and

"(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A—

"(1) $5,000,000 for fiscal year 1993; and

"(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.".

SEC. 7. HEAD START TRAINING IMPROVEMENT.

42 USC 9843 note.

(a) PURPOSE.—It is the purpose of this section—

(1) to promote continued access for Head Start and other early childhood staff to the Child Development Associate credential;

(2) to increase the ability of Head Start staff to address the problems facing Head Start families;

(3) to create a systematic approach to training, thereby improving the quality of Head Start instruction and using training funds more efficiently and effectively; and

(4) to allow the use of training funds for creative approaches to learning for children.

(b) TECHNICAL ASSISTANCE, TRAINING, AND STAFF QUALIFICATIONS.—Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (a) by striking "(2) training" and all that follows through the end of the subsection and inserting "(2) training for specialized or other personnel needed in connection with Head Start programs, including funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children."; and

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

"(c) The Secretary shall—

"(1) develop a systematic approach to training Head Start personnel, including—

"(A) specific goals and objectives for program improvement and continuing professional development;

"(B) a process for continuing input from the Head Start community; and

"(C) a strategy for delivering training and technical assistance; and

"(2) report on the approach developed under paragraph (1) to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

Reports.

"(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children.".

SEC. 8. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

(a) SPENDING OF FUNDS BY STATES.—Section 658J(c) of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858h(c)) is amended—

(1) by striking "obligated" and inserting "expended"; and

(2) by striking "succeeding fiscal year" and inserting "succeeding 3 fiscal years".

(b) PAYMENTS EXCLUDED FROM INCOME.—The Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C.

new section:

42 USC 9858q.

"SEC. 658S. MISCELLANEOUS PROVISIONS.

"Notwithstanding any other law, the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under this subchapter shall not be treated as income for purposes of any other Federal or Federally-assisted program that bases eligibility, or the amount of benefits, on need.".

(c) TECHNICAL AMENDMENTS.—

42 USC prec. 9858.

(1) CORRECTION IN CITATION.—Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) is amended by striking "title IV" and inserting "title VI".

(2) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858n) is amended—

(A) in paragraph (7), by striking "4(b)" and inserting "4(e)"; and

(B) in paragraph (14), by striking "4(c)" and inserting "4(l)".

42 USC 9858h note.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—The amendments made by this section shall not apply with respect to fiscal years beginning before October 1, 1992.

SEC. 9. AMENDMENT TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

42 USC 5106a note.

(a) FINDINGS.—The Congress finds that—

(1) circumstances surrounding the death of a young boy named Adam Mann in New York City prompted a shocking documentary focusing on the inability of child protection services to protect suffering children;

(2) the documentary described in paragraph (1) showed the serious need for systemic changes in our child welfare protection system;

(3) thorough, coordinated, and comprehensive investigation will, it is hoped, lead to the prevention of abuse, neglect, or death in the future;

(4) an undue burden is placed on investigation due to strict Federal and State laws and regulations regarding confidentiality;

(5) while the Congress recognizes the importance of maintaining the confidentiality of records pertaining to child abuse, neglect, and death, often the purpose of confidentiality laws and regulations are defeated when they have the effect of protecting those responsible;

(6) comprehensive and coordinated interagency communication needs to be established, with adequate provisions to protect against the public disclosure of any detrimental information need to be established;

(7) certain States, including Georgia, North Carolina, California, Missouri, Arizona, Minnesota, Oklahoma, and Oregon, have taken steps to establish by statute interagency, multidisciplinary fatality review teams to fully investigate

incidents of death believed to be caused by child abuse or neglect;

(8) teams such as those described in paragraph (7) should be established in every State, and their scope of review should be expanded to include egregious incidents of child abuse and neglect before the child in question dies; and

(9) teams such as those described in paragraph (7) will increase the accountability of child protection services.

(b) MODIFICATION OF CONFIDENTIALITY PROVISION REGARDING STATE GRANTS UNDER CHILD ABUSE PREVENTION AND TREATMENT ACT.—Section 107(b)(4) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106A(b)(4)) is amended to read as follows:

42 USC 5106a.

"(4) provide for—

"(A) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to purposes of this Act; and

"(B) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;".

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should review and reform of the system in the State for protecting against child abuse and neglect, including implementing formal interagency, multidisciplinary teams—

(1) to review—

(A) all cases of child death in which the child was previously known by the State to have been abused or neglected; and

(B) incidents of child abuse before a child dies when there is evidence of negligent handling by the State,

in order to hold the State accountable; and

(2) to make recommendations regarding the outcomes of individual cases and systemic changes in the State's procedures for protecting against child abuse and neglect.

Approved November 4, 1992.

LEGISLATIVE HISTORY—H.R. 5194 (S. 2792):

HOUSE REPORTS: No. 102-756 (Comm. on Education and Labor).
SENATE REPORTS: No. 102-393 accompanying S. 2792 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 138 (1992):
Aug. 3, considered and passed House.
Sept. 25, considered and passed Senate, amended, in lieu of S. 2792.
Oct. 2, House concurred in Senate amendment with an amendment.
Oct. 7, Senate concurred in House amendment.

Public Law 102-587
102d Congress

An Act

To provide Congressional approval of a Governing International Fishery Agreement, and for other purposes.

Nov. 4, 1992
[H.R. 5617]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Oceans Act of 1992. Conservation. 16 USC 1431 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 1992".

TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY AGREEMENT

Effective date. 16 USC 1823 note.

SEC. 1001. APPROVAL OF AGREEMENT.

Notwithstanding section 203 of the Magnuson Fishery Con-ervation and Management Act (16 U.S.C. 1823), the governing ternational fishery agreement between the Government of the United States of America and the Government of the Republic of Estonia, as contained in the message to Congress from the President of the United States dated June 24, 1992, is approved by the Congress as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of his title.

TITLE II—NATIONAL MARINE SANCTUARIES PROGRAM

National Marine Sanctuaries Program Amendments Act of 1992. 16 USC 1431 note.

SEC. 2001. SHORT TITLE.

This title may be cited as the "National Marine Sanctuaries ogram Amendments Act of 1992".

Subtitle A—Amendments to Marine Protection, Research, and Sanctuaries Act of 1972

EC. 2101. FINDINGS, PURPOSES, AND POLICIES.

(a) FINDINGS.—Section 301(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431(a)) is mended—

(1) in paragraph (2) by inserting ", and in some cases international," after "national";

(2) in paragraph (4)—

(A) by inserting ", research," after "conservation"; and

(B) by striking "and" after the semicolon at the end;

(3) in paragraph (5) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(6) protection of these special areas can contribute to maintaining a natural assemblage of living resources for future generations.".

59-194 O—93——16 : QL 3 (Pt. 6)

(b) PURPOSES AND POLICIES.—Section 301(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431(b)) is amended to read as follows:

"(b) PURPOSES AND POLICIES.—The purposes and policies of this title are—

"(1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance;

"(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities.

"(3) to support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas, especially long-term monitoring and research of these areas;

"(4) to enhance public awareness, understanding, appreciation, and wise use of the marine environment;

"(5) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

"(6) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

"(7) to create models of, and incentives for, ways to conserve and manage these areas;

"(8) to cooperate with global programs encouraging conservation of marine resources; and

"(9) to maintain, restore, and enhance living resources by providing places for species that depend upon these marine areas to survive and propagate.".

SEC. 2102. DEFINITIONS.

(a) MARINE ENVIRONMENT.—Section 302(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(3)) is amended by adding "including the exclusive economic zone," after "jurisdiction,".

(b) DAMAGES.—Section 302(6) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(6)) is amended—

(1) in subparagraph (A)(ii) by striking "and" at the end;

(2) in subparagraph (B) by adding "and" at the end; and

(3) by adding at the end the following:

"(C) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources,".

(c) RESPONSE COSTS.—Section 302(7) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(7)) is amended by inserting "or authorized" after "taken".

(d) EXCLUSIVE ECONOMIC ZONE.—Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432) is amended (1) by striking the period at the end of paragraph (8) and inserting "; and"; and (2) by adding after paragraph (8) the following:

"(9) 'exclusive economic zone' means the exclusive economic zone as defined in the Magnuson Fishery Conservation and Management Act.".

(e) TECHNICAL CORRECTION.—Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432) is amended—

(1) in paragraph (1) by striking "304(a)(1)(E)" and inserting "304(a)(1)(C)(v)"; and

(2) in paragraph (5) by striking "and" after the semicolon.

SEC. 2103. SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(2)(B) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(a)(2(B)) is amended by inserting "or should be supplemented" after "inadequate".

(b) FACTORS AND CONSULTATIONS.—

(1) Section 303(b)(1)(A) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(b)(1)(A)) is amended by inserting "maintenance of critical habitat of endangered species," after "assemblages,"

(2) Section 303(b)(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(b)(3)) is amended—

(A) by inserting ", governmental," after "other commercial" and inserting ", governmental," after "any commercial";

(B) by adding at the end the following: "The Secretary, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator, shall draft a resource assessment section for the report, including information on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations."; and

(C) by striking "304(a)(1)" and inserting "304(a)(2)".

SEC. 2104. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) SANCTUARY PROPOSAL.—Section 304(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a)) is amended—

(1) by striking "prospectus" whenever it appears and inserting "documents";

(2) in paragraph (1)(C) by striking "a prospectus on the proposal which shall contain—" and inserting "documents, including an executive summary, consisting of—"; and

(3) in paragraph (5)—

(A) by striking "United States Fishery Conservation Zone" and inserting "Exclusive Economic Zone"; and

(B) by adding at the end: "The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.".

(b) TAKING EFFECT OF DESIGNATIONS.—Section 304(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b)) is amended—

(1) in paragraph (1) by striking the dash after "unless" and all that follows and inserting ", in the case of a national

marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.";

(2) in paragraph (2)—

(A) striking "paragraph (1) (A) or (B)" and inserting "paragraph (1)";

(B) by striking "not disapproved under paragraph (1)(A) or "; and

(C) by striking "paragraph (1)(B)" and inserting "paragraph (1)"; and

(3) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(c) ACCESS AND VALID RIGHTS.—Section 304(c)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(c)(1)) is amended to read as follows:

"(1) Nothing in this title shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.".

(d) INTERAGENCY COOPERATION; REVIEW OF MANAGEMENT PLAN.—Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended by adding at the end the following new subsections:

"(d) INTERAGENCY COOPERATION.—

"(1) REVIEW OF AGENCY ACTIONS.—

"(A) IN GENERAL.—Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

"(B) AGENCY STATEMENTS REQUIRED.—Subject to any regulations the Secretary may establish each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.

"(2) SECRETARY'S RECOMMENDED ALTERNATIVES.—If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

"(3) RESPONSE TO RECOMMENDATIONS.—The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the

alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

Regulations.

"(e) REVIEW OF MANAGEMENT PLANS.—Not more than five years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding five years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this title.".

SEC. 2105. APPLICATION OF REGULATIONS; INTERNATIONAL COOPERATION.

(a) ENFORCEABILITY; INTERNATIONAL COOPERATION.—Section 305 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1435) is amended—

(1) in subsection (a)—

(A) by striking "The" in the first sentence and inserting in lieu thereof "This title and the"; and

(B) by inserting "or be enforced against" immediately after "apply to"; and

(2) by adding at the end the following new subsection:

"(c) INTERNATIONAL COOPERATION.—The Secretary, in consultation with the Secretary of State and other appropriate Federal agencies, shall cooperate with other governments and international organizations in furtherance of the purposes and policies of this title and consistent with applicable regional and mutilateral arrangements for the protection and management of special marine areas.".

(b) TECHNICAL AMENDMENT.—The section heading for section 305 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1435) is amended by striking all after "REGULATIONS" and inserting in lieu thereof "; INTERNATIONAL NEGOTIATIONS AND COOPERATION.".

SEC. 2106. PROHIBITED ACTIVITIES.

Section 306 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1436) is amended to read as follows:

"SEC. 306. PROHIBITED ACTIVITIES.

"It is unlawful to—

"(1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;

"(2) possess, sell, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;

"(3) interfere with the enforcement of this title; or

"(4) violate any provision of this title or any regulation or permit issued pursuant to this title.".

SEC. 2107. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) Section 307(c)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(c)(1)) is amended by striking "$50,000" and inserting "$100,000".

(2) Section 307(c)(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(c)(3)) is amended—

(A) by striking "and may be proceeded" and all that follows through "jurisdiction"; and

(B) by adding at the end the following sentence: "Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.".

(b) PROCEEDS FROM CIVIL FORFEITURES.—Section 307(d)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(d)(1)) is amended by adding at the end the following new sentence: "The proceeds from forfeiture actions under this subsection shall constitute a separate recovery in addition to any amounts recovered as civil penalties under this section or as civil damages under section 312. None of those proceeds shall be subject to set-off.".

(c) USE OF RECEIVED AMOUNTS.—Section 307(e) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(e)) is amended by striking paragraph (1) and inserting the following:

"(1) EXPENDITURES.—

"(A) Notwithstanding any other law, amounts received by the United States as civil penalties, forfeitures of property, and costs imposed under paragraph (2) shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act.

"(B) Amounts received under this section for forfeitures and costs imposed under paragraph (2) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any sanctuary resource or other property seized in connection with a violation of this title or any regulation or permit issued under this title.

"(C) Amounts received under this section as civil penalties and any amounts remaining after the operation of subparagraph (B) shall be used, in order of priority, to—

"(i) manage and improve the national marine sanctuary with respect to which the violation occurred that resulted in the penalty or forfeiture;

"(ii) pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation or permit issued under this title; and

"(iii) manage and improve any other national marine sanctuary.".

(d) CONFORMING AMENDMENT.—Section 312(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(d)) is amended—

(1) by striking "and civil penalties under section 307";

(2) by striking paragraph (3); and by redesignating paragraph (4) as paragraph (3).

(e) ENFORCEABILITY.—Section 307 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437) is amended by adding at the end the following new subsection:

"(j) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, which is subject to the sovereignty

of the United States, and the United States exclusive economic zone, consistent with international law.".

SEC. 2108. RESEARCH, MONITORING, AND EDUCATION.

Section 309 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) IN GENERAL.—The Secretary shall conduct research, monitoring, evaluation, and education programs as are necessary and reasonable to carry out the purposes and policies of this title.

"(b) PROMOTION AND COORDINATION OF SANCTUARY USE.—The Secretary shall take such action as is necessary and reasonable to promote and coordinate the use of national marine sanctuaries for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons to promote use of one or more sanctuaries for research, monitoring, and education, including coordination with the National Estuarine Research Reserve System.".

SEC. 2109. COOPERATIVE AGREEMENTS; DONATIONS, AND ACQUISITIONS.

"Section 311 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1442) is amended to read as follows:

"SEC. 311. COOPERATIVE AGREEMENTS, DONATIONS, AND ACQUISITIONS.

"(a) COOPERATIVE AGREEMENTS, GRANTS AND OTHER AGREEMENTS.—The Secretary may enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.

"(b) AUTHORIZATION TO SOLICIT DONATIONS.—The Secretary may enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this title.

"(c) DONATIONS.—The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

"(d) ACQUISITIONS.—The Secretary may acquire by purchase, lease, or exchange, any land, facilities, or other property necessary and appropriate to carry out the purposes and policies of this title.".

SEC. 2110. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

(a) LIABILITY FOR INTEREST.—Section 312(a)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)(1)) is amended to read as follows:

"(1) LIABILITY TO UNITED STATES.—Any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for an amount equal to the sum of—

"(A) the amount of response costs and damages resulting from the destruction, loss, or injury; and

"(B) interest on that amount calculated in the manner described under section 1005 of the Oil Pollution Act of 1990.".

(b) LIABILITY IN REM.—Section 312(a)(2) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)(2)) is amended by adding at the end the following: "The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.".

(c) LIMITS TO LIABILITY.—Section 312(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)) is amended by adding at the end the following:

"(4) LIMITS TO LIABILITY.—Nothing in sections 4281–4289 of the Revised Statutes of the United States or section 3 of the Act of February 13, 1893, shall limit the liability of any person under this title.".

(d) RESPONSE ACTIONS.—Section 312(b)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(b)(1)) is amended by inserting "or authorize" of "undertake".

(e) USE OF RECOVERED AMOUNTS.—Section 312(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(d)) is amended in paragraph (3), as redesignated by this Act, by inserting "the court decree or settlement agreement and" after "in accordance with".

SEC. 2111. AUTHORIZATION OF APPROPRIATIONS.

Section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this title the following—

"(1) $8,000,000 for fiscal year 1993;

"(2) $12,500,000 for fiscal year 1994;

"(3) $15,000,000 for fiscal year 1995; and

"(4) $20,000,000 for fiscal year 1996.".

SEC. 2112. ADVISORY COUNCILS AND SHORT TITLE.

The Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended by adding at the end the following new sections:

16 USC 1445a.

"SEC. 315. ADVISORY COUNCILS.

"(a) ESTABLISHMENT.—The Secretary may establish one or more advisory councils (in this section referred to as an 'Advisory Council') to provide assistance to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils shall be exempt from the Federal Advisory Committee Act.

"(b) MEMBERSHIP.—Members of the Advisory Councils may be appointed from among—

"(1) persons employed by Federal or State agencies with expertise in management of natural resources;

"(2) members of relevant Regional Fishery Management Councils established under section 302 of the Magnuson Fishery Conservation and Management Act; and

"(3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.

"(c) LIMITS ON MEMBERSHIP.—For sanctuaries designated after the date of enactment of the National Marine Sanctuaries Program Amendments Act of 1992, the membership of Advisory Councils shall be limited to no more than 15 members.

"(d) STAFFING AND ASSISTANCE.—The Secretary may make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the Advisory Council to carry out its functions.

"(e) PUBLIC PARTICIPATION AND PROCEDURAL MATTERS.—The following guidelines apply with respect to the conduct of business meetings of an Advisory Council:

"(1) Each meeting shall be open to the public, and interested persons shall be permitted to present oral or written statements on items on the agenda.

"(2) Emergency meetings may be held at the call of the chairman or presiding officer.

"(3) Timely notice of each meeting, including the time, place, and agenda of the meeting, shall be published locally and in the Federal Register.

"(4) Minutes of each meeting shall be kept and contain a summary of the attendees and matters discussed.

"SEC. 316. SHORT TITLE.

The National Marine Sanctuaries Act.
16 USC 1431 note.

"This title may be cited as 'The National Marine Sanctuaries Act'.".

Subtitle B—Miscellaneous

SEC. 2201. GRAVEYARD OF THE ATLANTIC ARTIFACTS.

Grants.
North Carolina.
Virginia.
16 USC 1445 note.

(a) ACQUISITION OF SPACE.—Pursuant to section 314 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1445) and consistent with the Cooperative Agreement entered into in October, 1989, between the National Oceanic and Atmospheric Administration and the Mariner's Museum of Newport News, Virginia, the Secretary of Commerce shall make a grant for the acquisition of space in Hatteras Village, North Carolina, for—

(1) the display and interpretation of artifacts recovered from the area of the Atlantic Ocean adjacent to North Carolina generally known as the Graveyard of the Atlantic, including artifacts recovered from the Monitor National Marine Sanctuary; and

(2) administration and operations of the Monitor National Marine Sanctuary.

(b) AUTHORIZATION.—To carry out the responsibilities of the Secretary of Commerce under this section, there are authorized to be appropriated to the Secretary of Commerce a total of $800,000 for fiscal years 1993 and 1994, to remain available until expended.

(c) FEDERAL SHARE.—Not more than two-thirds of the cost of space acquired under this section may be paid with amounts provided pursuant to this section.

Massachusetts.
16 USC 1433 note.

SEC. 2202. STELLWAGEN BANK NATIONAL MARINE SANCTUARY.

(a) DESIGNATION.—The area described in subsection (b) is designated as the Stellwagen Bank National Marine Sanctuary (hereafter in this section referred to as the "Sanctuary").

(b) AREA.—The Sanctuary shall consist of all submerged lands and waters, including living and nonliving marine resources within those waters, bounded by the area described as Boundary Alternative 3 in the Draft Environmental Impact Statement and Management Plan for the Proposed Stellwagen Bank National Marine Sanctuary, published by the Department of Commerce in January 1991, except that the western boundary shall be modified as follows:

(1) The southwestern corner of the Sanctuary shall be located at a point off Provincetown, Massachusetts, at the following coordinates: 42 degrees, 7 minutes, 44.89 seconds (latitude), 70 degrees, 28 minutes, 15.44 seconds (longitude).

(2) The northwestern corner of the Sanctuary shall be located at a point off Cape Ann, Massachusetts, at the following coordinates: 42 degrees, 37 minutes, 53.52 seconds (latitude), 70 degrees, 35 minutes, 52.38 seconds (longitude).

(c) MANAGEMENT.—The Secretary of Commerce shall issue a management plan for the Sanctuary in accordance with section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434), as amended by this title.

(d) SAND AND GRAVEL MINING ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, exploration for, and mining of, sand and gravel and other minerals in the Sanctuary is prohibited.

(e) CONSULTATION.—In accordance with the procedures established in section 304(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended by this title, the appropriate Federal agencies shall consult with the Secretary on proposed agency actions in the vicinity of the Sanctuary that may affect sanctuary resources.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce for carrying out the purposes of this section $570,000 for fiscal year 1993 and $250,000 for fiscal year 1994.

(g) OFFICE.—The Secretary of Commerce shall consider establishing a satellite office for the Stellwagen Bank National Marine Sanctuary in Provincetown, Gloucester, or Hull, Massachusetts.

16 USC 1433 note.
Effective date.

SEC. 2203. MONTEREY BAY NATIONAL MARINE SANCTUARY.

(a) ISSUANCE OF DESIGNATION NOTICE.—Notwithstanding section 304(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b)), the designation of the Monterey Bay National Marine Sanctuary (hereafter in this section the "Sanctuary"), as described in the notice of designation submitted to the Congress on September 15, 1992, shall take effect on September 18, 1992.

(b) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, no leasing, exploration, development, or production of oil or gas shall be permitted within the Sanctuary as provided by section 944.5 of the Final Environmental Impact Statement and Management Plan for the Monterey Bay National Marine Sanctuary, published by the Department of Commerce in June 1992.

(c) CONSULTATION.—Section 304(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended by this title, shall apply to the Sanctuary as designated by the Secretary of Commerce.

(d) VESSEL TRAFFIC.—Within 18 months after the date of enactment of this title, the Secretary of Commerce and the Secretary of Transportation, in consultation with the State of California and with adequate opportunity for public comment, shall report to Congress on measures for regulating vessel traffic in the Sanctuary if it is determined that such measures are necessary to protect sanctuary resources.

Reports.

SEC. 2204. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES.

16 USC 1442 note.

(a) IN GENERAL.—Beginning on the date of enactment of this title, the Secretary shall conduct a 2-year pilot project to enhance funding for designation and management of national marine sanctuaries.

(b) PROJECT.—The project shall consist of—

(1) the creation, adoption, and publication in the Federal Register by the Secretary of a symbol for the national marine sanctuary program, or for individual national marine sanctuaries;

(2) the solicitation of persons to be designated as official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(3) the designation of persons by the Secretary as official sponsors of the national marine sanctuary program or of individual sanctuaries;

(4) the authorization by the Secretary of the use of any symbol published under paragraph (1) by official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(5) the establishment and collection by the Secretary of fees from official sponsors for the manufacture, reproduction or use of the symbols published under paragraph (1);

(6) the retention of any fees assessed under paragraph (5) by the Secretary in an interest-bearing revolving fund; and

(7) the expenditure of any fees and any interest in the fund established under paragraph (6), without appropriation, by the Secretary to designate and manage national marine sanctuaries.

(c) CONTRACT AUTHORITY.—The Secretary may contract with any person for the creation of symbols or the solicitation of official sponsors under subsection (b).

(d) RESTRICTIONS.—The Secretary may restrict the use of the symbols published under subsection (b), and the designation of official sponsors of the national marine sanctuary program or of individual national marine sanctuaries to ensure compatibility with the goals of the national marine sanctuary program.

(e) PROPERTY OF UNITED STATES.—Any symbol which is adopted by the Secretary and published in the Federal Register under subsection (b) is deemed to be the property of the United States.

(f) PROHIBITED ACTIVITIES.—(1) It is unlawful for any person—

(A) designated as an official sponsor to influence or seek to influence any decision by the Secretary or any other Federal official related to the designation or management of a national

marine sanctuary, except to the extent that a person who is not so designated may do so;

(B) to represent himself or herself to be an official sponsor absent a designation by the Secretary;

(C) to manufacture, reproduce, or use any symbol adopted by the Secretary absent designation as an official sponsor and without payment of a fee to the Secretary; and

(D) to violate any regulation promulgated by the Secretary under this section.

(2) Violation of this subsection shall be considered a violation of title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(g) REPORT.—No later than 30 months after the date of enactment of this Act, the Secretary shall submit a report on the pilot project to Congress regarding the success of the program in providing additional funds for management and operation of national marine sanctuaries.

(h) DEFINITIONS.—In this section—

(1) the term "national marine sanctuary" or "national marine sanctuaries" means a national marine sanctuary or sanctuaries designated under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), or by other law in accordance with title III of the Marine Protection, Research, and Sanctuaries Act of 1972;

(2) the term "official sponsor" means any person designated by the Secretary who is authorized to manufacture, reproduce, or use any symbol created, adopted, and published in the Federal Register under this section for a fee paid to the Secretary; and

(3) the term "Secretary" means the Secretary of Commerce.

SEC. 2205. TECHNICAL CORRECTIONS RELATING TO COASTAL ZONE MANAGEMENT ACT OF 1972.

(a) AMENDMENT OF COASTAL ZONE MANAGEMENT ACT OF 1972.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(b) TECHNICAL CORRECTIONS.—

(1) The Act is amended by—

(A) striking "coastal State" each place it appears and inserting "coastal state";

(B) striking "coastal States" each place it appears and inserting "coastal states"; and

(C) striking "coastal State's" each place it appears and inserting "coastal state's".

16 USC 1452.

(2) Section 6203(b)(1) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388–301, relating to section 303(2) of the Coastal Zone Management Act of 1972) is amended by striking "as well as the" the first place it appears and inserting "as well as to".

16 USC 1453.

(3) Section 6204(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388–302, relating to section 304(1) of the Coastal Zone Management Act of 1972) is amended—

(A) in the matter preceding paragraph (1) by striking "The third sentence of section" and inserting "Section";

(B) in paragraph (1) by inserting after "period at the end" the following: "of the third sentence"; and

(C) in paragraph (2) by inserting after "territorial sea.'" the following: "at the end of the second sentence".

(4) Section 6204(b) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388–302) is amended by striking "following'" and inserting "following:".

16 USC 1453.

(5) Section 304(1) (16 U.S.C. 1453(1)) is amended in the second sentence—

(A) by striking "the outer limit of" the first place it appears; and

(B) by striking "1705," and inserting "1705),".

(6) Section 304(2) (16 U.S.C. 1453(2)) is amended by striking "the term" and inserting "The term".

(7) Section 304(9) (16 U.S.C. 1453(9)) is amended to read as follows:

"(9) The term 'Fund' means the Coastal Zone Management Fund established under section 308(b).".

(8) Section 306(b) (16 U.S.C. 1455(b)) is amended by striking the semicolon at the end and inserting a period.

(9) Section 6216(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388–314, relating to section 306A(b)(1) of the Coastal Zone Management Act of 1972) is amended by striking "306a(b)(1)" and inserting "306A(b)(1)".

16 USC 1455a.

(10) Section 306A(a)(1)(B) (16 U.S.C. 1455a(a)(1)(B)) is amended by striking "specified" and all that follows through the end of the sentence and inserting "specified in section 303(2) (A) through (K).".

(11) Section 306A(b) (16 U.S.C. 1455a(b)) is amended—

(A) in paragraph (2) by striking "that are designated" and all that follows through the end of the paragraph and inserting "that are designated in the state's management program pursuant to section 306(d)(2)(C) as areas of particular concern."; and

(B) in paragraph (3) by—

(i) striking "access of" and inserting "access to"; and

(ii) striking "in accordance with" and all that follows through the end of the paragraph and inserting "in accordance with the planning process required under section 306(d)(2)(G).".

(12) Section 306A(c) (16 U.S.C. 1455a(c)) is amended in paragraph (2)(C) in the matter following clause (iii) by striking "shall not by" and inserting "shall not be".

(13) Section 6208(b)(3)(B) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388–308, relating to section 307(c)(3)(B) of the Coastal Zone Management Act of 1972) is amended by inserting "with" after "complies".

16 USC 1456.

(14) Section 307(i) (16 U.S.C. 1456(i)) is amended—

(A) by inserting "(1)" after "(i)";

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph) by striking the second sentence; and

(C) by adding at the end the following:

"(2)(A) The Secretary shall collect such other fees as are necessary to recover the full costs of administering and processing such appeals under subsection (c).

"(B) If the Secretary waives the application fee under paragraph (1) for an applicant, the Secretary shall waive all other fees under this subsection for the applicant.

"(3) Fees collected under this subsection shall be deposited into the Coastal Zone Management Fund established under section 308.".

16 USC 1456a.

(15) Section 6209 of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388–308, relating to section 308 of the Coastal Zone Management Act of 1972) is amended in the matter preceding the quoted material by striking "1456" and inserting "1456a".

(16) Section 308(a)(1) (16 U.S.C. 1456a(a)(1)) is amended in the first sentence by striking "pursuant to this Act" and inserting "pursuant to this title".

(17) Section 308(b)(1) (16 U.S.C. 1456a(b)(1)) is amended by striking "(hereinafter" and all that follows through "'Fund')".

(18) Section 308(b)(1) (16 U.S.C. 1456a(b)(1)) is amended by inserting after "subsection (a)" the following: "and fees deposited into the Fund under section 307(i)(3)".

(19) The first section 313 (16 U.S.C. 1459) is amended—

(A) in subsection (a) by striking "section 308" and inserting "section 308, as in effect before the date of the enactment of the Coastal Zone Act Reauthorization Amendments of 1990,"; and

(B) in paragraph (1) of subsection (b) by striking "section 308(d)" and all that follows through the end of the paragraph and inserting "section 308, as in effect before the date of the enactment of the Coastal Zone Act Reauthorization Amendments of 1990; and".

(20) The second section 313 (16 U.S.C. 1460, relating to Walter B. Jones excellence in coastal zone management awards) is amended—

(A) by redesignating that section as section 314;

(B) in subsection (a) by inserting after "under section 308" the following: "and other amounts available to carry out this title (other than amounts appropriated to carry out sections 305, 306, 306A, 309, 310, and 315)"; and

(C) in subsection (e) by inserting after "under section 308" the following: "and other amounts available to carry out this title (other than amounts appropriated to carry out sections 305, 306, 306A, 309, 310, and 315)".

(21) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking "National Estuarine Reserve Research System" and inserting "National Estuarine Research Reserve System".

(22) Section 315(c)(4) (16 U.S.C. 1461(c)(4)) is amended by striking "subsection (1)" and inserting "paragraph (1)".

(23) Section 316(a) (16 U.S.C. 1462(a)) is amended in clause (5) by striking "subsections (c) and (d) of this section" and inserting "subsections (c) and (d) of section 312".

16 USC 1455b.

(24) Section 6217(i)(3) of the Coastal Zone Act Reauthorization Amendments of 1990 (104 Stat. 1388–319, relating to definitions under that Act) is amended—

(A) by striking the comma; and

(B) by inserting "Zone" after "Coastal".

SEC. 2206. RESEARCH TO IMPROVE MANAGEMENT.

(a) FLORIDA NATIONAL MARINE SANCTUARY.—Section 7(a) of the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note) is amended by striking paragraph (4); by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and by inserting after paragraph (3) the following new paragraphs:

"(4) identify priority needs for research and amounts needed to—

"(A) improve management of the Sanctuary, and in particular, the coral reef ecosystem within the Sanctuary; and

"(B) identify clearly the cause and effect relationships between factors threatening the health of the coral reef ecosystem in the Sanctuary;

"(5) establish a long-term ecological monitoring program and data base, including methods to disseminate information on the management of the coral reef ecosystem;".

(b) DEADLINES NOT AFFECTED.—The amendments made by subsection (a) shall not be construed to modify, by implication or otherwise, the deadlines established under—

(1) section 7(a) of the Florida Keys National Marine Sanctuary and Protection Act regarding completion of the comprehensive management plan and final regulations; or

(2) section 8(a) of that Act regarding development of the water quality protection program.

SEC. 2207. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

16 USC 1433 note.

No oil or gas leasing or preleasing activity shall be conducted within the area designated as the Olympic Coast National Marine Sanctuary in accordance with Public Law 100-627.

SEC. 2208. PROVASOLI-GUILLARD CENTER FOR CULTURE OF MARINE PHYTOPLANKTON.

(a) FINDINGS.—The Congress finds the following:

(1) The oceans cover 70 percent of the surface of the Earth.

(2) The foundation of the food webs and fisheries productivity of the oceans rests with microscopic plants known as phytoplankton.

(3) Phytoplankton serve as a vital natural resource in the oceans.

(4) By serving as primary agents in control of the flux of atmospheric carbon dioxide to the deep ocean, phytoplankton influence climate and the rate of global warming.

(5) There is limited knowledge of the biology, physiology, chemistry, and taxonomy of phytoplankton, and it is of vital interest to this Nation to improve the body of knowledge relating to phytoplankton to benefit this Nation and other countries.

(6) The Provasoli-Guillard Center for the Culture of Marine Phytoplankton located in West Boothbay Harbor, Maine, houses a phytoplankton collection that contains species from each of the ocean environments of the World, and is recognized as the largest collection of phytoplankton in the World.

(7) The Provasoli-Guillard Center for the Culture of Marine Phytoplankton is of vital interest to oceanographers in this Nation and throughout the World, and provides cultures of phytoplankton for critical research on global issues.

Maine.

(b) DESIGNATION.—In light of the findings under subsection (a), the Provasoli-Guillard Center for the Culture of Marine Phytoplankton located in West Boothbay Harbor, Maine, is designated as a National Center and Facility.

SEC. 2209. FLORIDA KEYS NATIONAL MARINE SANCTUARY.

(a) IMPLEMENTATION.—Section 8 of the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note) is amended by adding at the end the following new subsection:

"(d) IMPLEMENTATION.—(1) The Administrator of the Environmental Protection Agency and the Governor of the State of Florida shall implement the program required by this section, in cooperation with the Secretary of Commerce.

Establishment.

"(2)(A) The Regional Administrator of the Environmental Protection Agency shall with the Governor of the State of Florida establish a Steering Committee to set guidance and policy for the development and implementation of such program. Membership shall include representatives of the Environmental Protection Agency, the National Park Service, the United States Fish and Wildlife Service, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the Florida Department of Community Affairs, the Florida Department of Environmental Regulation, the South Florida Water Management District, and the Florida Keys Aqueduct Authority; three individuals in local government in the Florida Keys; and three citizens knowledgeable about such program.

"(B) The Steering Committee shall, on a biennial basis, issue a report to Congress that—

"(i) summarizes the progress of the program;

"(ii) summarizes any modifications to the program and its recommended actions and plans; and

"(iii) incorporates specific recommendations concerning the implementation of the program.

Establishment.

"(C) The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration shall cooperate with the Florida Department of Environmental Regulation to establish a Technical Advisory Committee to advise the Steering Committee and to assist in the design and prioritization of programs for scientific research and monitoring. The Technical Advisory Committee shall be composed of scientists from Federal agencies, State agencies, academic institutions, private non-profit organizations, and knowledgeable citizens.

"(3)(A) The Regional Administrator of the Environmental Protection Agency shall appoint a Florida Keys Liaison Officer. The Liaison Officer, who shall be located within the State of Florida, shall have the authority and staff to—

"(i) assist and support the implementation of the program required by this section, including administrative and technical support for the Steering Committee and Technical Advisory Committee;

"(ii) assist and support local, State, and Federal agencies in developing and implementing specific action plans designed to carry out such program;

"(iii) coordinate the actions of the Environmental Protection Agency with other Federal agencies, including the National Oceanic and Atmospheric Administration and the National Park Service, and State and local authorities, in developing

strategies to maintain, protect, and improve water quality in the Florida Keys;

"(iv) collect and make available to the public publications, and other forms of information that the Steering Committee determines to be appropriate, related to the water quality in the vicinity of the Florida Keys; and

"(v) provide for public review and comment on the program and implementing actions.

"(4)(A) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency $2,000,000 for fiscal year 1993, $3,000,000 for fiscal year 1994, and $4,000,000 for fiscal year 1995, for the purpose of carrying out this section.

Appropriation authorization.

"(B) There are authorized to be appropriated to the Secretary of Commerce $300,000 for fiscal year 1993, $400,000 for fiscal year 1994, and $500,000 for fiscal year 1995, for the purpose of enabling the National Oceanic and Atmospheric Administration to carry out this section.

"(C) Amounts appropriated under this paragraph shall remain available until expended.

"(D) No more than 15 percent of the amount authorized to be appropriated under subparagraph (A) for any fiscal year may be expended in that fiscal year on administrative expenses.".

(b) TECHNICAL AMENDMENT.—Section 8(c) of the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note) is amended by striking "paragraph (1)" and inserting in lieu thereof "subsection (a)".

Subtitle C—Hawaiian Islands Humpback Whale Sanctuary

Hawaiian Islands National Marine Sanctuary Act. 16 USC 1433 note.

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the "Hawaiian Islands National Marine Sanctuary Act".

SEC. 2302. FINDINGS.

The Congress finds the following:

(1) Many of the diverse marine resources and ecosystems within the Western Pacific region are of national significance and importance.

(2) There are at present no ocean areas in the Hawaiian Islands designated as national marine sanctuaries or identified on the Department of Commerce's Site Evaluation List of sites to be investigated as potential candidates for designation as a national marine sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(3) The Hawaiian Islands consist of eight major islands and 124 minor islands, with a total land area of 6,423 square miles and a general coastline of 750 miles.

(4) The marine environment adjacent to and between the Hawaiian Islands is a diverse and unique subtropical marine ecosystem.

(5) The Department of Commerce recently concluded in its Kahoolawe Island National Marine Sanctuary Feasibility Study that there is preliminary evidence of biological, cultural, and historical resources adjacent to Kahoolawe Island to merit further investigation for national marine sanctuary status.

(6) The Department of Commerce also concluded in its Kahoolawe Island National Marine Sanctuary Feasibility Study that there are additional marine areas within the Hawaiian archipelago which merit further consideration for national marine sanctuary status and that the national marine sanctuary program could enhance marine resource protection in Hawaii.

(7) The Hawaiian stock of the endangered humpback whale, the largest of the three North Pacific stocks, breed and calve within the waters of the main Hawaiian Islands.

(8) The marine areas surrounding the main Hawaiian Islands, which are essential breeding, calving, and nursing areas for the endangered humpback whale, are subject to damage and loss of their ecological integrity from a variety of disturbances.

(9) The Department of Commerce recently promulgated a humpback whale recovery plan which sets out a series of recommended goals and actions in order to increase the abundance of the endangered humpback whale.

(10) An announcement of certain Hawaiian waters frequented by humpback whales as an active candidate for marine sanctuary designation was published in the Federal Register on March 17, 1982 (47 FR 11544).

(11) The existing State and Federal regulatory and management programs applicable to the waters of the main Hawaiian Islands are inadequate to provide the kind of comprehensive and coordinated conservation and management of humpback whales and their habitat that is available under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(12) Authority is needed for comprehensive and coordinated conservation and management of humpback whales and their habitat that will complement existing Federal and State regulatory authorities.

(13) There is a need to support, promote, and coordinate scientific research on, and monitoring of, that portion of the marine environment essential to the survival of the humpback whale.

(14) Public education, awareness, understanding, appreciation, and wise use of the marine environment are fundamental to the protection and conservation of the humpback whale.

(15) The designation, as a national marine sanctuary, of the areas of the marine environment adjacent to the main Hawaiian Islands which are essential to the continued recovery of the humpback whale is necessary for the preservation and protection of this important national marine resource.

(16) The marine sanctuary designated for the conservation and management of humpback whales could be expanded to include other marine resources of national significance which are determined to exist within the sanctuary.

SEC. 2303. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) The term "adverse impact" means an impact that independently or cumulatively damages, diminishes, degrades, impairs, destroys, or otherwise harms.

(2) The term "Sanctuary" means the Hawaiian Islands Humpback Whale National Marine Sanctuary designated under section 2305.

(3) The term "Secretary" means the Secretary of Commerce.

SEC. 2304. POLICY AND PURPOSES.

(a) POLICY.—It is the policy of the United States to protect and preserve humpback whales and their habitat within the Hawaiian Islands marine environment.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to protect humpback whales and their habitat in the area described in section 2305(b);

(2) to educate and interpret for the public the relationship of humpback whales to the Hawaiian Islands marine environment;

(3) to manage such human uses of the Sanctuary consistent with this subtitle and title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended by this Act; and

(4) to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary designated in section 2305(a).

SEC. 2305. DESIGNATION OF SANCTUARY.

(A) DESIGNATION.—Subject to subsection (c), the area described in subsection (b) is designated as the Hawaiian Islands Humpback Whale National Marine Sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1451 t seq.), as amended by this title.

(b) AREA INCLUDED.—(1) Subject to subsections (c) and (d), the area referred to in subsection (a) consists of the submerged lands and waters off the coast of the Hawaiian Islands seaward of the upper reaches of the wash of the waves on shore—

(A) to the one hundred fathom (one hundred and eighty-three meter) isobath adjoining the islands of Lanai, Maui, and Molokai, including Penguin Bank but excluding the area within 3 nautical miles of the upper reaches of the waves on the shore of Kahoolawe Island;

(B) to the deep water area of Pailolo Channel from Cape Halawa, Molokai, to Nakalele Point, Maui, and southward; and

(C) to the one hundred fathom (one hundred and eighty-three meter) isobath adjoining the Kilauea National Wildlife Refuge on the island of Kauai.

(2)(A) On January 1, 1996, the area of the marine environment within 3 nautical miles of the upper reaches of the wash of the aves on the shore of Kahoolawe Island is designated a part of the Sanctuary, unless during the 3-month period immediately preceding January 1, 1996, the Secretary certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives that the area is not suitable for inclusion in the Sanctuary. If such certification is made, it shall accompanied by a written explanation of the Secretary's reasoning in support of the certification.

(B) After a certification of unsuitability is made under subparagraph (A), the Secretary shall annually make a finding concerning the suitability of the area for inclusion in the Sanctuary and submit

Reports.

to such congressional committees a report on that finding and the reasons thereof. If the Secretary finds that the area is suitable for inclusion in the Sanctuary, the area is designated a part of the Sanctuary on the 30th day after such report is submitted.

(C) Upon designation of the area under subparagraph (A) or (B), the area shall be managed as if it has been designated under section 2305, and the Secretary shall—

Federal Register, publication. Regulations.

(i) publish a notice in the Federal Register announcing the designation and identifying the area; and

(ii) issue such regulations for the area as are necessary to fulfill the Secretary's responsibilities under this subtitle and title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(3) The Secretary shall generally identify and depict the Sanctuary on National Oceanic and Atmospheric Administration charts. Those charts shall be maintained on file and kept available for public examination during regular business hours at the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration. The Secretary shall update the charts to reflect any boundary modification under subsection (d), and any additional designation under paragraph (2) of this subsection.

(c) EFFECT OF OBJECTION BY GOVERNOR.—(1) If within 45 days after the date of the enactment of this title the Governor of Hawaii certifies to the Secretary that the designation (including the prospective additional designation under subsection (b)(2) of the area within 3 nautical miles of Kahoolawe Island) is unacceptable, the designation shall not take effect in the area of the Sanctuary lying within the seaward boundary of the State of Hawaii.

(2) If within 45 days after the date of issuance of the comprehensive management plan and implementing regulations under section 2306 the Governor of Hawaii certifies to the Secretary that the management plan, any implementing regulation, or any term of the plan or regulations is unacceptable, the management plan, regulation, or term, respectively, shall not take effect in the area of the Sanctuary lying within the seaward boundary of the State of Hawaii.

(3) If the Secretary considers that an action taken under paragraph (1) or (2) will affect the Sanctuary in a manner that the goals and objectives of this subtitle cannot be fulfilled, the Secretary may terminate the entire designation under subsection (a). At least thirty days prior to such termination, the Secretary shall submit written notification of the proposed termination to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

(d) BOUNDARY MODIFICATIONS.—No later than the date of issuance of the draft environmental impact statement for the Sanctuary under section 304(a)(1)(C)(vii) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a)(1)(C)(vii)), the Secretary, in consultation with the Governor of Hawaii, if appropriate, may make modifications to the boundaries of the Sanctuary as necessary to fulfill the purpose of this subtitle. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a written notification of such modifications.

SEC. 2306. COMPREHENSIVE MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—The Secretary, in consultation with interested persons and appropriate Federal, State, and local government authorities, shall develop and issue not later than 18 months after the date of enactment of this title a comprehensive management plan and implementing regulations to achieve the policy and purposes of this subtitle. In developing the plan and regulations, the Secretary shall follow the procedures specified in sections 303 and 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433 and 1434), as amended by this title. Such comprehensive management plan shall—

(1) facilitate all public and private uses of the Sanctuary (including uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes) consistent with the primary objective of the protection of humpback whales and their habitat;

(2) set forth the allocation of Federal and State enforcement responsibilities, as jointly agreed by the Secretary and the State of Hawaii;

(3) identify research needs and establish a long-term ecological monitoring program with respect to humpback whales and their habitat;

(4) identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations under section 2307 of this subtitle and section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444);

(5) ensure coordination and cooperation between Sanctuary managers and other Federal, State, and local authorities with jurisdiction within or adjacent to the Sanctuary; and

(6) promote education among users of the Sanctuary and the general public about conservation of humpback whales, their habitat, and other marine resources.

(b) PUBLIC PARTICIPATION.—The Secretary shall provide for participation by the general public in development of the comprehensive management plan or any amendment thereto.

SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

For carrying out this subtitle, there are authorized to be appropriated to the Secretary $500,000 for fiscal year 1993 and $300,000 for fiscal year 1994. Of the amounts appropriated under this section for fiscal year 1993—

(1) not less than $50,000 shall be used by the Western Pacific Regional Team to evaluate potential national marine sanctuary sites for inclusion on the Department of Commerce's Site Evaluation List; and

(2) not less than $50,000 shall be used to continue the investigation of biological, cultural, and historical resources adjacent to Kahoolawe Island.

TITLE III—MARINE MAMMAL STRANDINGS

Marine Mammal Health and Stranding Response Act.
16 USC 1361 note.

SEC. 3001. SHORT TITLE.

This title may be cited as the "Marine Mammal Health and Stranding Response Act".

16 USC 1421 note.

SEC. 3002. FINDINGS.

The Congress finds the following:

(1) Current stranding network participants have performed an undeniably valuable and ceaseless job of responding to marine mammal strandings over the last 15 years.

(2) Insufficient understanding of the connection between marine mammal health and the physical, chemical, and biological parameters of their environment prevents an adequate understanding of the causes of marine mammal unusual mortality events.

(3) An accurate assessment of marine mammal health, health trends in marine mammal populations in the wild, and causes of marine mammal unusual mortality events cannot be made without adequate reference data on marine mammals and the environment in which they live.

(4) A systematic assessment of the sources, presence, levels, and effects of potentially harmful contaminants on marine mammals would provide a better understanding of some of the causes of marine mammal unusual mortality events and may serve as an indicator of the general health of our coastal and marine environments.

(5) Responses to marine mammal unusual mortality events are often uncoordinated, due to the lack of sufficient contingency planning.

(6) Standardized methods for the reporting of dying, dead, or otherwise incapacitated marine mammals in the wild would greatly assist in the determination of the causes of marine mammal unusual mortality events and enhance general knowledge of marine mammal species.

(7) A formal system for collection, preparation, and archiving of, and providing access to, marine mammal tissues will enhance efforts to investigate the health of marine mammals and health trends of marine mammal populations, and to develop reference data.

(8) Information on marine mammals, including results of analyses of marine mammal tissues, should be broadly available to the scientific community, including stranding network participants, through a marine mammal data base.

SEC. 3003. MARINE MAMMAL HEALTH AND STRANDING RESPONSE PROGRAM.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following new title:

"TITLE III—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

16 USC 1421.

"SEC. 301. ESTABLISHMENT OF PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, establish a program to be known as the 'Marine Mammal Health and Stranding Response Program'.

"(b) PURPOSES.—The purposes of the Program shall be to—

"(1) facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the wild;

"(2) correlate the health of marine mammals and marine mammal populations, in the wild, with available data on physical, chemical, and biological environmental parameters; and

"(3) coordinate effective responses to unusual mortality events by establishing a process in the Department of Commerce in accordance with section 304.

"SEC. 302. DETERMINATION; DATA COLLECTION AND DISSEMINATION.

16 USC 1421a.

"(a) DETERMINATION FOR RELEASE.—The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, develop objective criteria, after an opportunity for public review and comment, to provide guidance for determining at what point a rehabilitated marine mammal is releasable to the wild.

"(b) COLLECTION.—The Secretary shall, in consultation with the Secretary of the Interior, collect and update, periodically, existing information on—

"(1) procedures and practices for—

"(A) rescuing and rehabilitating stranded marine mammals, including criteria used by stranding network participants, on a species-by-species basis, for determining at what point a marine mammal undergoing rescue and rehabilitation is returnable to the wild; and

"(B) collecting, preserving, labeling, and transporting marine mammal tissues for physical, chemical, and biological analyses;

"(2) appropriate scientific literature on marine mammal health, disease, and rehabilitation;

"(3) strandings, which the Secretary shall compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals; and

"(4) other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

"(c) AVAILABILITY.—The Secretary shall make information collected under this section available to stranding network participants and other qualified scientists.

"SEC. 303. STRANDING RESPONSE AGREEMENTS.

16 USC 1421b.

"(a) IN GENERAL.—The Secretary may enter into an agreement under section 112(c) with any person to take marine mammals under section 109(h)(1) in response to a stranding.

"(b) REQUIRED PROVISION.—An agreement authorized by subsection (a) shall—

"(1) specify each person who is authorized to perform activities under the agreement; and

"(2) specify any terms and conditions under which a person so specified may delegate that authority to another person.

"(c) REVIEW.—The Secretary shall periodically review agreements under section 112(c) that are entered into pursuant to this title, for performance adequacy and effectiveness.

16 USC 1421c.

"SEC. 304. UNUSUAL MORTALITY EVENT RESPONSE.

Establishment.

"(a) RESPONSE.—

"(1) WORKING GROUP.—

"(A) The Secretary, acting through the Office, shall establish, in consultation with the Secretary of the Interior, a marine mammal unusual mortality event working group, consisting of individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, marine conservation, and medical science, to provide guidance to the Secretary and the Secretary of the Interior for—

"(i) determining whether an unusual mortality event is occurring;

"(ii) determining, after an unusual mortality event has begun, if response actions with respect to that event are no longer necessary; and

"(iii) developing the contingency plan in accordance with subsection (b), to assist the Secretary in responding to unusual mortality events.

"(B) The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the marine mammal unusual mortality event working group established under this paragraph.

"(2) RESPONSE TIMING.—The Secretary, in consultation with the Secretary of the Interior, shall to the extent necessary and practicable—

"(A) within 24 hours after receiving notification from a stranding network participant that an unusual mortality event might be occurring, contact as many members as is possible of the unusual mortality event working group for guidance; and

"(B) within 48 hours after receiving such notification—

"(i) make a determination as to whether an unusual mortality event is occurring;

"(ii) inform the stranding network participant of that determination; and

"(iii) if the Secretary has determined an unusual mortality event is occurring, designate an Onsite Coordinator for the event, in accordance with subsection (c).

"(b) CONTINGENCY PLAN.—

"(1) IN GENERAL.—The Secretary shall, in consultation with the Secretary of the Interior and the unusual mortality event working group, and after an opportunity for public review and comment, issue a detailed contingency plan for responding to any unusual mortality event.

"(2) CONTENTS.—The contingency plan required under this subsection shall include—

"(A) a list of persons, including stranding network participants, at a regional, State, and local level, who can assist the Secretary in implementing a coordinated and effective response to an unusual mortality event;

"(B) the types of marine mammal tissues and analyses necessary to assist in diagnosing causes of unusual mortality events;

"(C) training, mobilization, and utilization procedures for available personnel, facilities, and other resources necessary to conduct a rapid and effective response to unusual mortality events; and

"(D) such requirements as are necessary to—

"(i) minimize death of marine mammals in the wild and provide appropriate care of marine mammals during an unusual mortality event;

"(ii) assist in identifying the cause or causes of an unusual mortality event;

"(iii) determine the effects of an unusual mortality event on the size estimates of the affected populations of marine mammals; and

"(iv) identify any roles played in an unusual mortality event by physical, chemical, and biological factors, including contaminants.

"(c) ONSITE COORDINATORS.—

"(1) DESIGNATION.—

"(A) The Secretary shall, in consultation with the Secretary of the Interior, designate one or more Onsite Coordinators for an unusual mortality event, who shall make immediate recommendations to the stranding network participants on how to proceed with response activities.

"(B) An Onsite Coordinator so designated shall be one or more appropriate Regional Directors of the National Marine Fisheries Service or the United States Fish and Wildlife Service, or their designees.

"(C) If, because of the wide geographic distribution, multiple species of marine mammals involved, or magnitude of an unusual mortality event, more than one Onsite Coordinator is designated, the Secretary shall, in consultation with the Secretary of the Interior, designate which of the Onsite Coordinators shall have primary responsibility with respect to the event.

"(2) FUNCTIONS.—

"(A) An Onsite Coordinator designated under this subsection shall coordinate and direct the activities of all persons responding to an unusual mortality event in accordance with the contingency plan issued under subsection (b), except that—

"(i) with respect to any matter that is not covered by the contingency plan, an Onsite Coordinator shall use his or her best professional judgment; and

"(ii) the contingency plan may be temporarily modified by an Onsite Coordinator, consulting as expeditiously as possible with the Secretary, the Secretary of the Interior, and the unusual mortality event working group.

"(B) An Onsite Coordinator may delegate to any qualified person authority to act as an Onsite Coordinator under this title.

16 USC 1421d.

"SEC. 305. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a fund to be known as the 'Marine Mammal Unusual Mortality Event Fund', which shall consist of amounts deposited into the Fund under subsection (c).

"(b) USES.—

"(1) IN GENERAL.—Amounts in the Fund—

"(A) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior—

"(i) to compensate persons for special costs incurred in acting in accordance with the contingency plan issued under section 304(b) or under the direction of an Onsite Coordinator for an unusual mortality event; and

"(ii) for reimbursing any stranding network participant for costs incurred in preparing and transporting tissues collected with respect to an unusual mortality event for the Tissue Bank; and

"(B) shall remain available until expended.

"(2) PENDING CLAIMS.—If sufficient amounts are not available in the Fund to satisfy any authorized pending claim, such claim shall remain pending until such time as sufficient amounts are available. All authorized pending claims shall be satisfied in the order received.

"(c) DEPOSITS INTO THE FUND.—There shall be deposited into the Fund—

"(1) amounts appropriated to the Fund;

"(2) other amounts appropriated to the Secretary for use with respect to unusual mortality events; and

"(3) amounts received by the United States in the form of gifts, devises, and bequests under subsection (d).

"(d) ACCEPTANCE OF DONATIONS.—For purposes of carrying out this title, the Secretary may accept, solicit, and use the services of volunteers, and may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

16 USC 1421e.

"SEC. 306. LIABILITY.

"(a) IN GENERAL.—A person who is authorized to respond to a stranding pursuant to an agreement entered into under section 112(c) is deemed to be an employee of the government for purposes of chapter 171 of title 28, United States Code, with respect to actions of the person that are—

"(1) in accordance with the agreement; and

"(2) in the case of an unusual mortality event, in accordance with—

"(A) the contingency plan issued under section 304(b);

"(B) the instructions of an Onsite Coordinator designated under section 304(c); or

"(C) the best professional judgment of an Onsite Coordinator, in the case of any matter that is not covered by the contingency plan.

"(b) LIMITATION.—Subsection (a) does not apply to actions of a person described in that subsection that are grossly negligent or that constitute willful misconduct.

EC. 307. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.

16 USC 1421f.

"(a) TISSUE BANK.—

"(1) IN GENERAL.—The Secretary shall make provision for the storage, preparation, examination, and archiving of marine mammal tissues. Tissues archived pursuant to this subsection shall be known as the 'National Marine Mammal Tissue Bank'.

"(2) GUIDANCE FOR MARINE MAMMAL TISSUE COLLECTION, PREPARATION, AND ARCHIVING.—The Secretary shall, in consultation with individuals with knowledge and expertise in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for marine mammal tissue collection, preparation, archiving, and quality control procedures, regarding—

"(A) appropriate and uniform methods and standards for those activities to provide confidence in marine mammal tissue samples used for research; and

"(B) documentation of procedures used for collecting, preparing, and archiving those samples.

"(3) SOURCE OF TISSUE.—In addition to tissues taken during marine mammal unusual mortality events, the Tissue Bank shall incorporate tissue samples taken from other sources in the wild, including—

"(A) samples from marine mammals taken incidental to commercial fishing operations;

"(B) samples from marine mammals taken for subsistence purposes;

"(C) biopsy samples; and

"(D) any other samples properly collected.

"(b) TISSUE ANALYSIS.—The Secretary shall, in consultation ith the Marine Mammal Commission, the Secretary of the Interior, nd individuals with knowledge and experience in marine science, iarine mammal science, marine mammal veterinary and husandry practices, and marine conservation, issue guidance, after n opportunity for public review and comment, for analyzing tissue amples (by use of the most effective and advanced diagnostic echnologies and tools practicable) as a means to monitor and ieasure overall health trends in representative species or poputions of marine mammals, including—

"(1) the levels of, and if possible, the effects of, potentially harmful contaminants; and

"(2) the frequency of, and if possible, the causes and effects of abnormal lesions or anomalies.

"(c) DATA BASE.—

"(1) IN GENERAL.—The Secretary shall maintain a central data base which provides an effective means for tracking and accessing data on marine mammals, including relevant data on marine mammal tissues collected for and maintained in the Tissue Bank.

"(2) CONTENTS.—The data base established under this subsection shall include—

"(A) reference data on the health of marine mammals and populations of marine mammals; and

"(B) data on species of marine mammals that are subject to unusual mortality events.

"(d) ACCESS.—The Secretary shall, in consultation with the Secretary of the Interior, establish criteria, after an opportunity for public review and comment, for access to—

"(1) marine mammal tissues in the Tissue Bank;

"(2) analyses conducted pursuant to subsection (b); and

"(3) marine mammal data in the data base maintained under subsection (c);

which provide for appropriate uses of the tissues, analyses, and data by qualified scientists, including stranding network participants.

16 USC 1421g.

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated—

"(1) to the Secretary for carrying out this title (other than sections 305 and 307) $250,000 for each of fiscal years 1993 and 1994;

"(2) to the Secretary for carrying out section 307, $250,000 for each of fiscal years 1993 and 1994; and

"(3) to the Fund, $500,000 for fiscal year 1993.

16 USC 1421h.

"SEC. 309. DEFINITIONS.

"In this title, the following definitions apply:

"(1) The term 'Fund' means the Marine Mammal Unusual Mortality Event Fund established by section 305(a).

"(2) The term 'Office' means the Office of Protected Resources, in the National Marine Fisheries Service.

"(3) The term 'stranding' means an event in the wild in which—

"(A) a marine mammal is dead and is—

"(i) on a beach or shore of the United States; or

"(ii) in waters under the jurisdiction of the United States (including any navigable waters); or

"(B) a marine mammal is alive and is—

"(i) on a beach or shore of the United States and unable to return to the water;

"(ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or

"(iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

"(4) The term 'stranding network participant' means a person who is authorized by an agreement under section 112(c) to take marine mammals as described in section 109(h)(1) in response to a stranding.

"(5) The term 'Tissue Bank' means the National Marine Tissue Bank provided for under section 307(a).

"(6) The term 'unusual mortality event' means a stranding that—

"(A) is unexpected;

"(B) involves a significant die-off of any marine mammal population; and

"(C) demands immediate response.".

16 USC 1421a note.

(b) IMPLEMENTATION.—The Secretary of Commerce shall—

(1) in accordance with section 302 (a) and (b) of the Marine Mammal Protection Act of 1972, as amended by this Act, and

not later than 24 months after the date of enactment of this Act—

(A) develop and implement objective criteria to determine at what point a marine mammal undergoing rehabilitation is returnable to the wild; and

(B) collect and make available information on marine mammal health and health trends; and

(2) in accordance with section 304(b) of the Marine Mammal Protection Act of 1972, as amended by this Act, issue a detailed contingency plan for responding to any unusual mortality event—

(A) in proposed form by not later than 18 months after the date of enactment of this Act; and

(B) in final form by not later than 24 months after the date of enactment of this Act.

EC. 3004. CONFORMING AMENDMENTS.

(a) CROSS REFERENCES.—The Marine Mammal Protection Act f 1972 is amended—

(1) in section 102(a) (16 U.S.C. 1372(a)) by inserting "or title III" after "this title" the first place it appears;

(2) in section 109(h)(1) (16 U.S.C. 1379(h)(1)) by inserting "or title III" after "this title"; and

(3) in section 112(c) (16 U.S.C. 1382(c)) by inserting "or title III" after "this title".

(b) DEFINITION OF SECRETARY.—Section 3(11) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(11)) is amended—

(1) by striking "The term" and inserting "(A) Except as provided in subparagraph (B), the term";

(2) by redesignating subparagraph (A) as clause (i);

(3) by redesignating subparagraph (B) as clause (ii); and

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

"(B) in title III the term 'Secretary' means the Secretary of Commerce.".

(c) TABLE OF CONTENTS.—The table of contents at the end f the first section of the Marine Mammal Protection Act of 1972 16 U.S.C. 1361 et seq.) is amended by adding at the end the ollowing:

"TITLE III—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

Sec. 301. Establishment of program.
Sec. 302. Determination; data collection and dissemination.
Sec. 303. Stranding response agreements.
Sec. 304. Unusual mortality event response.
Sec. 305. Unusual mortality event activity funding.
Sec. 306. Liability.
Sec. 307. National Marine Mammal Tissue Bank and tissue analysis.
Sec. 308. Authorization of appropriations.
Sec. 309. Definitions.".

EC. 3005. PROJECT STUDY.

Massachusetts.

The Secretary of the Army shall conduct studies for navigation rojects for Provincetown Harbor, Massachusetts, and Aunt Lydia's Cove, Chatham, Massachusetts, and shall evaluate the benefits f the projects to commercial fishermen at full manufacturing wages. After completion of the studies, the Secretary of the Army shall arry out the projects under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

SEC. 3006. TECHNICAL CLARIFICATION.

Section 4283B of the Revised Statutes (46 App. U.S.C. 183c) is amended in paragraph (2) by inserting "any" before "court".

TITLE IV—NEW YORK CITY ZEBRA MUSSEL PROGRAM

SEC. 4001. MONITORING AND PREVENTION.

(a) IN GENERAL.—The Secretary of the Army in consultation with the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, the Governor of the State of New York, and the Mayor of the city of New York, shall—

(1) develop a prevention monitoring program for zebra mussels throughout the New York City water supply system;

(2) develop appropriate zebra mussel prevention and removal technologies for the New York City water supply system; and

(3) provide technical assistance to the State of New York and the city of New York on alternative design and maintenance practices for the New York City water supply system in the event of zebra mussel infestation.

(b) COST SHARING.—The Secretary of the Army shall not initiate any monitoring, prevention, or technical assistance project or program under this subsection until appropriate non-Federal interests agree, by contract, to contribute 25 percent of the cost for such project or program during the period of such project or program.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subsection, there is authorized to be appropriated to the Secretary of the Army $2,000,000 for each fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

SEC. 4002. EXOTIC AQUATIC ORGANISMS.

Section 1101(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(b)) is amended by adding at the end the following new paragraph:

Regulations.

"(3) In addition to issuing regulations under paragraph (1), the Secretary, in consultation with the Task Force shall, not later than 24 months after the date of the enactment of this paragraph, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that, after operating on the waters beyond the exclusive economic zone, enter a United States port on the Hudson River north of the George Washington Bridge.".

Coast Guard Authorization Act of 1992.

TITLE V—COAST GUARD AUTHORIZATION

SEC. 5001. SHORT TITLE.

This title may be cited as the "Coast Guard Authorization Act of 1992".

SEC. 5002. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for Fiscal Year 1993, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,603,000,000, of which—

(A) $253,100,000 shall be transferred from the Department of Defense;

(B) $31,876,000 shall be derived from the Oil Spill Liability Trust Fund; and

(C) $35,000,000 shall be expended from the Boat Safety Account.

(2) For the acquisition, construction, rebuilding, and improvement of aids-to-navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $419,300,000 to remain available until expended, of which—

(A) $18,000,000 shall be transferred from the Department of Defense; and

(B) $38,122,000 shall be derived from the Oil Spill Liability Trust Fund.

(3) For research, development, test, and evaluation, $29,900,000, to remain available until expended, of which $4,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $519,700,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Administration Program, $12,600,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $30,500,000, to remain available until expended.

EC. 5003. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING.

(a) As of September 30, 1993, the Coast Guard is authorized n end-of-year strength for active duty personnel of 39,732. The uthorized strength does not include members of the Ready Reserve alled to active duty under section 712 of title 14, United States ode.

(b) For Fiscal Year 1993, the Coast Guard is authorized average ilitary training student loads as follows:

(1) For recruit and special training, 2,653 student years.

(2) For flight training, 110 student years.

(3) For professional training in military and civilian institutions, 362 student years.

(4) For officer acquisition, 878 student years.

EC. 5004. SHORE FACILITIES IMPROVEMENTS AT GROUP CAPE HATTERAS.

North Carolina.

Of amounts authorized to be appropriated for acquisition, onstruction, rebuilding, and improvement, the Secretary of ransportation shall expend not more than $5,500,000, in Fiscal ears 1993, 1994, 1995, 1996, and 1997, for shore facilities improvements within Group Cape Hatteras, North Carolina.

SEC. 5005. PREPOSITIONED OIL SPILL CLEANUP EQUIPMENT.

Of the amounts authorized to be appropriated for acquisition, construction, rebuilding, and improvement that are derived from the Oil Spill Liability Trust Fund in fiscal year 1993, the Secretary of Transportation shall expend not more than—

(1) $890,000 to acquire and preposition oil spill response equipment at Houston, Texas; and

(2) $1,160,000 for the enhancement of Columbia River marine, fire, oil, and toxic spill response communications, training, equipment and program administration activities conducted by the Maritime Fire and Safety Association.

SEC. 5006. OIL SPILL TRAINING SIMULATORS.

Of the amounts authorized to be appropriated for acquisition, construction, rebuilding, and improvement that are derived from the Oil Spill Liability Trust Fund in fiscal year 1993, the Secretary of Transportation shall make available not more than—

Texas.

(1) $1,250,000 to the Texas Center for Marine Training and Safety at Galveston, Texas, for the purchase of marine oil spill management simulator; and

Massachusetts.

(2) $1,250,000 to the Massachusetts Center for Marine Environmental Protection, located at Buzzards Bay, Massachusetts, for the purchase of a marine oil spill management simulator.

SEC. 5007. EVACUATION ALLOWANCE.

Section 208 of the Dire Emergency Supplemental Appropriations Act, 1992 (Public Law 102–368) applies to military personnel and civilian employees of the United States Coast Guard to the same extent as that section applies to the Department of Defense, except that funds available to the Coast Guard shall be used.

Subtitle A—Boating Safety

SEC. 5101. TREATMENT OF UNOBLIGATED ALLOCATIONS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

Section 13104 of title 46, United States Code, is amended to read as follows:

"§ 13104. Availability of allocations

"(a)(1) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation.

"(2) Amounts allocated to a State that are not obligated at the end of the 3-year period referred to in paragraph (1) shall be withdrawn and allocated by the Secretary in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

"(b) Amounts available to the Secretary for State recreational boating safety programs for a fiscal year that have not been allocated at the end of the fiscal year shall be allocated among States in the next fiscal year in addition to amounts otherwise available for allocation to States for that next fiscal year.".

EC. 5102. INCREASED PENALTIES FOR OPERATING A VESSEL WHILE INTOXICATED.

Section 2302(c)(1) of title 46, United States Code, is amended y striking "$1,000;" and inserting "$1,000 for a first violation nd not more than $5,000 for a subsequent violation;".

EC. 5103. FUTURE BOATERS EDUCATION PROGRAM.

Children and youth.

Not later than six months after the date of enactment of this ct, the Secretary of Transportation shall submit to the Committee n Commerce, Science, and Transportation of the Senate and the ommittee on Merchant Marine and Fisheries of the House of epresentatives a plan to increase the availability of voluntary afe boating education to individuals 16 years of age or younger. n developing the plan, the Secretary shall consider using the esources of the Coast Guard Auxiliary to provide boating education the greatest extent possible.

Subtitle B—Miscellaneous

EC. 5201. COAST GUARD BAND DIRECTOR.

Section 336(d) of title 14, United States Code, is amended y striking "lieutenant".

EC. 5202. RECYCLING PROGRAM.

Section 641 of title 14, United States Code, is amended by ding the following:

"(c)(1) The Commandant may—

"(A) provide for the sale of recyclable materials that the Coast Guard holds;

"(B) provide for the operation of recycling programs at Coast Guard installations; and

"(C) designate Coast Guard installations that have qualified recycling programs for the purposes of subsection (d)(2).

"(2) Recyclable materials shall be sold in accordance with sec-ion 203 of the Federal Property and Administrative Services Act f 1949 (40 U.S.C. 484).

"(d)(1) Proceeds from the sale of recyclable materials at a Coast uard installation shall be credited to funds available for operations nd maintenance at that installation in amounts sufficient to cover erations, maintenance, recycling equipment, and overhead costs or processing recyclable materials at the installation.

"(2) If, after funds are credited, a balance remains available a Coast Guard installation and the installation has a qualified ecycling program, not more than 50 percent of that balance may e used at the installation for projects for pollution abatement, nergy conservation, and occupational safety and health activities. he cost of the project may not be greater than 50 percent of he amount permissible for a minor construction project.

"(3) The remaining balance available to a Coast Guard, installa-ion may be transferred to the Coast Guard Morale, Welfare, and ecreation Program.

"(e) If the balance available to the Coast Guard installation nder this section at the end of a fiscal year is in excess of $200,000, he amount of that excess shall be deposited in the general fund f the Treasury as offsetting receipts of the Department in which he Coast Guard is operating and ascribed to Coast Guard ctivities.".

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SEC. 5203. CONFIDENTIALITY OF MEDICAL RECORDS.

(a) Title 14, United States Code is amended by inserting after section 644 the following new section:

"§ 645. Confidentiality of medical quality assurance records; qualified immunity for participants

"(a) In this section—

"(1) 'medical quality assurance program' means any activity carried out by or for the Coast Guard to assess the quality of medical care, including activities conducted by individuals, military medical or dental treatment facility committees, or other review bodies responsible for quality assurance, credentials, infection control, patient care assessment (including treatment procedures, blood, drugs, and therapeutics) medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

"(2) 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (1) and are produced or compiled by the Coast Guard as part of a medical quality assurance program.

"(3) 'health care provider' means any military or civilian health care professional who, under regulations prescribed by the Secretary, is granted clinical practice privileges to provide health care services in a military medical or dental treatment facility or who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

"(b) Medical quality assurance records created by or for the Coast Guard as part of a medical quality assurance program are confidential and privileged. The records may not be disclosed to any person or entity except as provided in subsection (d).

"(c)(1) Medical quality assurance records are not subject to discovery and may not be admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (d).

"(2) Except as provided in this section, an individual who reviews or creates medical quality assurance records for the Coast Guard or who participates in any proceeding that reviews or creates the records may not testify in any judicial or administrative proceeding with respect to the records or with respect to any finding, recommendation, evaluation, opinion, or action taken by that person in connection with the records.

"(d)(1) Subject to paragraph (2), a medical quality assurance record may be disclosed, and an individual referred to in subsection (c) may testify in connection with a record only as follows:

"(A) To a Federal executive agency or private organization, if necessary to license, accredit, or monitor Coast Guard health care facilities.

"(B) To an administrative or judicial proceeding commenced by a present or former Coast Guard or Coast Guard assigned Public Health Service health care provider concerning the termination, suspension, or limitation of clinical privileges of the health care provider.

"(C) To a governmental board or agency or to a professional health care society or organization, if necessary to perform licensing, or privileging, or to monitor professional standards for a health care provider who is or was a member or an

employee of the Coast Guard or the Public Health Service assigned to the Coast Guard.

"(D) To a hospital, medical center, or other institution that provides health care services, if necessary to assess the professional qualifications of any health care provider who is or was a member or employee of the Coast Guard or the Public Health Service assigned to the Coast Guard and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

"(E) To an officer, member, employee, or contractor of the Coast Guard or the Public Health Service assigned to the Coast Guard if for official purposes.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the record or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of the proceeding.

"(2) Except in a quality assurance action, the identity of any ndividual receiving health care services from the Coast Guard r the identity of any other individual associated with the agency or the purposes of a medical quality assurance program that is lisclosed in a medical quality assurance record shall be deleted rom that record or document before any disclosure of the record s made outside the Coast Guard. This requirement does not apply o the release of information under section 552a of title 5.

"(d) Except as provided in this section, a person having possesion of or access to a record or testimony described by this section nay not disclose the contents of the record or testimony.

"(e) Medical quality assurance records may not be made availble to any person under section 552 of title 5.

"(f) An individual who participates in or provides information an individual that reviews or creates medical quality assurance ecords is not civilly liable for participating or providing the nformation if the participation or provision of information was n good faith based on prevailing professional standards at the ime the medical quality assurance program activity took place.

"(g) Nothing in this section shall be construed as—

"(1) authority to withhold from any person aggregate statistical information regarding the results of Coast Guard medical quality assurance programs;

"(2) authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the General Accounting Office if the record pertains to any matter within their respective jurisdictions;

"(3) limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(h) Except as otherwise provided in this section, an individual vho willfully discloses a medical quality assurance record knowing

that the record is a medical quality assurance record, is liable to the United States Government for a civil penalty of not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense."

(b) The analysis for chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 644 the following new item:

"645. Confidentiality of medical quality assurance records; qualified immunity for participants.".

SEC. 5204. TELEPHONE INSTALLATION AND CHARGES.

(a) Title 14, United States Code, is amended by adding the following new section:

"§ 669. Telephone installation and charges

Regulations.

"Under regulations prescribed by the Secretary, amounts appropriated to the Department of Transportation are available to install, repair, and maintain telephone wiring in residences owned or leased by the United States Government and, if necessary for national defense purposes in other private residences."

(b) The analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"669. Telephone Installation and Charges.".

SEC. 5205. SPECIAL PAY.

(a) Section 306(a) of title 37, United States Code, is amended by striking "of pay grade O–3, O–4, O–5, or O–6" and inserting "of pay grade O–6 or below", and by striking the chart and inserting the following new chart:

"Pay Grade	Monthly Rate
O–6	$150
O–5	100
O–4 and below	50".

(b) Section 306(c) of title 37, United States Code, is amended by striking "in pay grade O–3," and inserting "in each of the pay grades O–3 and below,".

SEC. 5206. AMENDMENT OF INLAND NAVIGATIONAL RULES.

Section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) is amended by amending Rule 1(d) (33 U.S.C. 2001(d)) to read as follows:

"(d) Traffic separation schemes may be established for the purpose of these Rules. Vessel traffic service regulations may be in effect in certain areas."; and

(2) By amending Rule 10 (33 U.S.C. 2010) to read as follows:

"RULE 10

"Traffic Separation Schemes

"(a) This Rule applies to traffic separation schemes and does not relieve any vessel of her obligation under any other Rule.

"(b) A vessel using a traffic separation scheme shall:

"(i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

"(ii) so far as practicable keep clear of a traffic separation line or separation zone;

"(iii) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

"(c) A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading as nearly as practicable at right angles to the general direction of traffic flow.

"(d)(i) A vessel shall not use an inshore traffic zone when she can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than twenty meters in length, sailing vessels, and vessels engaged in fishing may use the inshore traffic zone.

"(ii) Notwithstanding subparagraph (d)(i), a vessel may use an inshore traffic zone when en route to or from a port, offshore installation or structure, pilot station, or any other place situated within the inshore traffic zone, or to avoid immediate danger.

"(e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:

"(i) in cases of emergency to avoid immediate danger; or

"(ii) to engage in fishing within a separation zone.

"(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

"(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

"(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

"(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

"(j) A vessel of less than twenty meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

"(k) A vessel restricted in her ability to maneuver when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this Rule to the extent necessary to carry out the operation.

"(1) A vessel restricted in her ability to maneuver when engaged in an operation for the laying, servicing, or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this Rule to the extent necessary to carry out the operation.".

SEC. 5207. STATE MARITIME ACADEMY VESSEL INSPECTION FEE RELIEF.

Section 2110 of title 46, United States Code, is amended by adding at the end the following:

"(j) The Secretary may not establish or collect a fee or charge for the inspection under part B of this subtitle of training vessels operated by state maritime academies.".

SEC. 5208. INSPECTION OF GREAT LAKES BARGES.

(a) Section 2101 of title 46, United States Code, is amended by inserting after paragraph (13) the following new paragraph:

"(13a) 'Great Lakes barge' means a non-self-propelled vessel of at least 3,500 gross tons operating on the Great Lakes."

(b) Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(13) Great Lakes barges.".

46 USC 2101 note.

(c) For Great Lakes barges placed in operation after the date of enactment of this Act, the amendments made by this section take effect on the date of enactment of this Act.

46 USC 2101 note.

(d)(1) For Great Lakes barges in operation on the date of enactment of this Act, the amendments made by this section take effect one year after the date of enactment of this Act.

(2) The Secretary of Transportation may impose reasonable interim requirements to assure safe operation of the barges affected by paragraph (1).

46 USC 2101 note.

SEC. 5209. TANK VESSEL DEFINITION CLARIFICATION.

(a) In this section, "offshore supply vessel", "fish tender vessel", "fishing vessel", and "tank vessel" have the meanings given those terms under section 2101 of title 46, United States Code.

(b) The following vessels are deemed not to be a tank vessel for the purposes of any law:

(1) An offshore supply vessel.

(2) A fishing or fish tender vessel of not more than 750 gross tons that transfers without charge to a fishing vessel owned by the same person.

(c)(1) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 (Public Law 101–595).

(d) Current regulations governing the vessels in subsection (b) remain in effect.

SEC. 5210. AUTHORITY FOR THE COAST GUARD TO INSPECT AND WITHHOLD DOCUMENTS OF CERTAIN FOREIGN PASSENGER VESSELS.

(a) Section 3303(a) of title 46, United States Code, is amended in the first sentence—

(1) by striking "only" immediately after "is subject"; and

(2) by striking "the condition of the vessel's propulsion equipment and lifesaving equipment are" and inserting in lieu thereof "the condition of the vessel is".

(b) Section 3505 of title 46, United States Code, is amended by striking "or domestic vessel of more than 100 gross tons having berth or stateroom accommodations for at least 50 passengers" and insert "vessel".

SEC. 5211. REIMBURSEMENT FOR OVERSEAS INSPECTIONS AND EXAMINATIONS.

Section 3317(b) of title 46, United States Code, is amended—

(1) by striking "chapter" and inserting "part"; and

(2) by inserting "or a foreign vessel" immediately after "documented vessel".

SEC. 5212. WATCHSTANDING ON CERTAIN VESSELS.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting "a vessel used only to respond to a discharge of oil or a hazardous substance," after "an offshore supply vessel,"; and

(2) by redesignating the second subsection (n) as subsection (o).

SEC. 5213. DENIAL AND REVOCATION OF ENDORSEMENTS.

(a) Chapter 121 of title 46, United States Code, is amended—

(1) in section 12103(a), by striking "On" and inserting "Except as provided in section 12123 of this title, on";

(2) by amending section 12110(c) to read as follows:

"(c) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government—

"(1) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(2) when a vessel is employed in a trade without an appropriate trade endorsement; or

"(3) when a documented vessel with a recreational endorsement is operated other than for pleasure."; and

(3) by adding the following new section:

"§ 12123. Denial and revocation of endorsements

"When the owner of a vessel fails to pay a civil penalty assessed by the Secretary, the Secretary may deny the issuance or renewal of an endorsement or revoke the endorsement on a certificate of documentation issued under this chapter.".

(b) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following:

"12123. Denial and revocation of endorsements.".

SEC. 5214. ACCEPTANCE OF EVIDENCE OF PAYMENT OF COAST GUARD FEES.

46 USC 2110 note.

The Secretary of Transportation may not issue a citation for failure to pay a fee or charge established under section 2110 of title 46, United States Code, to an owner or operator of a recreational vessel who provides reasonable evidence of prior payment of the fee or charge to a Coast Guard boarding officer.

SEC. 5215. SCHEDULE FOR OPERATION OF DRAWBRIDGE OF WOODROW WILSON MEMORIAL BRIDGE.

(a)(1) The Secretary of the department in which the Coast Guard is operating (in this section referred to as the "Secretary") shall not operate the drawbridge of the Woodrow Wilson Memorial Bridge in the following periods for the passage of a commercial vessel:

(A) Monday through Friday (except Federal holidays), 5:00 a.m. to 10:00 a.m. and 2:00 p.m. to 8:00 p.m.

(B) Saturday, Sunday, and Federal holidays, 2:00 p.m. to 7:00 p.m.

(2) The Secretary need not operate the drawbridge of the Woodrow Wilson Memorial Bridge for the passage of a commercial vessel under paragraph (1) unless—

(A) the owner or operator of the vessel provides the bridge tender with an estimate of the approximate time of that passage at least 12 hours in advance; and

(B) the owner or operator of the vessel notifies the bridge tender at least 4 hours in advance of the requested time for that passage.

(3) Not later than 180 days after the date of enactment of this Act, the Secretary shall issue an Advance Notice of Proposed Rulemaking to solicit comments on whether there are practical ways to encourage owners and operators of commercial vessels to make every reasonable effort to notify the bridge tender of the time a vessel will pass the Woodrow Wilson Memorial Bridge by not later than 24 hours before that passage.

(b)(1) The Secretary shall not operate the drawbridge of the Woodrow Wilson Memorial Bridge in the following periods for the passage of a recreational vessel:

(A) Monday through Friday (except Federal holidays), 5:00 a.m. to 12:00 midnight;

(B) Saturday, Sunday, and Federal holidays, 7:00 a.m. to 12:00 midnight, except as provided in paragraph (2).

(2) Notwithstanding paragraph (1)(B), the Secretary may operate the drawbridge of the Woodrow Wilson Memorial Bridge beginning at 10:00 p.m. on Saturday, Sunday, or a Federal holiday for the passage of a recreational vessel, if the owner or operator of the vessel notifies the Secretary of the time of that passage by not later than 12 hours before that time.

(3) This subsection shall not be construed to prohibit a recreational vessel from passing the Woodrow Wilson Memorial Bridge at any time at which the drawbridge is being operated for the passage of a commercial vessel.

(c) The Secretary shall operate the drawbridge of the Woodrow Wilson Memorial Bridge on signal at anytime for a vessel in distress.

Massachusetts.

SEC. 5216. STATION BRANT POINT BOAT HOUSE.

(a)(1) The Secretary of Transportation shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the building known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts.

(2) A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(b)(1) The Secretary shall enter into a lease of not less than 20 years permitting the town of Nantucket to occupy the property on which the Brant Point Boat House is located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket with not less than 12 months notice of the requirement to vacate the site and move the Boat House to another location.

SEC. 5217. STUDY OF THE APPLICATION OF TILTROTOR AIRCRAFT TECHNOLOGY TO COAST GUARD MISSIONS.

(a) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit a study to Congress on the application of the V–22 Osprey tiltrotor technology to Coast Guard missions.

(b) In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the application of tiltrotor technology to Coast Guard missions including—

(A) search and rescue at sea; and

(B) the enforcement of laws of the United States especially with respect to drug interdiction;

(2) determine whether use of the technology in the Coast Guard marine environmental protection program would minimize the damage caused by oil or hazardous substances spills in the waters of the United States; and

(3) determine what effect the technology would have on Coast Guard manpower and operating costs, compared to those costs associated with technology currently used by the Coast Guard.

SEC. 5218. ENFORCEMENT AGREEMENTS.

The Coast Guard and the Department of Commerce shall enter into a Memorandum of Agreement regarding fisheries enforcement practices and procedures that provide at a minimum for the opportunity, if timely requested, to appear in person to respond to charges of violation of law or regulation when the opportunity for a hearing is granted by statute. The Memorandum of Agreement shall also provide that all enforcement procedures shall be fair and consistently applied.

SEC. 5219. AUTHORIZING PAYMENTS TO CERTAIN SUBCONTRACTORS.

(a) Not later than 6 months after the date of enactment of this Title, the Secretary of Transportation shall determine the amounts that MZP, Incorporated, owes to all subcontractors that performed work or supplied materials under Coast Guard contract DTCG50–87–C–00096.

(b) Investigations or interviews conducted to determine amounts owed under subsection (a) shall be conducted in Ketchikan, Alaska.

(c) not later than two months after making the determinations under subsection (a), the Secretary is authorized to pay the subcontractors the amounts owed.

SEC. 5220. SANKATY HEAD LIGHT STATION.

Massachusetts.

(a)(1) The Secretary of Transportation shall convey to the Nantucket Historical Association in Nantucket, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising the Sankaty Head Light Station.

(2) The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b)(1) A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration;

(B) subject to the condition that all or part of the property may be sold and the money from the sale used for the purpose

of moving the Sankaty Head Lighthouse to a location at which the Lighthouse can be maintained and preserved and for its maintenance and preservation in accordance with paragraph (2); and

(C) subject to such other terms and conditions as the Secretary may consider appropriate.

(2) In addition to any term or condition established pursuant to paragraph (1), any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Sankaty Head Lighthouse shall immediately revert to the United States if the Lighthouse ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Nantucket, Massachusetts.

(3) Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Nantucket Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Sankaty Head Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed, or the property to which the Sankaty Head Lighthouse is relocated, without notice for the purpose of maintaining navigation aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) The Nantucket Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section or on property to which the Sankaty Head Lighthouse may be relocated.

(c) The Nantucket Historical Association shall maintain the Sankaty Head Lighthouse in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(d) For purposes of this section;

(1) "Sankaty Head Light Station" means the Coast Guard lighthouse located on the eastern shore of Nantucket Island, Massachusetts, including the keeper's dwelling, adjacent Coast Guard rights of way, and such land as may be necessary to enable the Nantucket Historical Association to use the proceeds from the sale of the land for the relocation, maintenance and preservation of the Sankaty Head Lighthouse; and

(2) "Sankaty Head Lighthouse" means the Coast Guard lighthouse located at the Sankaty Head Light Station.

SEC. 5221. STUDY OF BUOY CHAIN PROCUREMENT PRACTICES.

(a) Not later than six months after the date of enactment of this Title, the Secretary of Transportation shall submit a study to Congress on acquisition of Coast Guard buoy chain.

(b) In conducting the study under subsection (a), the Secretary shall consider—

(1) the ability of United States buoy chain manufacturers to successfully compete for United States Government contracts to provide buoy chain to the Coast Guard; and

(2) the effect on the national security of United States dependence on foreign sources for acquisition of buoy chain.

SEC. 5222. CORRECTION REGARDING CERTAIN EXEMPTIONS.

Section 4506 of title 46, United States Code, is amended by striking "4502(b)(2)" and inserting "4502(b)(2)(B)".

SEC. 5223. CONTRACT FOR CERTAIN SERVICES AT COAST GUARD SUPPORT CENTER IN KODIAK, ALASKA.

Notwithstanding any other law, the Coast Guard is authorized, pursuant to the provisions of applicable acquisition regulations, to enter into a negotiated contract with PTI, at a fair and reasonable price that reflects a fair allocation of costs between Alaska ratepayers and the Coast Guard, to provide Digitrex central-office-based business services to the Coast Guard Support Center in Kodiak, Alaska, at Building 576. The Coast Guard shall pay only for service and service enhancements received or to be received by the United States at the Coast Guard Support Center, Kodiak, Alaska. The termination liability of such contract shall be negotiated, but shall not exceed $842,047.

Subtitle C—Abandoned Barges

Abandoned Barge Act of 1992.
46 USC 4701 note.

SEC. 5301. SHORT TITLE.

This subtitle may be cited as the "Abandoned Barge Act of 1992".

SEC. 5302. ABANDONMENT OF BARGES.

Part B of subtitle II of title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 47—ABANDONMENT OF BARGES

"Sec.
"4701. Definitions.
"4702. Abandonment of barge prohibited.
"4703. Penalty for unlawful abandonment of barge.
"4704. Removal of abandoned barges.
"4705. Liability of barge removal contractors.

"§ 4701. Definitions

"In this chapter—

"(1) 'abandon' means to moor, strand, wreck, sink, or leave a barge of more than 100 gross tons unattended for longer than forty-five days.

"(2) 'barge removal contractor' means a person that enters into a contract with the United States to remove an abandoned barge under this chapter.

"(3) 'navigable waters of the United States' means waters of the United States, including the territorial sea.

"(4) 'removal' or 'remove' means relocation, sale, scrapping, or other method of disposal.

"§ 4702. Abandonment of barge prohibited

"(a) An owner or operator of a barge may not abandon it on the navigable waters of the United States. A barge is deemed not to be abandoned if—

"(1) it is located at a Federally- or State-approved mooring area;

"(2) it is on private property with the permission of the owner of the property; or

"(3) the owner or operator notifies the Secretary that the barge is not abandoned and the location of the barge."

"§ 4703. Penalty for unlawful abandonment of barge

"Thirty days after the notification procedures under section 4704(a)(1) are completed, the Secretary may assess a civil penalty of not more than $1,000 for each day of the violation against an owner or operator that violates section 4702. A vessel with respect to which a penalty is assessed under this chapter is liable in rem for the penalty.

"§ 4704. Removal of abandoned barges

"(a)(1) The Secretary may remove a barge that is abandoned after complying with the following procedures:

"(A) If the identity of the owner or operator can be determined, the Secretary shall notify the owner or operator by certified mail—

"(i) that if the barge is not removed it will be removed at the owner's or operator's expense; and

"(ii) of the penalty under section 4703.

"(B) If the identity of the owner or operator cannot be determined, the Secretary shall publish an announcement in—

"(i) a notice to mariners; and

"(ii) an official journal of the county in which the barge is located

that if the barge is not removed it will be removed at the owner's or operator's expense.

"(2) The United States, and any officer or employee of the United States is not liable to an owner or operator for damages resulting from removal of an abandoned barge under this chapter.

"(b) The owner or operator of an abandoned barge is liable, and an abandoned barge is liable in rem, for all expenses that the United States incurs in removing an abandoned barge under this chapter.

"(c)(1) The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned barge.

"(2) After solicitation under paragraph (1) the Secretary may award a contract. The contract—

"(A) may be subject to the condition that the barge and all property on the barge is the property of the barge removal contractor; and

"(B) must require the barge removal contractor to submit to the Secretary a plan for the removal.

"(3) Removal of an abandoned barge may begin thirty days after the Secretary completes the procedures under subsection (a)(1).

"§ 4705. Liability of barge removal contractors

"(a)(1) A barge removal contractor and its subcontractor not liable for damages that result from actions taken or omitted to be taken in the course of removing a barge under this chapter.

"(2) Paragraph (1) does not apply—

"(A) with respect to personal injury or wrongful death; or

"(B) if the contractor or subcontractor is grossly negligent or engages in willful misconduct.".

SEC. 5303. APPLICATION TO CERTAIN BARGES.

46 USC 4701 note.

Chapter 47 of title 46, United States Code, as added by subsection (a), does not apply to a barge abandoned before June 11, 1992, if the barge was removed before the date that is 1 year after the date of enactment of this title.

SEC. 5304. CLERICAL AMENDMENT.

The analysis of subtitle II at the beginning of title 46, United States Code, is amended by inserting after the item relating to chapter 45 the following:

"47. Abandonment of barges .... 4701".

SEC. 5305. NUMBERING OF BARGES.

Section 12301 of title 46, United States Code, is amended—

(1) by inserting "(a)" before "An undocumented vessel"; and

(2) by adding at the end the following:

"(b) The Secretary shall require an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered.".

Subtitle D—Honoring the Coast Guard Women's Reserve

SEC. 5401. FINDINGS.

The Congress finds the following:

(1) The Congress passed legislation 50 years ago establishing the Coast Guard Women's Reserve.

(2) The Congress recognized both women's right to participate in the total war effort and the military's pressing need for women during World War II.

(3) The Congress responded to women's commitment and dedication by creating the Coast Guard Women's Reserve as a sister service to the WACS, and the Women Marines.

Dorothy C. Stratton.

(4) The first director of the Coast Guard Women's Reserve, Captain Dorothy C. Stratton, named the Coast Guard Women's Reserve SPAR, an acronym derived from the Latin and English translations of the Coast Guard motto, Semper Paratus Always Ready.

(5) The first director recruited the best and brightest women from industry, educational institutions, and homes.

(6) SPARS' high level of education and experience greatly reduced the need for further training and SPARS only needed to be taught military structure and Coast Guard missions and traditions.

(7) SPARS made history by being the first women trained at a service academy.

(8) SPARS performed admirably as executive officers, division heads, officers of the day, watch officers, and courts martial members.

(9) SPARS served our Nation as boatswain mates, coxswains, gunners mates, carpenters, and machinists mates.

(10) SPARS served with distinction in highly specialized jobs during the Korean War and the Vietnam Conflict.

(11) A group of Coast Guard Women's Reserve remained on active duty during the 1950's and 1960's, primarily at Coast Guard headquarters.

(12) In 1950, women were integrated into the Organized Reserve Training Program.

(13) In every phase of Coast Guard history, women have served our Nation with dedication, honor, and sacrifice.

SEC. 5402. DESIGNATION OF SPAR ANNIVERSARY WEEK.

November 17 through November 23, 1992, is designated as "SPAR Anniversary Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Subtitle E—Merchant Marine Provisions

SEC. 5501. COASTWISE LAWS.

(a)(1) Section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292) is amended to read as follows:

"SECTION 1. VESSELS THAT MAY ENGAGE IN DREDGING.

"(a) IN GENERAL.—Except as provided in subsection (b), a vessel may engage in dredging in the navigable waters of the United States only if—

"(1) the vessel meets the requirements of section 27 of the Merchant Marines Act, 1920 and section 2 of the Shipping Act, 1916 for engaging in the coastwise trade;

"(2) when chartered, the charterer of the vessel is a citizen of the United States under section 2 of the Shipping Act, 1916 for engaging in the coastwise trade; and

"(3) for a vessel that is at least 5 net tons, the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION.—A documented vessel with a registry endorsement may engage in the dredging of gold in Alaska.

"(c) PENALTY.—When a vessel is operated in knowing violation of this section, that vessel and its equipment are liable to seizure by and forfeiture to the United States Government.".

46 USC app. 292 note.

(2) The amendment made by paragraph (1) does not apply to—

(A)(i) the vessel STUYVESANT, official number 648540;

(ii) any other hopper dredging vessel documented under chapter 121 of title 46, United States Code before the effective date of this Act and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest; however, this exception expires on December 3, 2022 or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs; and

(iii) any other non-hopper dredging vessel documented under chapter 121 and chartered to Stuyvesant Dredging Com-

pany or to an entity in which it has an ownership interest, as is necessary (a) to fulfill dredging obligations under a specific contract, including any extension periods; or (b) as temporary replacement capacity for a vessel which has become disabled but only for so long as the disability shall last and until the vessel is in a position to fully resume dredging operations; however, this exception expires on December 8, 2022 or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs;

(B) the vessel COLUMBUS, official number 590658, except that the vessel's certificate of documentation shall be endorsed to prohibit the vessel from engaging in the transportation of merchandise (except valueless material), including dredge material of value, between places within the navigable waters of the United States;

(C) a vessel that is engaged in dredged material excavation if that excavation is not more than a minority of the total cost of the construction contract in which the excavation is a single, integral part, and the vessel is—

(i) built in the United States;

(ii) a non-self-propelled mechanical clamshell dredging vessel; and

(iii) owned or chartered by a corporation that had on file with the Secretary of Transportation, on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883–1); or

(D) any other documented vessel engaged in dredging and time chartered to an entity that, on August 1, 1989, was, and has continuously remained, the parent of a corporation that had on file with the Secretary of Transportation on August 1, 1989, a certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883–1) if the vessel is—

(i) not engaged in a federally funded navigation dredging project; and

(ii) engaged only in dredging associated with, and integral to, accomplishment of that parent's regular business requirements.

(b) Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended by striking "merchandise" the first place it appears and inserting "merchandise, including merchandise owned by the United States Government, a State (as defined in section 2101 of the title 46, United States Code), or a subdivision of a State,".

(c) The Act of June 7, 1988 (Public Law 100–329; 102 Stat. 588), including the amendments made by that Act, does not apply to a vessel—

46 USC app. 883 note.

(1) engaged in the transportation of valueless material or valueless dredged material; and

(2) owned or chartered by a corporation that had on file with the Secretary of Transportation on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883–1).

SEC. 5502. TREATMENT OF CERTAIN SEIZED FISHING VESSELS UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) Notwithstanding another law, each of the vessels described in subsection (b) of this section is deemed to have been covered

by an agreement, beginning August 13, 1992, and ending September 29, 1992, with the Secretary of State under section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977).

(b) The vessels referred to in subsection (a) are the following:

(1) THE KANAOLA (United States official number 923848).

(2) THE MANA LOA (United States official number 919649).

(3) THE MANA OLA (United States official number 902605).

(4) THE MANA IKI (United States official number 906800).

Subtitle F—Clean Vessels

Clean Vessel Act of 1992. Intergovernmental relations. 33 USC 1322 note.

SEC. 5601. SHORT TITLE.

This subtitle may be cited as the "Clean Vessel Act of 1992".

SEC. 5602. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The discharge of untreated sewage by vessels is prohibited under Federal law in all areas within the navigable waters of the United States.

(2) The discharge of treated sewage by vessels is prohibited under either Federal or State law in many of the United States bodies of water where recreational boaters operate.

(3) There is currently an inadequate number of pumpout stations for type III marine sanitation devices where recreational vessels normally operate.

(4) Sewage discharged by recreational vessels because of an inadequate number of pumpout stations is a substantial contributor to localized degradation of water quality in the United States.

(b) PURPOSE.—The purpose of this subtitle is to provide funds to States for the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities.

SEC. 5603. DETERMINATION AND PLAN REGARDING STATE MARINE SANITATION DEVICE PUMPOUT STATION NEEDS.

(a) SURVEY.—Within 3 months after the notification under section 5605(b), each coastal State shall conduct a survey to determine—

(1) the number and location of all operational pumpout stations and waste reception facilities at public and private marinas, mooring areas, docks, and other boating access facilities within the coastal zone of the State; and

(2) the number of recreational vessels in the coastal waters of the State with type III marine sanitation devices or portable toilets, and the areas of those coastal waters where those vessels congregate.

(b) PLAN.—Within 6 months after the notification under section 5605(b), and based on the survey conducted under subsection (a), each coastal State shall—

(1) develop and submit to the Secretary of the Interior a plan for any construction or renovation of pumpout stations and waste reception facilities that are necessary to ensure that, based on the guidance issued under section 5605(a), there are pumpout stations and waste reception facilities in the State that are adequate and reasonably available to meet the needs

of recreational vessels using the coastal waters of the State; and

(2) submit to the Secretary of the Interior with that plan a list of all stations and facilities in the coastal zone of the State which are operational on the date of submittal.

(c) PLAN APPROVAL.—

(1) IN GENERAL.—Not later than 60 days after a plan is submitted by a State under subsection (b), the Secretary of the Interior shall approve or disapprove the plan, based on—

(A) the adequacy of the survey conducted by the State under subsection (a); and

(B) the ability of the plan, based on the guidance issued under section 5605(a), to meet the construction and renovation needs of the recreational vessels identified in the survey.

(2) NOTIFICATION OF STATE; MODIFICATION.—The Secretary of the Interior shall promptly notify the affected Governor of the approval or disapproval of a plan. If a plan is disapproved, the Secretary of the Interior shall recommend necessary modifications and return the plan to the affected Governor.

(3) RESUBMITTAL.—Not later than 60 days after receiving a plan returned by the Secretary of the Interior, the Governor shall make the appropriate changes and resubmit the plan.

(d) INDICATION OF STATIONS AND FACILITIES ON NOAA CHARTS.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall indicate, on charts published by the National Oceanic and Atmospheric Administration for the use of operators of recreational vessels, the locations of pumpout stations and waste reception facilities.

(2) NOTIFICATION OF NOAA.—

(A) LISTS OF STATIONS AND FACILITIES.—The Secretary of the Interior shall transmit to the Under Secretary of Commerce for Oceans and Atmosphere each list of operational stations and facilities submitted by a State under subsection (b)(2), by not later than 30 days after the date of receipt of that list.

(B) COMPLETION OF PROJECT.—The Director of the United States Fish and Wildlife Service shall notify the Under Secretary of the location of each station or facility at which a construction or renovation project is completed by a State with amounts made available under the Act of August 9, 1950 (16 U.S.C. 777a et seq.), as amended by this subtitle, by not later than 30 days after the date of notification by a State of the completion of the project.

SEC. 5604. FUNDING.

(a) TRANSFER.—Section 4 of the Act of August 9, 1950 (16 U.S.C. 777c), is amended—

(1) by striking "So much, not to exceed 6 per centum," and all that follows through "shall apportion the remainder of the appropriation for each fiscal year among the several States" and inserting the following:

"(a) The Secretary of the Interior shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 3 of this Act as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (title III, Public Law

101-646). Notwithstanding the provis
such sums shall remain available to
fiscal year 1999.

"(b) Of the balance of each such an
after making the distribution under su
to $10,000,000 for fiscal year 1993, $
years 1994 and 1995, and $20,000,
1996, and 1997 shall be used as follows

"(1) one-half shall be trans
Transportation and be expended
safety programs under section 1
States Code; and

"(2) one-half of amounts ma
section in a fiscal year shall be
obligation under section 5604(c)
1992. The Secretary of the Interio
fied projects in an amount up to
this paragraph. Amounts unoblig
Interior after two years shall be
of Transportation and be expende
ing safety programs under section
States Code.

In fiscal year 1998, an amount equal
remaining after the distribution under
ferred to the Secretary of Transpor
State recreational boating safety progr
of title 46, United States Code.

"(c) Of the balance of each such an
after the distribution and use under s
tively, so much, not to exceed 6 per
the Secretary of the Interior may e
his or her expenses in the conduct
administration, and the execution o
the formulation, adoption, or administ
two or more States for the conservati
tory fishes in marine or freshwaters
purpose, and such sum is authorize
the expiration of the next succeeding fi

"(d) The Secretary of the Interior
fer, use, and deduction under subsec
tively, shall apportion the remainder o
tion among the several States"; and

"(2) by inserting "(e)" before "

(A) striking "fiscal year" after "succeeding" the
time it appears and inserting "four fiscal years"; and

(B) striking "succeeding fiscal year" the second
it appears and inserting "period";

(3) in subsection (c) by inserting "and outreach" in
first sentence after "education"; and

(4) by adding at the end the following new subsec

"(d) PUMPOUT STATIONS AND WASTE RECEPTION FACILITI
Amounts apportioned to States under section 4 of this Act
be used to pay not more than 75 percent of the costs of construc
renovating, operating, or maintaining pumpout stations and w
reception facilities (as those terms are defined in the Clean V
Act of 1992).".

(c) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior
obligate an amount not to exceed the amount made avai
under section 4(b)(2) of the Act of August 9, 1950 (16 U
777c(b)(2), as amended by this Act), to make grants to—

(A) coastal States to pay not more than 75 pe
of the cost to a coastal State of—

(i) conducting a survey under section 5603(a);

(ii) developing and submitting a plan and ac
panying list under section 5603(b);

(iii) constructing and renovating pumpout sta
and waste reception facilities; and

(iv) conducting a program to educate recreat
boaters about the problem of human body waste
charges from vessels and inform them of the loc
of pumpout stations and waste reception facilities.

(B) inland States, which can demonstrate to the
retary of the Interior that there are an inadequate nu
of pumpout stations and waste reception facilities to
the needs of recreational vessels in the waters of
State, to pay 75 percent of the cost to that State

(i) constructing and renovating pumpout sta
and waste reception facilities in the inland State

(ii) conducting a program to educate recreat
boaters about the problem of human body waste
charges from vessels and inform them of the loc
of pumpout stations and waste reception facilities.

SEC. 5605. GUIDANCE AND NOTIFICATION.

(a) ISSUANCE OF GUIDANCE.—Not l
the date of the enactment of this sub
Interior shall, after consulting with
Environmental Protection Agency, the
merce for Oceans and Atmosphere, and
Coast Guard, issue for public comment
reception facility guidance. The Secretar
ize the guidance not later than 6 months
of this subtitle. The guidance shall includ

(1) guidance regarding the type
waste reception facilities that may b
tion, renovation, operation, or maint
able under the Act of August 9, 195
as amended by this subtitle, and
stations and facilities within a marin

(2) guidance defining what
reasonably available pumpout stat
facilities in boating areas;

(3) guidance on appropriate me
sewage from pumpout stations and

(4) guidance on appropriate co
the sanitary and expeditious discha

(5) guidance on the waters mo
the discharge of sewage from vessels

(6) other information that is c
mote the establishment of pumpout
discharges from vessels and to pro

(b) NOTIFICATION.—Not later than o
issued under subsection (a) is finalized, t
shall provide notification in writing to t
pollution control, and coastal zone mana
State, of—

(1) the availability of amounts
9, 1950 (16 U.S.C. 777a et seq.) to i
Act of 1992; and

(2) the guidance developed unde

SEC. 5606. EFFECT ON STATE FUNDING ELI

This subtitle shall not be construe
any funds available to a coastal State

SEC. 5608. DEFINITIONS.

For the purposes of this subtitle the term:

(1) "coastal State"—

(A) means a State of the United States in, or borde on the Atlantic, Pacific, or Arctic Ocean; the Gulf of Me Long Island Sound; or one or more of the Great La

(B) includes Puerto Rico, the Virgin Islands, Gu the Commonwealth of the Northern Mariana Islands, American Samoa; and

(C) does not include a State for which the rati the number of recreational vessels in the State numb under chapter 123 of title 46, United States Code, to n ber of miles of shoreline (as that term is defined in sec 926.2(d) of title 15, Code of Federal Regulations, a effect on January 1, 1991), is less than one.

(2) "coastal waters" means—

(A) in the Great Lakes area, the waters within territorial jurisdiction of the United States consistin the Great Lakes, their connecting waters, harb roadsteads, and estuary-type areas such as bays, shall and marshes; and

(B) in other areas, those waters, adjacent to the sh lines, which contain a measurable percentage of sea wa including sounds, bay, lagoons, bayous, ponds, and e aries.

(3) "coastal zone" has the same meaning that term in section 304(1) of the Coastal Zone Management Act of (16 U.S.C. 1453(1));

(4) "inland State" means a State which is not a co state;

(5) "type III marine sanitation device" means any e ment for installation on board a vessel which is specifi designed to receive, retain, and discharge human body wa

(6) "pumpout station" means a facility that pump receives human body wastes out of type III marine sanit devices installed on board vessels;

(7) "recreational vessel" means a vessel—

(A) manufactured for operation, or operated, prim for pleasure; or

(B) leased, rented, or chartered to another for latter's pleasure; and

(8) "waste reception facility" means a facility specifi

(3) BAY LADY (United S
(4) BLACK MAGIC (Unitec
(5) BLITHE SPIRIT (Unite
(6) BLUEJACKET (United
(7) BROWN BEAR (United
(8) CAMINANTE (United
(9) DELPHINUS II (Unitec
(10) EAGLE (United States
(11) EL BONGO (hull id
New York State registration nu
(12) FIFTY-FIFTY (United
(13) FOUR B'S (United S
(14) HAZANA (State of
HA9219D).
(15) HIGH CALIBRE (U
587630).
(16) JUBILEE (United Stat
(17) LIQUID GOLD (Unite
(18) MARIPOSA (United
(19) MISS JOAN (State
3250 XK).
(20) NORTH ATLANTIC
695377).
(21) POTOMAC QUEEN (I
number DC7239B).
(22) REDDY JANE (Unitec
(23) SEA HORSE (United
(24) SHORELINE XV (U
644839).
(25) SLALOM (Florida re
(26) SOUTHERN YANKEE
976653).
(27) THE DAY DREAM
644805).
(28) TOUCH OF CLASS (S
ber HA8762E).
(29) WILD GOOSE (State o
CF6431FW).

SEC. 6102. WAIVER FOR OIL SPILL AC

Notwithstanding sections 1210
States Code, and section 27 of th
(46 App. U.S.C. 883), the Secreta

Secretary of Transportation may issue a certificate of docume
for the fish processing vessel YUPIK STAR (United States
number 900823).

SEC. 6105. SALE OF VESSELS.

(a) SALE AUTHORIZED.—Notwithstanding any other law
agreement with the United States Government, the
described in subsection (b) may be sold to a person that
a citizen of the United States and transferred to a foreign r
if that sale is approved by the Secretary of Transportatior
section 9(c) of the Shipping Act, 1916 (46 App. U.S.C.

(b) VESSELS DESCRIBED.—The vessels referred to in sub
(a) are the following:

(1) OCEAN CHALLENGER (United States official r
569583).

(2) OCEAN RUNNER (United States official r
564344).

(3) OCEAN WIZARD (United States official r
574906).

Subtitle B—Maritime Amendments

SEC. 6201. STUDENT INCENTIVE PAYMENTS.

(a) AMOUNT OF ANNUAL PAYMENT.—

(1) INCREASE IN AMOUNT.—Section 1304(g)(1) of th
chant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)) is a
by striking "$1,200" and inserting "$3,000".

(2) APPLICATION.—The amendment made by subsec
shall apply to payments under section 1304(g)(1) of th
chant Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)
with respect to academic years beginning after the
the enactment of this Act.

(b) MANNER OF PAYMENT.—Section 1304(g)(1) of the M
Marine Act, 1936 (46 App. U.S.C. 1295c(g)(1)) is further ame

(1) in subparagraph (B) by inserting "and" after th
colon;

(2) by striking subparagraph (C);

(3) by redesignating subparagraph (D) as subpa
(C); and

(4) in subparagraph (C) (as so redesignated) by s

SEC. 6203. MASSACHUSETTS CENTER F PROTECTION.

For Fiscal Year 1993, $242,000 is
to the Maritime Administration for t
Marine Environmental Protection lo
Maritime Academy.

SEC. 6204. FEDERAL SHIP MORTGAGE CONSTRUCTION AND RECON

Section 1104B(b)(2) of the Mercha
U.S.C. 1274a(b)(2)) is amended by stri
ing "87½ percent".

SEC. 6205. TECHNICAL CORRECTIONS.

(a) MERCHANT SHIP SALES ACT O
Merchant Ship Sales Act of 1946 (50 A
by section 6 of the Act of October
115; 103 Stat. 693; commonly referred
tration Authorization, 1990"), is am
not been repealed by section 307(12) o
tion Act of 1989 (Public Law 101-225;
date of this subsection is December 12,

Effective date. 50 USC app. 1744 note.

(b) MERCHANT MARINE ACT, 1920.
Marine Act, 1920 (46 App. U.S.C. 876)
(1) in paragraph (1)(b) by stri
"systems"; and
(2) in paragraph (7)(d) by st
paragraph (1)(b)(7) of this section
division (b),".

Partnerships for Wildlife Act. 16 USC 3741 note.

TITLE VII—PARTNERSHI

SEC. 7101. SHORT TITLE.

This Title may be cited as the "P

16 USC 3741.

SEC. 7102. FINDINGS.

The Congress finds the following:
(1) Three-fourths of all Am
participate in wildlife-related recr
hunting, fishing and trapping.

systematic declines of 46.9 percent during a twenty-year s
period.

(7) There have been nationwide declines in frogs and
amphibians.

(8) Over two hundred and seventy-five of vertebrate
and wildlife species in the United States are now offic
classified as threatened or endangered by the Federal Gov
ment.

(9) During the past decade, fish and wildlife species, in
ing invertebrates, were added to the rapidly growing li
threatened and endangered species in North America at
average rate of over one per month.

(10) Currently, eighty-two species of invertebrates in
United States are listed as threatened or endangered u
the Endangered Species Act, and another nine hundred
fifty-one United States invertebrate species are candidate
listing under that Act.

(11) Proper management of fish and wildlife, before sp
become threatened or endangered with extinction, is the
to reversing the increasingly desperate status of fish and
life.

(12) Proper fish and wildlife conservation includes not
management of fish and wildlife species taken for recre
and protection of endangered and threatened species, but
management of the vast majority of species which fall
neither category.

(13) Partnerships in fish and wildlife conservation,
as the Federal Aid in Wildlife Restoration Program, the Fe
Aid in Sport Fish Restoration Program, and the North Ame
Wetlands Conservation Act have benefitted greatly the
servation of fish and wildlife and their habitats.

(14) A program that encourages partnerships among
eral and State governments and private entities to carry
wildlife conservation and appreciation projects would be
all species of fish and wildlife through such activitie
management, research, and interagency coordination.

(15) Many States, which are experiencing declining
nues, are finding it increasingly difficult to carry out pro
to conserve the entire array of diverse fish and wildlife sp
and to provide opportunities for the public to associate
enjoy, and appreciate fish and wildlife through nonconsum
activities.

(3) to encourage private donati
of the National Fish and Wildlife
wildlife conservation and appreciatio

16 USC 3743.

SEC. 7104. DEFINITIONS.

As used in this title—

(1) The terms "conserve" and "c
and the use of, such methods and
essary to ensure, to the maximum e
being and enhancement of fish and
for the educational, aesthetic, cultu
and ecological enrichment of the
procedures may include, but are n
associated with scientific resource
research, census, law enforcement, h
nance, development, information
manipulation, propagation, technical
owners, live trapping, and transplant

(2) The term "designated State
fish and wildlife agency, which sh
any department, or any division of
name, of a State that is empowered
the functions ordinarily exercised b
agency.

(3) The term "fish and wildlife
the animal kingdom that are in an u

(4) The term "Fund" means the
Appreciation Fund established und

(5) The term "National Fish
means the charitable and nonprof
under section 2 of the National Fis
Establishment Act (16 U.S.C. 3701).

(6) The term "nonconsumptive
wildlife associated activities other t
wildlife and includes, but is not
observing, learning about, or associa

(7) The term "Secretary" mea
Interior, acting through the Directo
and Wildlife Service.

(8) The term "wildlife conse
project" means a project wh
nonconsumptive activities or toward

SEC. 7105. WILDLIFE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall provide the amou available in the Fund to designated State agencies on a match basis to assist in carrying out wildlife conservation and appreciat projects that are eligible under subsection (b) of this section.

(b) ELIGIBLE PROJECTS.—The following wildlife conservat and appreciation projects shall be eligible for matching funds fr the Fund:

(1) inventory of fish and wildlife species;

(2) determination and monitoring of the size, range a distribution of populations of fish and wildlife species;

(3) identification of the extent, condition, and location the significant habitats of fish and wildlife species;

(4) identification of the significant problems that n adversely affect fish and wildlife species and their significa habitats;

(5) actions to conserve fish and wildlife species and th habitats; and

(6) actions of which the principal purpose is to prov opportunities for the public to use and enjoy fish and wildl through nonconsumptive activities.

(c) PROJECT STANDARDS.—The Secretary shall not provide fu ing to carry out an eligible wildlife conservation and appreciat project unless the Secretary determines that such a project—

(1) is planned adequately to accomplish the stated object or objectives;

(2) utilizes accepted fish and wildlife management pr ciples, sound design and appropriate procedures;

(3) will yield benefits pertinent to the identified need a level commensurate with project costs;

(4) provides for the tracking of costs and accomplishme related to the project;

(5) provides for monitoring, evaluating, and reporting the accomplishment of project objectives; and

(6) complies with all applicable Federal environmental la and regulations.

(d) LIMITATIONS ON FEDERAL PAYMENT.—The amount of app priated Federal funds provided from the Fund by the Secreta to any designated State Agency with respect to any fiscal y to carry out an eligible wildlife conservation and appreciation proj under this section—

(1) may not exceed $250,000;

derived from activities regulated by su
for any purpose other than the manage
fish and wildlife. Such revenue shall in
to, all income from the sale of hunting, fis
all income from nongame checkoff syst
sale of waterfowl, habitat conservation,
requisite for engaging in certain activi
ignated State agency; all income from th
and products by the designated State age
administered by the State for fish and
funds apportioned to the designated Stat
Aid in Wildlife and Sport Fish Restoratio

(g) ESTABLISHMENT OF FUND.—(1) Th
the Fund, which shall consist of amoun
by the Secretary under paragraph (2) of th

(2) The Secretary shall deposit into th

(A) amounts appropriated t
to the Fund, of which not mor
available to the Secretary and th
life Foundation to defray the c
Act and evaluating wildlife con
projects; and

(B) amounts received as do
Fish and Wildlife Foundation o
persons for deposit to the Fund.

(3) The Secretary may accept and
National Fish and Wildlife Foundation
or persons for purposes of assisting State

(4) Of the total amount provided
a State in carrying out a wildlife cons
project under subsection (a) of this se
shall have been donated to the Fund
Wildlife Foundation.

(h) AUTHORIZATION OF APPROPRIATIO
to be appropriated to the Fund and
of fiscal years 1992 through 1995 no
match the amount of contributions m
National Fish and Wildlife Foundation.

North Pacific Anadromous Stocks Convention Act

TITLE VIII—NORTH PACIFIC AN CONVENTIO

(2) "Anadromous fish" means fish of the species listed the Annex to the Convention that migrate into the Conventi area.

(3) "Authorized officer" means a law enforcement offic authorized to enforce this title under section 8009(a).

(4) "Commission" means the North Pacific Anadromo Fish Commission provided for by article VIII of the Conventi

(5) "Convention" means the Convention for the Conserv tion of Anadromous Stocks of the North Pacific Ocean, sign in Moscow, February 11, 1992.

(6) "Convention area" means the waters of the North Paci Ocean and its adjacent seas, north of 33 degrees North Latitu beyond two hundred nautical miles from the baselines fr which the breadth of the territorial sea is measured.

(7) "Directed fishing" means fishing targeted at a particul species or stock of fish.

(8) "Ecologically related species" means living marine sp cies which are associated with anadromous stocks found the Convention area, including, but not restricted to, bo predators and prey of anadromous fish.

(9) "Enforcement officer" means a law enforcement offic authorized by any Party to enforce this title.

(10) "Exclusive economic zone" means the zone establish by Proclamation Numbered 5030, dated March 10, 1983. F purposes of applying this title, the inner boundary of th zone is a line coterminous with the seaward boundary of ea of the coastal States.

(11) "Fish" means finfish, mollusks, crustaceans, and other forms of marine animal and plant life other than mari mammals and birds.

(12) "Fishing" means—

(A) the catching, taking, or harvesting of fish, or a other activity that can reasonably be expected to res in the catching, taking, or harvesting of fish; or

(B) any operation at sea in preparation for or in dir support of any activity described in subparagraph (A).

(13) "Fishing vessel" means—

(A) any vessel engaged in catching fish within t Convention area or in processing or transporting fish load in the Convention area;

(B) any vessel outfitted to engage in any activ described in subparagraph (A);

dent. Each United States Commissio
a term of office not to exceed 4 years, l
ment. Of the Commissioners—

(1) one shall be an official of the
(2) one shall be a resident o
(3) one shall be a resident o

An individual is not eligible for appoin
or (3) as a Commissioner unless the i
or experienced concerning the anadron
related species of the North Pacific Ocea

(b) ALTERNATE COMMISSIONERS.—T
with the Secretary of Commerce, may
Alternate United States Commissione
Alternate United States Commissioner
powers and duties of a United States C
of a duly designated Commissioner for
ber of such Alternate United States C
designated for any such meeting shal
of authorized United States Commissio

(c) UNITED STATES SECTION.—The
consultation with the Advisory Panel
shall identify and recommend to the
and priorities for anadromous stocks an
subject to the Convention, and oversee
programs involving such fisheries, stock

(d) COMPENSATION.—United States
nate United States Commissioners sh
for their services as Commissioners an

16 USC 5004.

SEC. 8005. ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—
United States Section is established.
be composed of the following:

(1) The Commissioner of the
and Game.

(2) The Director of the Wash
eries.

(3) One representative of the
eries Commission, designated by t
commission.

(4) Eleven members (six of
the State of Alaska and five of

(c) LIMITATION ON SERVICE.—Any person appointed to th
Advisory Panel pursuant to subsection (a)(4) shall serve for a ter
not to exceed 4 years, and may not serve more than two consecuti
terms.

(d) FUNCTIONS.—The Advisory Panel shall be invited to a
nonexecutive meetings of the United States Section and at suc
meetings shall be granted the opportunity to examine and to b
heard on all proposed programs of study and investigation, report
and recommendations of the United States Section.

(e) COMPENSATION AND EXPENSES.—The members of th
Advisory Panel shall receive no compensation or travel expense
for their services as such members.

SEC. 8006. COMMISSION RECOMMENDATIONS.

The Secretary, with the concurrence of the Secretary of Com
merce, may accept or reject, on behalf of the United States, re
ommendations made by the Commission in accordance with artic
IX of the Convention.

SEC. 8007. ADMINISTRATION AND ENFORCEMENT OF CONVENTIO

(a) RESPONSIBILITIES.—The Secretary of Commerce shall b
responsible for administering provisions of the Convention, th
title, and regulations issued under this title. The Secretary, i
consultation with the Secretary of Commerce and the Secretar
of Transportation, shall be responsible for coordinating the partic
pation of the United States in the Commission.

(b) CONSULTATION AND COOPERATION.—In carrying out suc
functions, the Secretary of Commerce—

(1) shall, in consultation with the Secretary of Transpo
tation and the United States Section, issue such regulation
as may be necessary to carry out the purposes and objective
of the Convention and this title; and

(2) may, with the concurrence of the Secretary, coopera
with the authorized officials of the government of any Part

SEC. 8008. COOPERATION WITH OTHER AGENCIES.

(a) IN GENERAL.—Any agency of the Federal Government
authorized, upon request of the Commission, to cooperate in th
conduct of scientific and other programs, and to furnish, on
reimbursable basis, facilities and personnel for the purpose of assis
ing the Commission in carrying out its duties under the Conventio
Such agency may accept reimbursement from the Commission.

(b) FUNCTIONS OF SECRETARY OF COMMERCE.—In carrying

of such duties. Such Secretaries shall,
or State agency that has entered into
such Secretary under the preceding sen
so provides), authorize officers to en
Convention, this title, and regulations
such agreement or contract entered in
shall be effective only to such extent
provided in advance in appropriations A

(b) DISTRICT COURT JURISDICTION.
United States shall have exclusive ju
controversy arising under the provisions

(c) POWERS OF ENFORCEMENT OF
may, shoreward of the outer boundary
zone, or during hot pursuit from the zon

(1) with or without a warrant o

(A) arrest any person, if
cause to believe that such pe
prohibited by section 8010;

(B) board, and search or
subject to the provisions of th

(C) seize any fishing vess
gear, furniture, appurtenances
employed in, or with respect to
that such vessel was used or
of any provision of the Convent
issued under this title;

(D) seize any fish (wherev
in violation of any provision
(C);

(E) seize any other eviden
of any provision referred to in s

(2) execute any warrant or o
court of competent jurisdiction; and

(3) exercise any other lawful au

(d) ADDITIONAL POWERS.—(1) An a
Convention area—

(A) board a vessel of any Pa
believed to be engaged in directed
of, or processing of anadromous
or process, inspect equipment, logs,
articles, and question persons, o
purpose of carrying out the provis

to produce such available records and files or duly certified copie thereof as may be necessary, for the prosecution by that Part of any violation of the provisions of the Convention or any la of that Party relating to the enforcement thereof.

SEC. 8010. UNLAWFUL ACTIVITIES.

It is unlawful for any person or fishing vessel subject to th jurisdiction of the United States—

(1) to fish for any anadromous fish in the Conventio area;

(2) to retain on board any anadromous fish taken inciden tally in a fishery directed at nonanadromous fish in the Conven tion area;

(3) to fail to return immediately to the sea any anadromou fish taken incidentally in a fishery directed at nonanadromou fish in the Convention area;

(4) to ship, transport, offer for sale, sell, purchase, import export, or have custody, control, or possession of, any anad romous fish taken or retained in violation of the Conventio this title, or any regulation issued under this title;

(5) to refuse to permit any enforcement officer to boar a fishing vessel subject to such person's control for purchase of conducting any search or inspection in connection with th enforcement of the Convention, this title, or any regulatio issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate or interfere with any enforcement officer in the conduct o any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detection for any act prohib ited by this section;

(8) to interfere with, delay, or prevent, by any means the apprehension, arrest, or detection of another person, know ing that such person has committed any act prohibited b this section; or

(9) to violate any provision of the Convention, this title or any regulation issued under this title.

SEC. 8011. PENALTIES.

(a) CIVIL PENALTIES.—(1) Any person who is found by th Secretary of Commerce, after notice and opportunity for a hearin in accordance with section 554 of title 5, United States Code to have committed an act prohibited by section 8010 shall be liabl to the United States for a civil penalty. The amount of the civ penalty shall not exceed $100,000 for each violation. Each da

States Attorney. The Secretary of Co
in such court a certified copy of the reco
was found or such penalty imposed,
of title 28, United States Code. The
Secretary of Commerce shall be set
are not found to be supported by subst
in section 706(2) of title 5, United States

(3) If any person fails to pay an a
after it has become a final and unap
appropriate court has entered final ju
retary of Commerce, the matter shall
General, who shall recover the amount
district court of the United States.
and appropriateness of the final order
shall not be subject to review.

(4) A fishing vessel (including its fi
tenances, stores, and cargo) used in
prohibited by section 8010 shall be
penalty assessed for such violation un
be proceeded against in any district
having jurisdiction thereof. Such penalt
lien on such vessel that may be rec
in the district court of the United Sta
the vessel.

(5) The Secretary of Commerce
remit, with or without conditions, any
to imposition or that has been imposed

(6) For the purposes of conducti
section, the Secretary of Commerce
attendance and testimony of witnesse
evant papers, books, and documents,
Witnesses summoned shall be paid
that are paid to witnesses in the c
In case of contempt or refusal to ob
any person pursuant to this paragra
United States for any district in which
or transacts business, upon applicatio
after notice to such person, shall ha
order requiring such person to appea
the Secretary of Commerce or to app
before the Secretary of Commerce,
obey such order of the court may be
a contempt thereof.

fish (or a fair market value thereof) taken or retained, in an
manner, in connection with or as a result of the commission o
any act prohibited by section 1810 shall be subject to forfeitur
to the United States. All or part of such vessel may, and al
such fish shall, be forfeited to the United States pursuant to a
civil proceeding under this section.

(2) Any district court of the United States shall have jurisdic-
tion, upon application of the Attorney General on behalf of the
United States, to order any forfeiture authorized under paragrap
(1) and any action provided for under paragraph (4).

(3) If a judgment is entered for the United States in a civi
forfeiture proceeding under this section, the Attorney General ma
seize any property or other interest declared forfeited to the Unite
States, which has not previously been seized pursuant to this titl
or for which security has not previously been obtained. The provi-
sions of the customs laws relating to—

(A) the seizure, forfeiture, and condemnation of propert
for violation of the customs law;

(B) the disposition of such property or the proceeds fron
the sale thereof; and

(C) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to hav
been incurred, under the provisions of this title, unless such provi-
sions are inconsistent with the purposes, policy, and provision
of this title.

(4)(A) Any officer authorized to serve any process in rem tha
is issued by a court having jurisdiction under section 8009(b) shall—

(i) stay the execution of such process; or

(ii) discharge any fish seized pursuant to such process

upon receipt of a satisfactory bond or other security from an
person claiming such property. Such bond or other security shal
be conditioned upon such person delivering such property to the
appropriate court upon order thereof, without any impairment o
its value, or paying the monetary value of such property pursuan
to an order of such court. Judgment shall be recoverable on such
bond or other security against both the principal and any suretie
in the event that any condition thereof is breached, as determine
by such court.

(B) Any fish seized pursuant to this title may be sold, subjec
to the approval and direction of the appropriate court, for no
less than the fair market value thereof. The proceeds of any such
sale shall be deposited with such court pending the disposition

(2) the United States share
Commission.

(b) RESEARCH.—Such funds as sh
Secretary of Commerce for research
be expended to carry out the program
ance with the recommendations of th
to carry out other research and obs
the Convention.

16 USC 5012.

SEC. 8013. DISPOSITION OF PROPERTY.

The Secretary shall dispose of any
by the International North Pacific F
date of its termination in a manner tha
of this title.

SEC. 8014. REPEAL OF THE NORTH PAC

The Act of August 12, 1954 (16 U

Approved November 4, 1992.

Public Law 102–588
102d Congress

An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993".

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. FINDINGS.

Congress finds that—

(1) investments in research and development are directly linked to long-term productivity and economic growth;

(2) as a major driver of advanced technology, the space program can play a major role in the Nation's reinvestment in civilian research and development;

(3) in addition to carrying out the Nation's goals in science and exploration, the space program makes a significant and direct contribution to the national employment base and, through the development of advanced technologies, will contribute to sustaining a healthy employment base and economy in the future;

(4) the long-term health of the United States space program is critically dependent on maintaining a stable and continuously evolving core program of science, space transportation, space exploration, space technology, and space applications;

(5) such a core program must be based on a realistic projection of resources that will be available and, in the near term, should not exceed inflationary growth;

(6) in addition to carrying out a core space program, international leadership, technological advancement, and expanded scientific knowledge will be enhanced by an expanded space

(9) the national interest is furt
tion among friendly nations, anc
Soviet republics have shown ther
of fostering a friendship with the
interest is furthered through trade
advantage between the United St
republics in civil aerospace, spac
ration;

(10) a vigorous and coordinate
and other spacefaring nations is ne
of orbital debris, and space activi
a manner that minimizes the lik
debris creation;

(11) the aerospace industry,
major positive contributor to Unite
ence and competitiveness;

(12) aeronautical research an
leadership in air transport and
and

(13) the National Aero-Space
for any national aerospace policy
States to maintain a worldwide
future.

SEC. 102. FISCAL YEAR 1993 AUTHORIZ

(a) RESEARCH AND DEVELOPMENT
be appropriated to the National Aerona
tion to become available October 1, 199
ment" for the following programs:

(1) Space Station Freedom, $2,

(2) Space Transportation
$733,700,000, of which $30,000,00
opment of the Space Transportation

(3) Physics and Astronomy
$22,000,000 is authorized for the
Experiment.

(4) Life Sciences, $153,700,0
authorized for cooperative life sci
Station Mir. None of the funds a
Act shall be used for the Search for
(SETI).

(5) Planetary Exploration,
$10,000,000 is authorized for Mage

(14) Space Research and Technology, $308,500,000, o which $5,000,000 is authorized for carrying out a progran of component technology development, validation, and dem onstration directed at reducing the cost and improving th capabilities and reliability of commercial launch vehicles.

(15) Space Exploration, $15,900,000.

(16) Safety, Reliability, and Quality Assurance $32,500,000.

(17) Academic Programs, $71,400,000.

(18) Tracking and Data Advanced Systems, $23,200,000

(b) SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.— There are authorized to be appropriated to the National Aeronautic and Space Administration to become available October 1, 1992 for "Space Flight, Control, and Data Communications" for the fol lowing programs:

(1) Space Shuttle Production and Operational Capability $1,315,800,000, of which $315,000,000 is authorized for th Advanced Solid Rocket Motor Program.

(2) Space Transportation Enhancement, $7,000,000, fo assessment of the mission need and cost justification of provid ing for the incremental improvement in the Space Shuttl fleet, including—

(A) the extension of on-orbit duration;

(B) the development of unmanned Shuttle capabilitie

(C) the increase in lift performance; and

(D) the enhancement of existent Shuttle fligh reliability.

(3) Space Shuttle Operations, $3,085,200,000.

(4) Launch Services, $207,500,000.

(5) Space and Ground Network, Communications, and Dat Systems, $903,500,000.

(c) CONSTRUCTION OF FACILITIES.—There are authorized to b appropriated to the National Aeronautics and Space Administratio to become available October 1, 1992, for "Construction of Facilities" including land acquisition, as follows:

(1) Construction of Space Station Processing Facility, Ken nedy Space Center, $24,000,000.

(2) Modifications for Payload Operations, Integration Cen ter, Marshall Space Flight Center, $1,800,000.

(3) Replacement of Aircraft Operations Support Facilitie Johnson Space Center, $1,600,000.

(4) Modification of Electrical and Mechanical System, Uti

(12) Replacement of Central Plan
ment, Johnson Space Center, $4,000,00
(13) Restoration of Underground C
tion System, Stennis Space Center, $2,2
(14) Restoration/Modernization of
System, Goddard Space Flight Center, $
(15) Modernization of Unitary Plan
Ames Research Center, $8,000,000.
(16) Modifications to 14- by 22-foot
Langley Research Center, $2,200,000.
(17) Repair and Modernization of th
Tunnel, Ames Research Center, $21,400
(18) Rehabilitation of Icing R
Research Center, $2,700,000.
(19) Modernization of 16-foot Tra
Research Center, $3,600,000.
(20) Rehabilitation of Central Air
Center, $12,200,000.
(21) Construction of 34-meter M
Canberra, Australia, Jet Propulsion L
(22) Construction of 34-meter M
Madrid, Spain, Jet Propulsion Laborato
(23) Restoration and Modernizatio
Facility, Mauna Kea, Hawaii, $2,000,00
(24) Construction of Earth Observin
tion System Facility, Goddard Space Fli
(25) Construction of Advanced Solid
(various locations), $165,000,000.
(26) Repair of facilities at various
of $1,000,000 per project, $31,900,000.
(27) Rehabilitation and modificatio
locations, not in excess of $1,000,000
(28) Minor construction of new fa
existing facilities at various locations,
per project, $14,000,000.
(29) Environmental Compliance an
$40,000,000.
(30) Facility Planning and Design,
Notwithstanding paragraphs (1) through
authorized to be appropriated under this su
$479,200,000.

(A) a comparison of the New Launch System to existing launch systems in terms of cost, operability, safety, resilience and robustness, and ability to compete in the world launch market;

(B) a cost/benefits analysis and 10-year life cycle cost estimate of the New Launch System, including development costs to be borne by each participating agency, and expected operating costs;

(C) a payload traffic model, including commercial and both civil government and military payloads in production as of the date of enactment of this Act, those approved by Congress as of the date of enactment of this Act, and those expected to be requested of Congress;

(D) a technology development plan, including—

(i) a summary of high-risk technologies that will lower life-cycle costs;

(ii) specific benchmarks which can validate the achievement of such technological goals at discrete programmatic milestones during the development phase of the program; and

(iii) an indication of how the accomplishment of technological milestones will relate to the achievement of overall system performance during the operational phase;

(E) an implementation plan describing how the New Launch System will be phased into operational usage at the National Launch Ranges and the overlap with existing systems at those Ranges; and

(F) a detailed comparison, including specific cost, payload, and risk assessments, of the New Launch System to other potential launch technologies, whose services could be procured in a commercial manner by the National Aeronautics and Space Administration.

(2) Within 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on possible steps to improve the efficiency and availability of United States expendable launch vehicles, including Scout, Delta, Atlas, and Titan, through modernization of facilities, infrastructure improvements, improved management, new or modified procedures, and otherwise.

(g) EARTH OBSERVING SYSTEM.—(1) The Administrator shall carry out an Earth Observing System program that addresses the highest priority international climate change research goals as defined by the Committee on Earth and Environmental Sciences

(ii) provides a plan for the dev
prototype systems for use in reduc
of critical system elements and obtai
users;

(iii) provides a plan for researc
nologies;

(iv) identifies sufficient resour
Development Plan; and

(v) identifies how the Earth
Information System will connect to
supported research networks, includ
and Education Network.

(h) REPORT ON SPACE TRANSPORTA
September 30, 1993, the Administrator
a full report outlining the specific action
section (b)(2).

TITLE II—GENERAL PI

SEC. 201. USE OF FUNDS FOR CERTAIN ITEI

(a) AUTHORIZED USES.—Appropriati
Act for "Research and Development" a
and Data Communications" may be used

(1) any items of a capital natu
of land) which may be required at lo
tions of the National Aeronautics
for the performance of research a
and

(2) grants to nonprofit institu
or to nonprofit organizations whos
conduct of scientific research, for p
additional research facilities.

(b) VESTING OF TITLE; GRANT CON
described in subsection (a)(2) shall be v
unless the Administrator determines t
of aeronautical and space activities will
title in the grantee institution or orga
subsection (a)(2) shall be made unde
Administrator shall determine to be re
United States will receive therefrom b
the making of that grant.

(c) LIMITATION.—None of the funds

investigations, and costs associated with personnel relocation and for other services provided during the fiscal year following the fiscal year in which funds are appropriated.

SEC. 203. LIMITED USE OF FUNDS.

(a) USE FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.—Appropriations authorized under this Act for "Research and Development" may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(b) USE FOR FACILITIES.—(1) Appropriations authorized under this Act for "Research and Development" and "Space Flight, Control, and Data Communications" may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities, except that the cost of each such project, including collateral equipment, shall not exceed $200,000.

(2) Appropriations authorized under this Act for "Research and Development" and "Space Flight, Control, and Data Communications" may be used for unforeseen programmatic facility project needs, except that the cost of each such project, including collateral equipment, shall not exceed $750,000.

(3) Appropriations authorized under this Act for "Research and Development" may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration, except that the cost of each project, including collateral equipment, shall not exceed $500,000.

SEC. 204. REPROGRAMMING FOR TRANSATMOSPHERIC RESEARCH AND TECHNOLOGY.

The Administrator may reprogram up to $45,000,000 of the amount authorized for "Research and Development" for fiscal year 1993 to use for the purposes described in section 102(a)(13). No such funds may be obligated until a period of 30 days has passed after the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of such reprogramming.

SEC. 205. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

SEC. 206. SPECIAL REPROGRAMMING AUT TION OF FACILITIES.

Where the Administrator determines or scientific or engineering changes in aeronautical and space activities have changes require the use of additional fu construction, expansion, or modification of and that deferral of such action until th authorization Act would be inconsistent Nation in aeronautical and space activitie transfer not to exceed one-half of 1 percent pursuant to section 102 (a) and (b) to the "C appropriation for such purposes. The Adm up to $10,000,000 of the amounts authori for such purposes. The funds so made av section may be expended to acquire, constr or install permanent or temporary publi acquisition, site preparation, appurtenanc ment. No such funds may be obligated days has passed after the Administrato designee has transmitted to the Committe and Transportation of the Senate and th Space, and Technology of the House of R report describing the nature of the constr reasons therefor.

Reports.

SEC. 207. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of thi

(1) no amount appropriated purs used for any program deleted by the as originally made to either the Co Science, and Transportation of the S on Science, Space, and Technology of tives;

(2) no amount appropriated purs used for any program in excess of the ized for that particular program by (d); and

(3) no amount appropriated purs used for any program which has not

08. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

Repor

ot later than 30 days after the later of the date of enactment Act making appropriations to the National Aeronautics and Administration for fiscal year 1993 or the date of enactment Act, the Administrator shall submit a report to Congress the Comptroller General which specifies—

(1) the portion of such appropriations which are for proams, projects, or activities not specifically authorized under is Act, or which are in excess of amounts authorized for e relevant program, project, or activity under this Act; and

(2) the portion of such appropriations which are specifically ithorized under this Act.

09. GEOGRAPHICAL DISTRIBUTION.

42 US note.

is the sense of the Congress that it is in the national st that consideration be given to geographical distribution ral research funds whenever feasible, and that the National autics and Space Administration should explore ways and of distributing its research and development funds whenever e.

10. TRANSMISSION OF BUDGET ESTIMATES.

42 US note.

ne Administrator shall, at the time of submission of the Presi- annual budget, transmit to the Congress—

(1) a five-year budget detailing the estimated development sts for each individual program under the jurisdiction of e National Aeronautics and Space Administration for which evelopment costs are expected to exceed $200,000,000; and

(2) an estimate of the life-cycle costs associated with each ich program.

11. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

ection 24 of the Commercial Space Launch Act (49 App. U.S.C. is amended—

(1) by striking "1992" and all that follows through "(2)" nd inserting in lieu thereof "1993."; and

(2) by adding at the end the following: "There are authored to be appropriated to the Secretary for fiscal year 1993 ,900,000 to carry out this Act. The Secretary may not collect ny user fees for any regulatory or other services conducted ursuant to this Act, unless specifically authorized by this ct.".

SEC. 214. LAUNCH TECHNOLOGY STUDIES.

(a) REPORT ON SINGLE STAGE ROC
TEST PROGRAM.—Not later than 45 day
the Strategic Defense Initiative Organiza
Technology flight test program, the Ad
a report to the Committee on Commerc
tation of the Senate and the Committe
Technology of the House of Representativ
ent analysis of the program and the po
launch technology to the civil space progra

(b) NATIONAL AEROSPACE TRANS
PLAN.—Not later than 180 days after
this Act, the National Space Council,
Administrator, shall submit to the C
Science, and Transportation of the Sena
Science, Space, and Technology of the
a national aerospace transportation techn
consider—

(1) the needs of the National
Administration and other agencies
flight vehicle, including the National

(2) the relationship between the
and the supersonic High Speed Ci
Stage Rocket Technology Program, nu
and other proposed aeronautical and
nology concepts.

SEC. 215. SPACE AGENCY FORUM ON INT

(a) SENSE OF CONGRESS.—It is the

(1) it is in the national interes
Forum on International Space Year
to as "SAFISY") maintain its facilitati
of current and planned complementa
research findings so as to maximize s

(2) the initiative for multilate
among space agencies and internatio
undertaken by SAFISY should contin
national Space Year; and

(3) the National Aeronautics a
and the National Oceanic and At
should pursue implementation of pro

SEC. 217. COMPUTER NETWORKS.

Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by adding at the end the following new subsection:

"(g) In carrying out subsection (a)(4), the Foundation is authorized to foster and support access by the research and education communities to computer networks which may be used substantially for purposes in addition to research and education in the sciences and engineering, if the additional uses will tend to increase the overall capabilities of the networks to support such research and education activities.".

SEC. 218. SPACE COOPERATION WITH THE FORMER SOVIET REPUBLICS.

(a) REPORT TO CONGRESS.—Within one year after the date of enactment of this Act, the President shall submit to Congress a report describing—

(1) the opportunities for increased space related trade with the independent states of the former Soviet Union;

(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states of the former Soviet Union, specifically including those technologies the National Aeronautics and Space Administration has identified as high priority in its Space Research and Technology Integrated Technology Plan.

(3) the trade missions carried out pursuant to subsection (c), including the private participation and the results of such missions;

(4) the offices and accounts of the National Aeronautics and Space Administration to which expenses for either cooperative activities or procurement actions, involving the independent states of the former Soviet Union, are charged;

(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and the independent states of the former Soviet Union, including such barriers in either the United States or the independent states; and

(6) any anticompetitive issues raised by a potential acquisition.

(b) NOTIFICATION TO CONGRESS.—If any United States Government agency denies a request for a license or other approval that may be necessary to conduct discussions on space-related matters

independent states of the former Soviet Uni
any anticompetitive issues the Office may ob

SEC. 219. USE OF DOMESTIC PRODUCTS.

(a) COMPLIANCE WITH BUY AMERICAN
vided in paragraph (2), the head of each
procurements shall ensure that such proc
in compliance with sections 2 through 4
1933 (41 U.S.C. 10a through 10c, popula
American Act").

(2) This subsection shall apply onl
for which—

(A) amounts are authorized
available; and

(B) solicitations for bids are
enactment of this Act.

Reports.

(3) The Administrator, before Janu
to Congress on procurements covere
products that are not domestic products

(b) INAPPLICABILITY IN CASE OF VIOLA
AGREEMENT.—This section shall not apply
United States Trade Representative dete
under this section would be in violation of
on Tariffs and Trade or an international
United States is a party.

(c) DEFINITIONS.—For the purposes o
"domestic product" means a product—

(1) that is manufactured or produc
and

(2) at least 50 percent of the cost o
or supplies of which are mined, pro
in the United States.

42 USC 2473d.

SEC. 220. USE OF ABANDONED AND UND GROUNDS, AND FACILITIES.

(a) GENERAL RULE.—In meeting the
Aeronautics and Space Administration for
Administrator shall investigate the u
underutilized buildings, grounds, and facili
nities that can be converted to National
Administration facilities and shall prioriti
effective, as determined by the Administrat

SEC. 222. INSTITUTE FOR AVIATION WEATHER PREDICTION.

The Administrator of the National Oceanic and Atmospheric Administration shall establish an Institute for Aviation Weather Prediction. The Institute shall provide forecasts, weather warnings, and other weather services to the United States aviation community. The Institute shall expand upon the activities of the aviation unit currently at the National Severe Storms Forecast Center in Kansas City, Missouri, and shall be established in the Kansas City Missouri area. The Administrator of the National Oceanic and Atmospheric Administration shall provide a full and fair opportunity for employees at the National Severe Storms Center to assume comparable duties and responsibilities within the Institute.

TITLE III—EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH ON SPACE AND AERONAUTICS

SEC. 301. SHORT TITLE.

This title may be cited as the "Experimental Program to Stimulate Competitive Research on Space and Aeronautics Act".

SEC. 302. FINDINGS.

Congress finds that—

(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

(2) the National Aeronautics and Space Administration's space science and applications, aeronautical research and technology, and space research and technology programs will serve as the fulcrum for future initiatives by the United States in civil space and aviation;

(3) colleges and universities in many States are currently not able to compete successfully for research grants awarded by the National Aeronautics and Space Administration through its space science and applications, aeronautical research and technology, and space research and technology programs;

(4) balanced programs of space science and applications, aeronautical research and technology, and space research and technology should include initiatives designed to foster competitive research capacity in all geographic areas of the Nation; and

that geographic areas of the United
not successfully participate in compet
cal research activities are enabled to
and

(3) programs to improve compe
be a part of the research and the
the National Aeronautics and Space A

Grants.
42 USC 2467b.

SEC. 304. REQUIREMENTS.

(a) COMPETITION.—Making use of th
established in eligible States by the Nat
the Administrator shall conduct a merit
the eligible States in areas of research
of the National Aeronautics and Space Ad
to a grant application by an eligible Stat
consider—

(1) the application's merit and
of the National Aeronautics and Space

(2) the potential for the grant
enhance the ability of researchers in
competitive for regular National
Administration funding;

(3) the potential for the grant to
for science, mathematics, and engi
State; and

(4) the need to assure the maxim
among eligible States, consistent with

(b) SUPPLEMENTAL GRANTS.—The Adr
where appropriate, to supplement grant
(a) with such grants for fellowships, tr
instrumentation as are available.

(c) ELIGIBLE STATES DEFINED.—In
"eligible State" means a State designat
as eligible to compete in the Foundation
to Stimulate Competitive Research.

42 USC 2467b note.

SEC. 305. AUTHORIZATION OF APPROPRIATI

In carrying out the programs liste
Administrator should ensure that up to $1
priations authorized for "Research and
year 1993 are also used for purposes of es
an Experimental Program to Stimulate

(b) CONTENTS.—In carrying out the assessment required b
subsection (a), the Administrator shall consider—

(1) technical uncertainty, market dynamics, and equity
both the National Aeronautics and Space Administration ar
the contractor community;

(2) the use of positive fee incentives reflecting the lev
of cost, schedule, and performance risk accepted by th
contractor;

(3) the use of negative fee incentives, including provisior
providing for less than full cost recovery for work determine
to be defective in materials or workmanship or which otherwi
fail to conform to contract requirements;

(4) the appropriate use of rollovers;

(5) the appropriate use of retroactive award fe
adjustments;

(6) the appropriate use of value engineering;

(7) the use of warranties to ensure that the end produ
or a specified subproduct of a contract meets the performanc
requirements of a contract;

(8) the recovery of costs for the replacement or correctio
of articles which are defective in materials or workmanshi
or which otherwise fail to conform to contract requirement
and

(9) the appropriate use of performance-based contractin

SEC. 402. PROMULGATION OF REGULATIONS.

Within one hundred and eighty days after the completion
the acquisition policy assessment required by section 401, th
Administrator, in coordination as necessary with the Office of Fe
eral Procurement Policy, consistent with section 15 of the Offic
of Federal Procurement Policy Act (41 U.S.C. 413), and the Feder
Acquisition Regulation Council, shall initiate a rulemaking procee
ing under section 22 of such Act (41 U.S.C. 418b), on the administr
tion of research and development contracts which propose specif
changes to National Aeronautics and Space Administration Procur
ment Regulations and, as necessary, Federal Acquisition Regul
tions to consider implementing the recommendations of the asses
ment required by section 401, as well as—

(1) the establishment of policies and procedures for th
use of performance-based contracts, incorporating positive an
or negative fee incentives to the maximum extent practicabl
and

(1) the term "performance-based con
turing all aspects of an acquisition arou
work to be performed as opposed to e
which the work is to be performed or
work;

(2) the term "positive fee incentive
of the potential total remuneration th
receive for contract performance over ar
costs;

(3) the term "negative fee incentive
able to the National Aeronautics and
by a contracting party whose deliveral
not in conformance with contract requir
deemed to be defective work; and

(4) the term "rollover" means the a
positive fee incentives not earned by a
than excellent performance to subsequ
award available in the contract.

TITLE V—COMMERCIAL SPACE CO

15 USC 5801.

SEC. 501. FINDINGS.

The Congress finds that—

(1) commercial activities of the priva
tially contributed to the strength of bo
space program and the national economy;

(2) a robust United States space tra
remains a vital cornerstone of the United

(3) the availability of commercial la
tial for the continued growth of the Uni
space sector;

(4) a timely extension of the exce
payment provisions of the Commercial
appropriate and necessary to enable the
tinue covering maximum probable liabil
ing the private sector from uninsurable l
could hinder international competitivenes

(5) a program to demonstrate how
grants can purchase launch services dir
sector has the potential to improve the ca
States commercial launch industry;

(6) improvements and additions t

(10) the provision of compensation to commercial providers of space goods and services for termination of contracts at the convenience of the Government assists in enabling the private sector to invest in space activities which are initially dependent on Government purchases.

SEC. 502. DEFINITIONS.

For the purpose of this title—

(1) the term "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(2) the term "anchor tenancy" means an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable;

(3) the term "commercial" means having—

(A) private capital at risk, and

(B) primary financial and management responsibility for the activity reside with the private sector;

(4) the term "cost effective" means costing no more than the available alternatives, determined by a comparison of all related direct and indirect costs including, in the case of Government costs, applicable Government labor and overhead costs as well as contractor charges, and taking into account the ability of each alternative to accommodate mission requirements as well as the related factors of risk, reliability, schedule, and technical performance;

(5) the term "launch" means to place, or attempt to place, a launch vehicle and its payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(6) the term "launch services" means activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch;

(7) the term "launch support facilities" means facilities located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, flight safety functions, and payload operations, control, and processing.

(8) the term "launch vehicle" means any vehicle constructed for the purpose of operating in or placing a payload in, outer p ce or i borbita raj tori s, and includes components

launch sites, launch support facilities,
and space recovery support facilities,
launch or space recovery activities;

(13) the term "State" means the sever
of Columbia, Puerto Rico, American Samo
Virgin Islands, Guam, the Northern Mari
other commonwealth, territory, or posse
States; and

(14) the term "United States" means t

SEC. 503. EXTENSION OF GOVERNMENT PAYME PARTY CLAIMS.

Section 16(b)(5) of the Commercial Space
U.S.C. 2615(b)(5)) is amended by striking "
years following the date of enactment of th
Launch Act Amendments of 1988" and inse
"January 1, 2000".

15 USC 5803.

SEC. 504. LAUNCH VOUCHER DEMONSTRATION P

(a) COMMERCIAL SPACE VOUCHER DEMO
EFFECTIVE PERIOD.—The Administrator sha
onstration program to award vouchers for the
cial launch services and payload integration se
of launching payloads funded by the Office of
within the National Aeronautics and Spac
become effective October 1, 1993. Such progr
tive after September 30, 1995.

(b) AWARD OF VOUCHERS.—The Admin
vouchers under subsection (a) to appropriate
of grants administered by the National Ae
Administration for the launch of—

(1) payloads to be placed in suborb

(2) small payloads to be placed in orbi

(c) ASSUMPTION OF CERTAIN RESPONSIBILI
the demonstration program established unde
Administrator, in awarding vouchers, is lim
payloads funded by the Office of Commercial
National Aeronautics and Space Administratio

(d) ASSISTANCE.—The Administrator m
award recipients with such assistance, includ
tion and technical support during the propos

(B) the engineering and designing of such space transportation infrastructure; and

(C) technical studies to define how new or enhanced space transportation infrastructure can best meet the needs of the United States commercial space transportation industry;

(2) the term "project" means a project (or separate projects submitted together) for the accomplishment of commercial space transportation infrastructure development, including the combined submission of all projects to be undertaken at a particular site in a fiscal year;

(3) the term "project grant" means a grant of funds by the Secretary to a sponsor for the accomplishment of one or more projects;

(4) the term "public agency" means a State or any agency of a State, a municipality or other political subdivision of a State, or a tax-supported organization;

(5) the term "Secretary" means the Secretary of Transportation; and

(6) the term "sponsor" means any public agency which, either individually or jointly with one or more other such entities, submits to the Secretary, in accordance with this section, an application for financial assistance for commercial space transportation infrastructure development.

(b) ESTABLISHMENT OF GRANT PROGRAM.—In order to ensure the resiliency of the Nation's space transportation infrastructure, the Secretary is authorized to make project grants to sponsors in accordance with this section. There is authorized to be appropriated $10,000,000 for such grants beginning after September 30, 1992. Such funds shall remain available until expended.

(c) SELECTION OF PROJECTS.—(1) In selecting projects for grants under subsection (b), the Secretary shall consider—

(A) the contribution of the proposed project to industry capabilities which serve Federal space transportation needs;

(B) the extent of industry's financial contribution to the proposed project;

(C) the extent of industry participation in the proposed project;

(D) the positive impact of the proposed project on the international competitiveness of the United States space transportation industry;

(E) the extent of state contributions to the proposed project;

(2) No project grant application shall
retary unless the Secretary is satisfied that
(A) the project will contribute to
tion;
(B) the project is reasonably consis
at the time of approval of the project)
are authorized by the State in which
and which are responsible for the d
surrounding the project site;
(C) if the application proposes to
property, the specific consent of the ap
head has been obtained;
(D) the project will be complete
(E) the sponsor which submitted t
tion has the legal authority to engage i
and
(F) all additional requirements pr
have been met.
(e) ENVIRONMENTAL REQUIREMENTS.—
national policy that projects authorized
shall provide for the protection and enh
resources and the quality of the environ
implementing this policy, the Secretary sh
retary of the Interior and the Administra
Protection Agency with regard to any pro
grant application which may have a signi
resources including, but not limited to, fi
scenic, and recreational assets, water an
factors affecting the environment, and
project found to have a significant adver
retary shall render a finding, in writing,
plete review, which shall be a matter o
feasible and prudent alternative exists
steps have been taken to minimize such ad
(2)(A) No project grant application
Secretary unless the sponsor of the project
that there has been afforded the opport
for the purpose of considering the econo
mental effects of the project and its co
of objectives of such planning as had
community.

(5) The Secretary is authorized in connection with any projec to require a certification from a sponsor that such sponsor wil comply with all of the statutory and administrative requirements imposed on such sponsor under this section in connection with such project. Acceptance by the Secretary of a certification from a sponsor may be rescinded by the Secretary at any time. Nothing in this paragraph shall affect or discharge any responsibility or obligation of the Secretary under any other Federal law, including but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 App. U.S.C. 1652), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(f) ALLOCATION OF PROJECT COSTS.—(1) The project grant for any project under this section shall not exceed 50 percent of the total cost of such project.

(2) No project grant shall be awarded under this section for any project for which less than 10 percent of the total cost of such project will be borne by the private sector.

SEC. 506. IDENTIFICATION OF LAUNCH SUPPORT FACILITIES.

(a) IDENTIFICATION.—The Administrator and the Secretary of Defense, as appropriate, in coordination with the Secretary of Transportation, shall conduct an inventory and identify all launch support facilities owned by the United States Government. To the extent practicable, the Administrator and the Secretary of Defense shall also identify any launch support facilities which could be made available for use by non-Federal entities on a reimbursable basis without interfering with Federal activities.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Secretary of Defense each shall submit to Congress a report containing the results of the identification required under subsection (a). Portions of such report may be classified and protected from public disclosure if such classification is necessary to protect national security.

SEC. 507. ANCHOR TENANCY AND TERMINATION LIABILITY.

(a) ANCHOR TENANCY CONTRACTS.—Subject to appropriations, the Administrator or the Administrator of the National Oceanic and Atmospheric Administration may enter into multiyear anchor tenancy contracts for the purchase of a good or service if the appropriate Administrator determines that—

(6) private capital is at risk in the ve

(b) TERMINATION LIABILITY.—(1) Contr
subsection (a) may provide for the payment
in the event that the Government termin
its convenience.

(2) Contracts that provide for the payme
ity, as described in paragraph (1), shall i
of such termination liability payments. Li
tracts shall not exceed the total payments
would have made after the date of termi
good or service if the contract were not termi

(3) Subject to appropriations, funds a
nation liability payments may be used fo
or service upon successful delivery of the g
to the contract. In such case, sufficient fund
to cover any remaining termination liability.

(c) LIMITATIONS.—(1) Contracts entered
shall not exceed 10 years in duration.

(2) Such contracts shall provide for
service on a firm, fixed price basis.

(3) To the extent practicable, reasonabl
tions shall be used to define technical req
tracts.

(4) In any such contract, the appropri
reserve the right to completely or partially
without payment of such termination liabi
tractor's actual or anticipated failure to
obligations.

15 USC 5807.

SEC. 508. USE OF GOVERNMENT FACILITIES.

(a) AUTHORITY.—Federal agencies, incl
nautics and Space Administration and the
may allow non-Federal entities to use thei
on a reimbursable basis if the Administ
Defense, or the appropriate agency head det

(1) the facilities will be used to su
activities;

(2) such use can be supported by
eral resources;

(3) such use is compatible with Fed

(4) equivalent commercial service

appropriation from which the cost of providing such facilities was paid.

SEC. 509. PROTECTION OF INFORMATION DEVELOPED UNDER SPACE ACT AGREEMENTS.

Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) by inserting "(a)" after "SEC. 303";

(2) by striking "and (B)" and inserting in lieu thereof "(B)"

(3) by inserting ", and (C) information described in subsection (b)" after "national security"; and

(4) by adding at the end the following new subsection:

"(b) The Administrator, for a period of up to 5 years after the development of information that results from activities conducted under an agreement entered into under section 203(c)(5) and (6) of this Act, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5, United States Code, if the information had been obtained from a non-Federal party participating in such an agreement, may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code.".

SEC. 510. COMMERCIAL SPACE ACHIEVEMENT AWARD.

(a) ESTABLISHMENT.—There is established a Commercial Space Achievement Award. The award shall consist of a medal, which shall be of such design and materials and bear such inscriptions as determined by the Secretary of Commerce. A cash prize may also be awarded if funding for the prize is available under subsection (d).

(b) CRITERIA FOR AWARD.—The Secretary of Commerce shall periodically make, and the Chairman of the National Space Council shall present, awards under this section to individuals, corporations, corporate divisions, or corporate subsidiaries substantially engaged in commercial space activities who in the opinion of the Secretary of Commerce best meet the following criteria:

(1) For corporate entities, at least one-half of the revenues from the space-related activities of the corporation, division, or subsidiary is derived from sources other than the United States Government.

(2) The activities and achievements of the individual, cor-

shall make publicly available an itemize
such funding.

TITLE VI—BIOMEDICAL RESEA

42 USC 2487.

SEC. 601. FINDINGS.

The Congress finds that—

(1) the space program can make
to selected areas of health-related res
integral part of the Nation's health re
program;

(2) the continuing development o
engineers is essential to carrying out a
program of biomedical research in sp

(3) the establishment and mainten
accessible archive of data on space-rel
is essential to advancement of the field;

(4) cooperation with the republi
Union, including use of former Soviet
the potential for greatly enhanced biom
and progress; and

(5) the establishment and mainten
telemedicine consultation satellite cap
gency medical service provision can p
to disaster relief efforts.

42 USC 2487a.

SEC. 602. BIOMEDICAL RESEARCH JOINT WOR

(a) ESTABLISHMENT.—The Administra
the National Institutes of Health shall joi
group to coordinate biomedical research a
a microgravity environment may contribut
in the understanding and treatment of dis
conditions. The joint working group shall
plementary programs in such areas of resea

(b) MEMBERSHIP.—The joint working g
representation from the National Aeronau
tration and the National Institutes of H
representation from National Institutes
selected by the Director of the National I
from the National Aeronautics and Space
Council.

(b) RESEARCH OPPORTUNITY ANNOUNCEMENTS.—The grants program established under subsection (a) shall annually issue joint research opportunity announcements under the sponsorship of the National Institutes of Health and the National Aeronautics and Space Administration. Responses to the announcements shall be evaluated by a peer review committee whose members shall be selected by the Director of the National Institutes of Health and the Administrator, and shall include individuals not employed by the National Aeronautics and Space Administration or the National Institutes of Health.

SEC. 604. BIOMEDICAL RESEARCH FELLOWSHIPS.

The Administrator and the Director of the National Institutes of Health shall create a joint program of graduate research fellowships in biomedical research described in section 602(a). Fellowships under such program may provide for participation in approved research conferences and symposia.

SEC. 605. JOINT FORMER SOVIET UNION STUDIES IN BIOMEDICAL RESEARCH.

The Administrator, in consultation with the Director of the National Institutes of Health, shall, as soon as practicable, establish and submit to Congress a plan for the conduct of joint biomedical research activities by the republics of the former Soviet Union and the United States, including the use of the United States Space Shuttle and former Soviet orbital facilities such as the Mir space station.

SEC. 606. ESTABLISHMENT OF AN ELECTRONIC DATA ARCHIVE.

The Administrator shall create and maintain a national electronic data archive for biomedical research data obtained from space-based experiments.

SEC. 607. ESTABLISHMENT OF EMERGENCY MEDICAL SERVICE TELEMEDICINE CAPABILITY.

The Administrator shall with the Director of the Federal Emergency Management Agency, the Director of the Office of Foreign Disaster, and the Surgeon General of the United States jointly create and maintain an international telemedicine satellite consultation capability to support emergency medical services in disas-

42 USC 2487g.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS

The Administrator should ensure that
the appropriations authorized for "Research
fiscal year 1993 are also used to carry out this

Approved November 4, 1992.

c Law 102-589
Congress

An Act

nd the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes.

Nov.
[H.

it enacted by the Senate and House of Representatives of ited States of America in Congress assembled,

ON 1. SHORT TITLE.

Cash Manag Impro Act Amend 1992. 31 USC note.

his Act may be cited as the "Cash Management Improvement nendments of 1992".

. AMENDMENTS TO THE CASH MANAGEMENT IMPROVEMENT ACT OF 1990.

he Cash Management Improvement Act of 1990 (Public Law 53, 104 Stat. 1058) is amended—

(1) in section 4(c) (31 U.S.C. 3335 note), by striking "by e date which is 2 years after the date of the enactment this Act";

(2) in section 5 (31 U.S.C. 6503 note)—

(A) in subsection (d)(1), by striking "not later than 2 years after the date of enactment of this Act" and inserting "July 1, 1993 or the first day of a State's fiscal year beginning in 1993, whichever is later";

(B) in subsection (d)(2), by striking "2 years after the date of enactment of this Act" and inserting "on July 1, 1993 or the first day of a State's fiscal year beginning in 1993, whichever is later"; and

(C) in subsection (e), by striking "2 years after the date of enactment of this Act" and inserting "on July 1, 1993 or the first day of a State's fiscal year beginning in 1993, whichever is later"; and

(3) in section 6 (31 U.S.C. 6503 note), by striking "Four" d inserting "Five".

. INTERNAL REVENUE SERVICE TAX REFUND OFFSET.

ction 3720A of title 31, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

) Any Federal agency that is owed a past-due legally enforce- lebt (other than any past-due support), including debt istered by a third party acting as an agent for the Federal

(C) by adding at the end there
paragraph:
"(5) certifies that reasonable efforts
the agency (pursuant to regulations) to ol
debt.";
(3) by redesignating subsection (g) as
(4) in subsection (h) (as redesigna
(3) of this section)—
(A) in paragraph (2) by striking
thereof;
(B) in paragraph (3) by adding
thereof; and
(C) by adding after paragraph
paragraph:
"(4) the term 'person' means an
proprietorship, partnership, corporation,
or any other form of business association."
(5) by inserting after subsection (f) the
"(g) In the case of refunds of business as
shall apply only to refunds payable on or a
In the case of refunds of individuals who
agencies that have not participated in the Fe
program prior to the date of enactment of
section shall apply only to refunds payable
1, 1994.".

SEC. 4. EXTENSION OF THE PRIVATE COUNSEL P

31 USC 3718 note.

(a) EXTENSION OF PROGRAM.—The pilot d
carried out by the Attorney General under
(c) of title 31, United States Code, as au
under section 3 of the Act entitled "An Act t
of title 31, United States Code, to authori
private counsel to furnish legal services in th
owed the United States." approved October
3718 note; Public Law 99–578) is extende
30, 1996.

31 USC 3718 note.

(b) EXTENSION OF JUDICIAL DISTRICTS.—
is amended by striking out "not more than
lieu thereof "not more than 15".

31 USC 3718 note.

(c) EXTENSION OF AUTHORIZATION.—Sec
amended by striking out all after "effect"
thereof "until September 30, 1996.".

31 USC 3718

(d) CONTRACT EXTENSION.—The Attorney

7 U.S.C. 3718 note; Public Law 99-578). The Inspector General
nall determine the extent of the competition among private counsel
obtain contracts awarded under such subsection, the reasonable-
ess of the fees provided in such contracts, the diligence and efforts
the Attorney General to retain private counsel in accordance
ith the provisions of such subsection, the results of the debt
llection efforts of private counsel retained under such contracts,
nd the cost-effectiveness of the pilot project compared with the
se of United States Attorneys' Offices for debt collection.

(b) REPORT TO CONGRESS.—After completing the audit under
ubsection (a), the Inspector General shall transmit to the Congress,
ot later than June 30, 1995, a report on the findings, conclusions,
nd recommendations resulting from the audit.

EC. 6. ADDITIONAL REPORTING REQUIREMENTS ON CONTRACTS FOR LEGAL SERVICES.

Section 3718 of title 31, United States Code, is amended by
dding at the end thereof the following new subsection:

"(g) In order to assist Congress in determining whether use
private counsel is a cost-effective method of collecting Government
ebts, the Attorney General shall, following consultation with the
eneral Accounting Office, maintain and make available to the
nspector General of the Department of Justice, statistical data
elating to the comparative costs of debt collection by participating
nited States Attorneys' Offices and by private counsel.".

EC. 7. EFFECTIVE DATE.

The provisions of this Act and amendments made by this Act
hall take effect on the date of enactment of this Act, except if
uch date of enactment is on or after October 1, 1992, such provi-
ons and amendments shall be effective as if enacted on September
), 1992.

Approved November 10, 1992.

Public Law 102-590
102d Congress

An Act

Nov. 10, 1992
[H.R. 5400]

To amend title 38, United States Code, to establish housing assistance to homeless veterans, to impro provide such assistance, and for other purposes.

Be it enacted by the Senate and Hou the United States of America in Congress as

Homeless Veterans Comprehensive Service Programs Act of 1992.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homele sive Service Programs Act of 1992".

38 USC 7721 note.

SEC. 2. PILOT PROGRAM.

(a) IN GENERAL.—Subject to the avai provided for under section 12, the Secre shall establish and operate, through Sep program under this Act to expand and i benefits and services by the Departmen homeless veterans.

(b) COMPREHENSIVE CENTERS.—The pi the establishment of no more than four (in addition to any existing programs pr at sites under the jurisdiction of the Sec the provision of comprehensive services t services to be provided at each site shall and coordinated array of those specialize provided under existing law.

(c) PLACEMENT OF VBA EMPLOYEES.— also include the services of such employees Administration as the Secretary determine

(1) no more than 45 sites at whic services to homeless chronically ment to section 115 of Public Law 100–32

(2) no more than 26 sites at whic domiciliary care to homeless veterans of Public Law 100–628 (102 Stat. 3257

(3) no more than 12 centers wh counseling services under section 1 States Code; and

(b) CRITERIA FOR AWARD OF GRANTS.—The Secretary shall establish criteria and requirements for the award of a grant under this section, including criteria for entities eligible to receive such grants. The Secretary shall publish such criteria and requirements in the Federal Register not later than 90 days after the date of the enactment of this Act. In developing such criteria and requirements, the Secretary shall consult with organizations with experience in the area of providing service to homeless veterans and to the maximum extent possible shall take into account the findings of the assessment of the Secretary under section 107 of the Veterans' Medical Programs Amendments of 1992. The criteria established under this section shall include the following:

(1) Specification as to the kinds of projects for which such grant support is available, which shall include (A) expansion, remodeling, or alteration of existing buildings, or acquisition of facilities, for use as service centers, transitional housing, or other facilities to serve homeless veterans, and (B) procurement of vans for use in outreach to, and transportation for, homeless veterans to carry out the purposes set forth in subsection (a).

(2) Specification as to the number of projects for which grant support is available, which shall include provision for no more than 25 service centers and no more than 20 programs which incorporate the procurement of vans as described in paragraph (1).

(3) Appropriate criteria for the staffing for the provision of the services for which a grant under this section is furnished.

(4) Provisions to ensure that the award of grants under this section (A) shall not result in duplication of ongoing services, and (B) to the maximum extent practicable, shall reflect appropriate geographic dispersion and an appropriate balance between urban and nonurban locations.

(5) Provisions to ensure that an entity receiving a grant shall meet fire and safety requirements established by the Secretary, which shall include such State and community requirements that may apply, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to real property to be used by a grantee in carrying out the grant.

(6) Specifications as to the means by which an entity receiving a grant may contribute in-kind services to the start-up

been sought consistent with the pla
ule submitted by the applicant; and

(3) has agreed to meet the app
ments established under subsection
determined that the applicant has
to meet those criteria and requireme

(e) APPLICATION REQUIREMENT.—A
section (d) desiring to receive assistan
submit to the Secretary an applicatio
forth—

(1) the amount of the grant
a project;

(2) a description of the site for s

(3) plans, specifications, and th
tion of such project in accordance w
by the Secretary under subsection (

(4) reasonable assurance that
for which assistance is sought, the
ational and the facilities will be
to veterans the services for which
and that not more than 25 perce
will serve clients who are not
veterans.

(f) PROGRAM REQUIREMENTS.—The
a grant to an applicant under this se
in the application for the grant, agre
requirements:

(1) To provide the services for
at locations accessible to homeless v

(2) To maintain referral netw
veterans in, establishing eligibility
services, under available entitleme

(3) To ensure the confidentia
on homeless veterans receiving serv

(4) To establish such procedure
accounting as may be necessary to
and accounting with respect to the
as may be made under section 4.

(5) To seek to employ home
homeless veterans in positions crea
for which those veterans are qualifi

(g) SERVICE CENTER REQUIREMEN

transportation assistance, and such other services as the Secretary determines necessary; and

(4) such center may be equipped and staffed to provide, or to assist in providing, job training and job placement services (including job readiness, job counseling, and literacy and skills training), as well as any outreach and case management services that may be necessary to carry out this paragraph.

EC. 4. PER DIEM PAYMENTS.

3 n R

(a) PER DIEM PAYMENTS FOR FURNISHING SERVICES TO HOME-ESS VETERANS.—Subject to the availability of appropriations pro-ded for under section 12, the Secretary of Veterans Affairs, pursu-nt to such criteria as the Secretary shall prescribe, shall provide a recipient of a grant under section 3 (or an entity eligible receive a grant under section 3 which after the date of enactment this Act establishes a program which the Secretary determines rries out the purposes described in section 3) per diem payments such rates as the Secretary shall prescribe by regulation for rvices furnished to any homeless veteran—

(1) whom the Secretary has referred to the grant recipient (or entity eligible for such a grant); or

(2) for whom the Secretary has authorized the provision of services.

a case in which the Secretary has authorized the provision services, per diem payments may be paid retroactively for services ovided not more than 3 days before the authorization was pro-ded.

(b) LIMITATION.—The amount of per diem payments made with spect to a veteran under this section may not exceed one-half the cost to the grant recipient (or other eligible entity) of provid-g such service.

(c) IN-KIND ASSISTANCE.—In lieu of per diem payments under is section, the Secretary may, with the approval of the grant cipient, provide in-kind assistance (through the services of epartment employees and the use of other Department sources) to a grant recipient (or entity eligible for such a ant) under section 3.

(d) INSPECTIONS.—The Secretary may inspect any facility of entity eligible for payments under subsection (a) at such times the Secretary considers necessary. No per diem payment may made to an entity under this section unless the facilities of at entity meet such standards as the Secretary shall prescribe.

inserting in lieu thereof "with a primary e
less".

SEC. 7. AUTHORITY TO LEASE CERTAIN PR MENT OF VETERANS AFFAIRS FOR

(a) AUTHORITY.—Notwithstanding se
38, United States Code, and subject to sub
of Veterans Affairs may lease to a repres
for a term in excess of three years any r
Los Angeles Veterans Affairs Medical Cen
tion of the representative for the use o
approved by the Secretary of Health and
section 501(e) of the Stewart B. McKinn
Act (42 U.S.C. 11411(e)). Any such lease
provisions of section 501(f) of such Act (42 U

(b) LIMITATION.—The Secretary may
under subsection (a) for a term in exc
representative of the homeless unless t
to use the property only as a location for
to homeless veterans and the families of su

(c) DEFINITION.—In this section, the
the homeless" has the meaning given such
of the Stewart B. McKinney Homeless A
11411(h)(4)).

SEC. 8. AUTHORITY TO MAKE PROPERTIE LESS PURPOSES.

(a) LEASE OR DONATION.—Section 37
States Code, is amended—

(1) in paragraph (2)—

(A) by inserting ", lease, lea
chase, or donate" after "sell"; and

(B) by inserting "or lease o

(2) in paragraph (3)(B), by insert
after "sold";

(3) by redesignating paragraph (

(4) by inserting after paragraph (
graphs:

"(4) The term of any lease under
exceed three years.

"(5) An approved entity that leases
retary under this section shall be resp
of any taxes, utilities, liability insurance

"(2) In making a loan under this subsection, the Secretary—

"(A) shall establish credit standards to be used for this purpose;

"(B) may, pursuant to section 3733(a)(6) of this title, provide that the loan will bear interest at a rate below the rate that prevails for similar loans in the market in which the loan is made; and

"(C) may waive the collection of a fee under section 3729 of this title in any case in which the Secretary determines that such a waiver would be appropriate.".

. 10. ANNUAL REPORTS.

38 not

Not later than May 1 of each of 1994, 1995, and 1996, the etary of Veterans Affairs shall submit to the Committees on erans' Affairs of the Senate and House of Representatives a ort on the implementation of this Act. Each such report shall, the extent feasible, include information on (1) the number of erans assisted, (2) the services provided, and (3) the Secretary's lysis of the operational and clinical effectiveness and cost- ctiveness of the programs established under, or with assistance vided by, this Act.

. 11. AUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 738 of the wart B. McKinney Homeless Assistance Act (42 U.S.C. 11448) amended by adding at the end the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authord to be appropriated to carry out this section the following ounts:

"(A) $10,000,000 for fiscal year 1993.

"(B) $12,000,000 for fiscal year 1994.

"(C) $14,000,000 for fiscal year 1995.

"(2) Funds obligated for any fiscal year to carry out this section y be expended in that fiscal year and the succeeding fiscal r.".

(b) CONFORMING AMENDMENTS.—(1) Section 739 of the Stewart McKinney Homeless Assistance Act (42 U.S.C. 11449) is ended—

(A) in subsection (a)(3)—

(i) by striking out "$17,000,000" and inserting in lieu thereof "$14,800,000"; and

38 USC 7721 note.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriate (other than section 8) $48,000,000 for ea 1993, 1994, and 1995. No funds may be provisions of sections 2, 3, and 4 of this provided for in an appropriation law. Not be construed to diminish funds for, continu of existing programs administered by the Affairs to serve veterans.

Approved November 10, 1992.

ENTY-SEVENTH AMENDI
TO THE
CONSTITUTION

TWENTY-SEVENTH AMENDMENT TO THE CONSTITUTION

To All To Whom These Presents Shall Come, Greeting:

KNOW YE, That the first Congress of the United States, at its first session, held in New York, New York, on the twenty-fifth day of September, in the year one thousand seven hundred and eighty-nine, passed the following resolution to amend the Constitution of the United States of America, in the following words and figures in part, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the benificent ends of its institution;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

Articles in addition to, and amendm
Constitution of the United States of
proposed by Congress and ratified b
Legislatures of the several States, pu
fifth Article of the original Constitut

* * * * * *

Article the Second . . . No law, var
compensation for the services of the
Representatives, shall take effect, u
election of Representatives shall ha

* * * * * *

And, further, that Section 106b, Title
vides that whenever official notice is
and Records Administration that any
stitution of the United States has bee
sions of the Constitution, the Archivis
with cause the amendment to be pub
fying the States by which the same
the same has become valid, to all in
the Constitution of the United States.

And, further, that it appears from offi
tional Archives of the United States
stitution of the United States propos
by the Legislatures of the States of A
sas, Colorado, Connecticut, Delaware,
Indiana, Iowa, Kansas, Louisiana, M
nesota, Missouri, Montana, Nevada, N
Mexico, North Carolina, North Dakota
Carolina, South Dakota, Tennessee,
West Virginia, Wisconsin, and Wyomi

And, further, that the States whose
said proposed Amendment constitute
whole number of States in the United

PRIVATE LAWS

SECOND SESSION, ONE HUNDRED SECOND CO

Private Law 102-3
102d Congress

An Act

For the relief of Michael Wu.

Be it enacted by the Senate and House of Represent
the United States of America in Congress assembled,

SECTION 1. NATURALIZATION OF MICHAEL WU.

(a) IN GENERAL.—For purposes of section 322(a) of the I
tion and Nationality Act, Michael Wu shall be consider
a child under 18 years of age.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall ap
if a petition under section 322(a) of such Act is filed by Ch
Wu or Caroline Wu, citizens of the United States, within
after the date of the enactment of this Act.

Approved June 15, 1992.

Private Law 102-4
102d Congress

An Act

To provide for the reimbursement of certain travel and relocation expe
title 5, United States Code, for Jane E. Denne of Henderson, Neva

Be it enacted by the Senate and House of Represent
the United States of America in Congress assembled, Tha
administration of sections 5724 and 5724a of title 5, Unite
Code, Jane E. Denne of Henderson, Nevada is deemed
employee transferred by the Environmental Protection Age
one official station to another for permanent duty in the
of the Government without a break in service for travel
employee from Lawrence, Kansas to Las Vegas, Nevada, in
ber 1986.

Approved August 3, 1992.

payable under subchapter II of chapte
Code, for the period beginning on D
on July 31, 1981.

SEC. 2. LIMITATION ON AGENTS AND AT

It shall be unlawful for an amo
of the sum described in section 1
an agent or attorney for any service
the benefits provided by this Act. A
section shall be guilty of an infrac
a fine in the amount provided in t

Approved August 4, 1992.

Private Law 102-6
102d Congress

An Act

Aug. 6, 1992
[H.R. 3289]

For the relief of Carmen Victoria Parini, Fel
Parini.

Be it enacted by the Senate and
the United States of America in Congre

SECTION 1. CITIZENSHIP FOR CARMEN
PARINI, AND SERGIO MANU

(a) IN GENERAL.—Subject to sub
Parini, Felix Juan Parini, and Serg
be naturalized and issued a certific
citizen of the United States by taking
337 of the Immigration and Nation
scribed by such section.

(b) DEADLINE FOR APPLICATION.—
an individual under such subsection
to take the oath referred to in such
required form within 2 years after
this Act.

Approved August 6, 1992.

of a citizen of the United States, and Lee Alan Tan, the stepc
of a citizen of the United States, shall be considered to be immed
relatives within the meaning of section 201(b) of such Act,
the provisions of section 204 of such Act shall not be applica
in these cases.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall apply
if Mary P. Carlton applies to the Attorney General, on be
of herself and Lee Alan Tan, for adjustment of status pursu
to such subsection within 2 years after the date of the enactm
of this Act.

(c) ADJUSTMENT OF STATUS.—Mary P. Carlton and Lee A
Tan shall be considered to have been lawfully admitted to
United States, and be eligible for processing, for purposes of adj
ment of status under section 245 of the Immigration and Nationa
Act as of the date of the enactment of this Act.

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR C
TAIN RELATIVES.—The natural parents, brothers, and sisters
Mary P. Carlton and Lee Alan Tan shall not, by virtue of s
relationship, be accorded any right, privilege, or status under
Immigration and Nationality Act.

Approved August 7, 1992.

Private Law 102-8
102d Congress

An Act

For the relief of Craig A. Klein.

*Be it enacted by the Senate and House of Representative
the United States of America in Congress assembled,*

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STA

(a) IN GENERAL.—The Secretary of the Treasury shall
out of money in the Treasury not otherwise appropriated, to C
A. Klein of Jacksonville, Florida, the sum of $8,947 for dama
incurred as a result of the search and seizure of his sailb
"Pegotty", by the United States Customs Service in April 1

Private Law 102-9
102d Congress

An Act

Sept. 30, 1992
[H.R. 454]

For the relief of Bru

Be it enacted by the Senate and the United States of America in Congre

SECTION 1. ENTITLEMENT TO REIM EXPENSES.

Bruce C. Veit of El Paso, Texas, a of the Army, shall be reimbursed f as a result of his relocation from Me Texas, during October and Novemb official travel authorization issued on

Approved September 30, 1992.

Private Law 102-10
102d Congress

An Ac

Sept. 30, 1992
[H.R. 478]

For the relief of Norn

Be it enacted by the Senate an the United States of America in Congr

SECTION 1. REIMBURSEMENT FOR REA

The relocation of Norman R. R and Atmospheric Administration in to be a transfer from 1 official reimbursement is permitted under United States Code.

SEC. 2. LIMITATION ON AGENTS AND A

No amount exceeding 10 percen to section 1 may be paid to or rece in consideration for services render

vate Law 102-11
2d Congress

An Act

For the relief of Patricia A. McNamara.

Se

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled,

TION 1. WAIVER OF TIME LIMITATIONS.

(a) IN GENERAL.—The time limitations set forth in section 2(b) of title 31, United States Code, shall not apply with respect a claim for the reimbursement of retirement benefits prior to vember 1, 1982, by Patricia A. McNamara of Deerfield Beach, rida.

(b) DEADLINE.—Subsection (a) shall apply only if Patricia A. Namara submits a claim pursuant to such subsection before expiration of the 6-month period beginning on the date of enactment of this Act.

pproved September 30, 1992.

ivate Law 102-12
2d Congress

An Act

For the relief of Rodgito Keller.

O

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled,

TION 1. IMMEDIATE RELATIVE STATUS FOR RODGITO KELLER.

(a) IN GENERAL.—Subject to subsection (b), Rodgito Keller shall classified as a child under section 101(b)(1)(E) of the Immigration Nationality Act upon the filing of an application for an nigrant visa or adjustment of status.

(b) DEADLINE FOR APPLICATION.—Subsections (a) and (c) shall ly only if the application is filed within 2 years after the date

Private Law 102–13
102d Congress

An Ac

Oct. 23, 1992
[H.R. 1101]

For the relief of Willia

Be it enacted by the Senate anc the United States of America in Congr

SECTION 1. RELIEF OF LIABILITY.

(a) FOR CERTAIN ERRONEOUS PA of Fredericktown, Missouri, a former of the Navy, is hereby relieved of l in the sum of $14,312.01, represe relocation expenses incident to his tr Postal Service to the Department of th

(b) CREDIT TO ACCOUNTS OF THE and settlement of the accounts of any of the United States, credit shall l which liability is relieved by subsectio

SEC. 2. PROVISION FOR PAYMENT I TREASURY.

(a) FOR ANY AMOUNTS ALREADY WILLIAM A. CASSITY.—The Secretar out of any money in the Treasury to William A. Cassity an amount, i of any amounts paid by him to, or due him by, the United States wit to the United States referred to in sec

(b) RESTRICTION ON ATTORNEY'S cent of the amount appropriated in ferred, directly or indirectly, to an consideration for services rendered to tion with the claim for relief of li Any person violating the provision guilty of an infraction and shall be s provided in title 18, United States Co

Approved October 23, 1992

es Code, William A. Proffitt shall be considered to be an
loyee transferred in the interest of the Federal Government
ne Department of the Air Force from 1 official station to another
permanent duty without a break in service, incident to travel
ormed from Lebanon, Tennessee, to Myrtle Beach, South Caro-
in November 1989.

2. LIMITATION ON AGENTS AND ATTORNEYS FEES.

No amount exceeding 10 percent of the payment made to any
vidual under section 1 may be paid to or received by any
nt or attorney in consideration for services rendered in connec-
with the payment. Any person who violates the provisions
nis section shall be guilty of an infraction and shall be subject
fine in the amount provided under title 18, United States
e.

pproved October 23, 1992.

vate Law 102-15
2d Congress

An Act

For the relief of Craig B. Sorensen and Nita M. Sorensen.

O
[

Be it enacted by the Senate and House of Representatives of
United States of America in Congress assembled,
Notwithstanding the time limitation set forth in the item relat-
to "DEPARTMENT OF AGRICULTURE—FOREST SERVICE—
LEMENT OF CLAIMS, FOREST SERVICE" in Public Law
-302 (104 Stat. 230), the claim against the United States filed
Craig B. Sorensen and Nita M. Sorensen of Salt Lake City,
n, for damages resulting from the Clover-Mist Fire, dated
ch 17, 1989, but not received by the Forest Service until Septem-
of 1990, shall be considered to have been timely filed.

proved October 23, 1992.

(b) DEADLINE FOR APPLICATION
only if Krishanthi Sava Kopp appli
to in such subsection by submitting
two-year period beginning on the d
Act.

(c) DENIAL OF PREFERENTIAL I
CERTAIN RELATIVES.—The natural
of Krishanthi Sava Kopp shall not,
be accorded any right, privilege, or
and Nationality Act.

Approved October 23, 1992.

Private Law 102-17
102d Congress

An Ac

Oct. 23, 1992
[H.R. 5923]

For the relief of Anna

Be it enacted by the Senate an
the United States of America in Congr

SECTION 1. WAIVER OF TIME LIMITATIO

(a) IN GENERAL.—The time lin
3702(b) of title 31, United States Cod
to a claim for the disbursement of
of the Navy to Anna C. Massari, as
that were issued to, but not negotia
to March 31, 1991.

(b) DEADLINE.—Subsection (a)
Massari or her authorized representa
to such subsection before the expi
beginning on the date of the enactme

Approved October 23, 1992.

Private L w 1 2-18

vate Law 102-19
d Congress

An Act

For the relief of Christy Carl Hallien of Arlington, Texas.

Oc

Be it enacted by the Senate and House of Representatives of Jnited States of America in Congress assembled,

TION 1. RELIEF FROM LIABILITY.

(a) RELIEF.—Christy Carl Hallien of Arlington, Texas, is ved of all liability for repayment to the United States of the of $11,865.13, plus accrued interest. This sum represents part ne amount that Christy Carl Hallien owes to the Department Defense for payments that he received from the Department efense for travel and relocation expenses arising from his reloca- from Burlington, Vermont, to accept employment with the artment of Defense in Arlington, Texas, in October 1983.

(b) BASIS FOR RELIEF.—The basis for granting this relief is an agent of the Department of Defense erroneously informed sty Carl Hallien that he was entitled to reimbursement of ravel and relocation expenses incurred relating to his relocation Vermont to Texas.

2. LIMITATION OF ATTORNEYS' OR AGENTS' FEES.

Not more than 10 percent of the amount referred to in section hall be paid to any agent or attorney of Christy Carl Hallien any service rendered in connection with the relief provided his Act. Violation of this section is a misdemeanor punishable fine of not more than $1,000.

pproved October 23, 1992.

vate Law 102-20
d Congress

An Act

For the relief of Florence Adeboyeku.

Oc

Nationality Act, shall be eligible for p
of such Act upon approval of the pet
(a).

(d) DENIAL OF PREFERENTIAL IM
CERTAIN RELATIVES.—The natural pa
of Florence Adeboyeku shall not, by
be accorded any right, privilege, or st
and Nationality Act.

Approved October 24, 1992.

CONCURRENT RESOLUT

SECOND SESSION, ONE HUNDRED SECOND C

JOINT SESSION

Resolved by the House of Representatives (the Senate concurrin That the two Houses of Congress assemble in the Hall of t House of Representatives on Tuesday, January 28, 1992, at 9 o'clo post meridiem, for the purpose of receiving such communicati as the President of the United States shall be pleased to ma to them.

Agreed to January 28, 1992.

"THE CONSTITUTION OF THE UNITED STATES O AMERICA" PAMPHLET—HOUSE PRINT

Resolved by the House of Representatives (the Senate concurrin That the revised edition of the pamphlet entitled "The Constituti of the United States of America", prepared under the directi of the Committee on the Judiciary of the House of Representativ shall be printed as a House document, with appropriate illustr tions. In addition to the usual number, there shall be print 241,500 copies of the pamphlet for the use of the House of Re resentatives (of which 20,000 copies shall be for the use of t Committee on the Judiciary), 51,500 copies of the pamphlet f the use of the Senate, and 5,000 copies of the pamphlet for t use of the Joint Committee on Printing.

Agreed to February 6, 1992.

ENROLLMENT CORRECTIONS—H.R. 3866

Resolved by the House of Representatives (the Senate concurrin That, in the enrollment of the bill (H.R. 3866) to provide for t designation of the Flower Garden Banks National Marine Sa tuary, the Clerk of the House of Representatives shall make t following corrections:

(1) Page 8, beginning at line 3, strike "United States-Sovie

the Union of Soviet Socialist Republ
ary, signed June 1, 1990; in part
the maritime boundary, as define
lie within 200 nautical miles of th
breadth of the territorial sea of Rus
200 nautical miles of the baseline
of the territorial sea of the Unit

(10) Page 15, beginning at line
Soviet Maritime" and insert "mariti

(11) Page 16, line 4, strike "the
"Russia".

(12) Page 17, line 1, strike "United

(13) Page 17, line 4, strike "the
"Russia".

(14) Page 17, line 8, strike "363

(15) Page 17, line 12, strike "3

(16) Page 17, strike line 21 an
line 23 and insert the following:

"'(F) the areas referred to as east
3(1) of the Agreement between the
and the Union of Soviet Socialist
Boundary, signed June 1, 1990; in
of the maritime boundary, as defin
lie within 200 nautical miles of th
breadth of the territorial sea of Rus
200 nautical miles of the baseline
of the territorial sea of the United

(17) Page 18, line 4, strike "208" a

(18) Page 18, line 5, strike "201(e

Agreed to February 19, 1992.

Mar. 3, 1992
[H. Con. Res. 239]

LITHUANIA—INDEPENDENCE

Whereas on February 16, 1918, a g
delegates first proclaimed that the
and that their government would b
ciples, and for this rea o February

declared the restoration of Lithuania's independence and the establishment of a democratic state;
hereas the people of Lithuania and the civil servants of the government of Lithuania persevered in the building of democratic and independent institutions under conditions of economic blockade and armed assaults for over 17 months;
hereas in January 1991, 10 months after the elected Lithuanian parliament restored independence, the people and government of Lithuania withstood a bloody assault against their democratic institutions by foreign troops; and
hereas Lithuania's successful restoration of democracy and independence is remarkable for its use of nonviolent resistance to an oppressive regime: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), at the Congress—

(1) congratulates the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence;

(2) pledges its support for the people of Lithuania as they establish and strengthen democratic institutions of government and a free market economy; and

(3) congratulates the people of Lithuania as they celebrate their well-deserved independence day on February 16, 1992.

Agreed to March 3, 1992.

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

[S

Resolved by the Senate (the House of Representatives concurring), at when the Senate recesses or adjourns at the close of business Friday, April 10, 1992, or Saturday, April 11, 1992, pursuant a motion made by the Majority Leader, or his designee, in cordance with this resolution, it stand recessed or adjourned til 9:30 a.m. on Tuesday, April 28, 1992, or until 12 o'clock on on the second day after Members are notified to reassemble rsuant to section 2 of this resolution, whichever occurs first; d that when the House of Representatives adjourns on the legislae day of Thursday, April 9, 1992, pursuant to a motion made

May 13, 1992
[S. Con. Res. 116]

ENROLLMENT CORRECTI

Resolved by the Senate (the House of Re
That in the enrollment of the text of th
the Child Abuse Prevention and Treatmen
programs under such Act, and for other
of the Senate shall make the following corr

(1) In section 116(a)(4) of the bill—

(A) by adding "and" after the s
(C); and

(B) by striking out subparagrap
and inserting in lieu thereof th
graph:

"(D) by striking out 'handica
and inserting in lieu thereof 'disa

(2) In section 117 of the bill—

(A) by inserting "(a) IN GEN
114(a)"; and

(B) by adding at the end there
section:

"(b) DELAYED EFFECTIVE DATE.—Parag
as amended by subsection (a), shall bec
1 of the first fiscal year for which $3
be available under subsection (a)(2)(B)(i
such subsection were in effect), and u
second and third sentences of section
to the amendment made by such subs
in effect.".

(3) In section 124(2)—

(A) by striking out subparagrap

(B) by redesignating subparag
paragraphs (A) and (B), respectiv

Agreed to May 13, 1992.

May 14, 1992
[S. Con. Res. 111]

SPECIAL OLYMPICS TORCH I GROUNDS AUTHOR

Resolved by the Senate (the House of R

Ma
[H. C

EDERAL BUDGET—FISCAL YEARS 1993–1997

olved by the House of Representatives (the Senate concurring),

ON 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993.

DECLARATION.—The Congress determines and declares that esolution is the concurrent resolution on the budget for fiscal 1993, including the appropriate budgetary levels for fiscal 1994, 1995, 1996, and 1997, as required by section 301 of ngressional Budget Act of 1974 (as amended by the Budget cement Act of 1990).

TABLE OF CONTENTS.—The table of contents for this concurrent ition is as follows:

Concurrent resolution on the budget for fiscal year 1993.
Recommended levels and amounts.
Debt increase as a measure of deficit.
Display of Federal Retirement Trust Fund balances.
Social security.
Major functional categories.
Health care costs.
Sale of Government assets.
Deficit-neutral reserve fund in the Senate for family and economic security initiatives in accordance with provisions of the summit agreement.
). Maximum deficit amount and aggregate points of order in the Senate.
l. Clarification of the application of section 311(b) of the Congressional Budget Act in the House.
2. Social security fire wall point of order in the Senate.
3. Study of United States Government assistance to recipients by income category.
4. Sense of the Senate regarding balanced budget amendment.
5. Program budget evaluation.
6. Sense of the Senate regarding increasing productivity.
7. Sense of the Congress on WIC.
3. Defense industry conversion.
9. Budget authority-outlay ratio.

. RECOMMENDED LEVELS AND AMOUNTS.

e following budgetary levels are appropriate for the fiscal years 1994, 1995, 1996, and 1997:

(1)(A) FEDERAL REVENUES (for purposes of comparison with he maximum deficit amount under sections 601(a)(1) and 606 f the Congressional Budget Act of 1974 and for purposes f the enforcement of this resolution).—(i) The recommended evels of Federal revenues are as follows:

Fiscal year 1993: $845,300,000,000.

Fiscal year 1996: $0.
Fiscal year 1997: $0.

(iii) The amounts for Federal Insu
revenues for hospital insurance within
of Federal revenues are as follows:

Fiscal year 1993: $85,300,000,00
Fiscal year 1994: $91,200,000,00
Fiscal year 1995: $96,800,000,00
Fiscal year 1996: $102,900,000,0
Fiscal year 1997: $109,200,000,0

(B) FEDERAL REVENUES.—For purpo
Social Security Act (excluding the rec
of the Hospital Insurance Trust Fun
levels of Federal revenues are as follow

Fiscal year 1993: $760,000,000,0
Fiscal year 1994: $820,100,000,0
Fiscal year 1995: $871,300,000,0
Fiscal year 1996: $914,900,000,0
Fiscal year 1997: $961,200,000,0

(ii) The amounts by which the ag
revenues should be increased are as fol

Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.

(2)(A) NEW BUDGET AUTHORITY.—Fo
with the maximum deficit amount
and 606 of the Congressional Budg
purposes of the enforcement of this re
levels of total new budget authority are

Fiscal year 1993: $1,264,400,000
Fiscal year 1994: $1,269,400,000
Fiscal year 1995: $1,309,600,000
Fiscal year 1996: $1,375,100,000
Fiscal year 1997: $1,468,700,000

(B) NEW BUDGET AUTHORITY.—For
of the Social Security Act (excluding t
ments of the Hospital Insurance Trus
levels of total new budget authority ar

Fiscal year 1993: $1,175,700,000
Fiscal year 1994: $1,191,100,000

of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1993: $1,169,100,000,000.
Fiscal year 1994: $1,177,700,000,000.
Fiscal year 1995: $1,171,800,000,000.
Fiscal year 1996: $1,209,000,000,000.
Fiscal year 1997: $1,310,100,000,000.

(4)(A) DEFICITS.—For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1993: $393,400,000,000.
Fiscal year 1994: $343,800,000,000.
Fiscal year 1995: $289,800,000,000.
Fiscal year 1996: $287,100,000,000.
Fiscal year 1997: $345,700,000,000.

(B) DEFICITS.—For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1993: $409,100,000,000.
Fiscal year 1994: $357,600,000,000.
Fiscal year 1995: $300,500,000,000.
Fiscal year 1996: $294,100,000,000.
Fiscal year 1997: $348,900,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1993: $4,461,200,000,000.
Fiscal year 1994: $4,860,500,000,000.
Fiscal year 1995: $5,209,400,000,000.
Fiscal year 1996: $5,553,600,000,000.
Fiscal year 1997: $5,952,900,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1993: $19,400,000,000.
Fiscal year 1994: $19,500,000,000.
Fiscal year 1995: $19,300,000,000.
Fiscal year 1996: $19,400,000,000.
Fiscal year 1997: $19,700,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appro-

SEC. 3. DEBT INCREASE AS A MEASURE OF DI

The amounts of the increase in the pub
tion are as follows:

Fiscal year 1993: $444,000,000,000.
Fiscal year 1994: $399,300,000,000.
Fiscal year 1995: $348,900,000,000.
Fiscal year 1996: $344,200,000,000.
Fiscal year 1997: $399,300,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT

The balances of the Federal retirement t

Fiscal year 1993: $966,300,000,000.
Fiscal year 1994: $1,091,100,000,000
Fiscal year 1995: $1,226,100,000,000
Fiscal year 1996: $1,370,000,000,000
Fiscal year 1997: $1,523,300,000,000

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For pu
ment under sections 302 and 311 of th
Act of 1974, the amounts of revenues of
Survivors Insurance Trust Fund and the
ance Trust Fund are as follows:

Fiscal year 1993: $328,100,000,000.
Fiscal year 1994: $350,300,000,000.
Fiscal year 1995: $371,800,000,000.
Fiscal year 1996: $395,300,000,000.
Fiscal year 1997: $419,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For pu
ment under sections 302 and 311 of th
Act of 1974, the amounts of outlays of
Survivors Insurance Trust Fund and the
ance Trust Fund are as follows:

Fiscal year 1993: $260,000,000,000.
Fiscal year 1994: $271,600,000,000.
Fiscal year 1995: $282,900,000,000.
Fiscal year 1996: $294,500,000,000.
Fiscal year 1997: $306,000,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares t
of new budget authority, budget outlays, n
new primary loan guarantee commitments

Fiscal year 1995:
(A) New budget authority, $280,400,000,000.
(B) Outlays, $280,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $280,400,000,000.
(B) Outlays, $282,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $280,400,000,000.
(B) Outlays, $281,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal year 1993:
(A) New budget authority, $19,600,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $10,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $19,700,000,000.
(B) Outlays, $17,900,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $10,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $19,900,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $10,400,000,000.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1996:
(A) New budget authority, $19,600,000,000.

(B) Outlays, $16,200,000,00
(C) New direct loan obligati
(D) New primary loan gua
(E) New secondary loan gu
Fiscal year 1994:
(A) New budget authority, $
(B) Outlays, $17,000,000,00
(C) New direct loan obligati
(D) New primary loan gua
(E) New secondary loan gu
Fiscal year 1995:
(A) New budget authority, $
(B) Outlays, $17,700,000,00
(C) New direct loan obligati
(D) New primary loan gua
(E) New secondary loan gu
Fiscal year 1996:
(A) New budget authority, $
(B) Outlays, $18,300,000,00
(C) New direct loan obligati
(D) New primary loan gua
(E) New secondary loan gu
Fiscal year 1997:
(A) New budget authority, $
(B) Outlays, $19,300,000,00
(C) New direct loan obligati
(D) New primary loan gua
(E) New secondary loan gu
(4) Energy (270):
Fiscal year 1993:
(A) New budget authority, $
(B) Outlays, $5,400,000,000
(C) New direct loan obligati
(D) New primary loan
$200,000,000.
(E) New secondary loan gu
Fiscal year 1994:
(A) New budget authority, $
(B) Outlays, $5,600,000,000
(C) New direct loan obligati
(D) New primary loan
$300,000,000.

Fiscal year 1997:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1993:
(A) New budget authority, $21,100,000,000.
(B) Outlays, $20,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $22,200,000,000.
(B) Outlays, $21,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $23,100,000,000.
(B) Outlays, $22,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $23,700,000,000.
(B) Outlays, $23,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $23,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1993:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $16,100,000,000.

(D) New primary loan guarantee commitments, $6,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $14,900,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $8,000,000,000.
(D) New primary loan guarantee commitments, $6,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $8,000,000,000.
(D) New primary loan guarantee commitments, $6,900,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1993:
(A) New budget authority, $78,500,000,000.
(B) Outlays, $74,100,000,000.
(C) New direct loan obligations, $3,400,000,000.
(D) New primary loan guarantee commitments, $60,400,000,000.
(E) New secondary loan guarantee commitments, $77,200,000,000.
Fiscal year 1994:
(A) New budget authority, $42,600,000,000.
(B) Outlays, $36,800,000,000.
(C) New direct loan obligations, $3,500,000,000.
(D) New primary loan guarantee commitments, $62,500,000,000.
(E) New secondary loan guarantee commitments, $79,700,000,000.
Fiscal year 1995:
(A) New budget authority, $22,900,000,000.
(B) Outlays, -$13,100,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $64,600,000,000.
(E) New secondary loan guarantee commitments, $82,400,000,000.
Fiscal year 1996:
(A) New budget authority, $7,800,000,000.
(B) Outlays, -$41,600,000,000.
(C) New direct loan obligations, $3,800,000,000.
(D) New primary loan guarantee commitments, $66,800,000,000.
(E) New secondary loan guarantee commitments, $85,200,000,000.
Fiscal year 1997:
(A) New budget authority, $8,500,000,000.
(B) Outlays, -$26,400,000,000.
(C) New direct loan obligations, $3,900,000,000.
(D) New primary loan guarantee commitments, $69,000,000,000.

(E) New secondary loan guarantee commitments, $88,100,000,000.

) Transportation (400):

Fiscal year 1993:

(A) New budget authority, $41,000,000,000.
(B) Outlays, $35,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $41,800,000,000.
(B) Outlays, $37,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $42,300,000,000.
(B) Outlays, $38,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $43,100,000,000.
(B) Outlays, $39,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $46,000,000,000.
(B) Outlays, $40,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

) Community and Regional Development (450):

Fiscal year 1993:

(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,200,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,200,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,300,000,000.
(B) Outlays, $6,700,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $6,600,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $7,800,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1993:
(A) New budget authority, $51,900,000,000.
(B) Outlays, $49,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $15,200,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $53,600,000,000.
(B) Outlays, $51,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $15,700,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $55,100,000,000.
(B) Outlays, $52,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $16,100,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $57,400,000,000.
(B) Outlays, $50,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $16,400,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $60,400,000,000.
(B) Outlays, $57,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $16,600,000,000.
(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1993:
(A) New budget authority, $105,200,000,000.
(B) Outlays, $104,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $116,300,000,000.
(B) Outlays, $115,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $129,000,000,000.
(B) Outlays, $127,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $143,400,000,000.
(B) Outlays, $142,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $159,200,000,000.
(B) Outlays, $157,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
12–1.) Medicare (570):
Fiscal year 1993:
(A) New budget authority, $132,200,000,000.
(B) Outlays, $130,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $146,400,000,000.
(B) Outlays, $144,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $163,100,000,000.
(B) Outlays, $160,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $183,300,000,000.
(B) Outlays, $180,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $204,100,000,000.
(B) Outlays, $201,500,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(12–2.) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1993:
(A) New budget authority, $48,500,000,000.
(B) Outlays, $47,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $54,300,000,000.
(B) Outlays, $53,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $61,300,000,000.
(B) Outlays, $60,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $70,500,000,000.
(B) Outlays, $69,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $81,200,000,000.
(B) Outlays, $79,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1993:
(A) New budget authority, $199,400,000,000.
(B) Outlays, $196,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $208,100,000,000.
(B) Outlays, $207,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $217,100,000,000.
(B) Outlays, $217,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $231,800,000,000.
(B) Outlays, $228,300,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $248,400,000,000.
(B) Outlays, $240,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1993:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $8,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $9,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $10,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $10,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $11,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1993:
(A) New budget authority, $35,700,000,000.
(B) Outlays, $35,200,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $22,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $36,900,000,000.
(B) Outlays, $38,200,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $38,100,000,000.
(B) Outlays, $38,000,000,000.

(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,100,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $39,300,000,000.
(B) Outlays, $37,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,200,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $40,600,000,000.
(B) Outlays, $40,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,300,000,000.
(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1993:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $15,500,000,000.
(B) Outlays, $15,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $17,600,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $18,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1993:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $12,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $12,800,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $13,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(18–1.) Net Interest (900):

Fiscal year 1993:
(A) New budget authority, $242,000,000,000.
(B) Outlays, $241,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $263,700,000,000.
(B) Outlays, $263,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $283,200,000,000.
(B) Outlays, $283,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $304,600,000,000.
(B) Outlays, $304,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $329,500,000,000.
(B) Outlays, $329,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(18–2.) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1993:

(A) New budget authority, $252,600,000,000.
(B) Outlays, $252,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $275,100,000,000.
(B) Outlays, $275,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $295,300,000,000.
(B) Outlays, $295,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $317,300,000,000.
(B) Outlays, $317,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $342,500,000,000.
(B) Outlays, $342,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) The corresponding levels of gross interest on the public debt are as follows:
Fiscal year 1993: $315,300,000,000.
Fiscal year 1994: $340,000,000,000.
Fiscal year 1995: $360,800,000,000.
Fiscal year 1996: $381,600,000,000.
Fiscal year 1997: $405,500,000,000.
(20) Allowances (920):
Fiscal year 1993:
(A) New budget authority, -$4,100,000,000.
(B) Outlays, -$4,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, -$11,600,000,000.
(B) Outlays, -$12,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, -$14,000,000,000.
(B) Outlays, -$18,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, -$11,800,000,000.

(B) Outlays, -$11,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, -$7,900,000,000.
(B) Outlays, -$1,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(21–1.) Undistributed Offsetting Receipts (950):

Fiscal year 1993:
(A) New budget authority, -$33,400,000,000.
(B) Outlays, -$33,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, -$32,600,000,000.
(B) Outlays, -$32,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, -$33,200,000,000.
(B) Outlays, -$33,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, -$33,400,000,000.
(B) Outlays, -$33,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, -$34,500,000,000.
(B) Outlays, -$34,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(21–2.) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1993:
(A) New budget authority, -$31,000,000,000.
(B) Outlays, -$31,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, -$30,200,000,000.
(B) Outlays, -$30,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, -$30,700,000,000.

(B) Outlays, -$30,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, -$30,800,000,000.
(B) Outlays, -$30,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, -$31,800,000,000.
(B) Outlays, -$31,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

SEC. 7. HEALTH CARE COSTS.

It is the sense of the Congress that measures to control the growth of health care costs should be included by the committees of jurisdiction in any comprehensive health care package that they report.

SEC. 8. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of points of order under sections 302, 310, 311, 601(b), 602, 604, and 605 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues under those sections.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE FOR FAMILY AND ECONOMIC SECURITY INITIATIVES IN ACCORDANCE WITH PROVISIONS OF THE SUMMIT AGREEMENT.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO PROTECT CHILDREN AND STRENGTHEN FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation

are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

)) ECONOMIC GROWTH INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery or growth initiatives, including unemployment compensation or other, related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PRO-
AMS AND PHASING-IN OF HEALTH INSURANCE COVERAGE FOR ALL
ERICANS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases

funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(d) INITIATIVES TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS AT THE EARLY CHILDHOOD, ELEMENTARY, SECONDARY, OR HIGHER EDUCATION LEVELS, OR TO INVEST IN AMERICA'S CHILDREN.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in America's children within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) INITIATIVES TO MITIGATE AIRPORT NOISE, TO IMPROVE AIRPORT SAFETY, OR TO EXPAND AIRPORT CAPACITY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to mitigate airport noise, to improve airport safety, or to expand airport capacity within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 10. MAXIMUM DEFICIT AMOUNT AND AGGREGATE POINTS OF ORDER IN THE SENATE.

Notwithstanding any other rule of the Senate, for those years in which this concurrent resolution is in effect and not superseded by adoption of a subsequent concurrent resolution on the budget, in the Senate, sections 311(a) and 605 of the Congressional Budget Act of 1974 shall not apply to any bill, resolution, amendment, motion, or conference report that—

(1) would, if introduced as a bill or resolution, be referred to the Committee on Appropriations;

(2) would not cause the appropriate allocation of new budget authority or outlays made pursuant to section 602(a) to be exceeded;

(3) would not cause the appropriate suballocation (or suballocations), if any, of new budget authority or outlays made pursuant to section 602(b) to be exceeded;

(4) would not cause the appropriate level of social security outlays to be exceeded;

(5) would not cause revenues to be less than the appropriate level of total revenues; and

(6) would not cause social security revenues to be less than the appropriate level of social security revenues.

SEC. 11. CLARIFICATION OF THE APPLICATION OF SECTION 311(b) OF THE CONGRESSIONAL BUDGET ACT IN THE HOUSE.

For fiscal years 1992 through 1995, the reference in section 311(b) of the Congressional Budget Act of 1974 to the appropriate allocation under section 302(a) shall be considered to be a reference to the appropriate allocation for the fiscal year concerned under section 602(a) of the Congressional Budget Act of 1974.

SEC. 12. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 13. STUDY OF UNITED STATES GOVERNMENT ASSISTANCE TO RECIPIENTS BY INCOME CATEGORY.

(a) IN GENERAL.—It is the sense of the Congress that the Director of the Office of Management and Budget and the Director of the Congressional Budget Office (with the assistance of the Joint Committee on Taxation) should, to the extent feasible, each prepare a study, by major program or expenditure, of the dollar value of United States Government assistance under current law and regulations to recipients by income category for the most recent year for which data are available.

(b) DEFINITION.—The term "United States Government assistance" means any payment, including payments-in-kind, loans, and tax expenditures (as defined in section 3(3) of the Congressional Budget Act of 1974), made by the United States Government directly, indirectly, or through payment to another on the individual's or person's behalf.

SEC. 14. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

It is the sense of the Senate that the Senate should, on or before July 2, 1992, vote on a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget, and requiring the President of the United States to annually submit a balanced budget, provided that the amendment proposed in such joint resolution shall be drafted or amended so as not to exacerbate any economic recession.

SEC. 15. PROGRAM BUDGET EVALUATION.

It is the sense of the Senate that prior to the commencement of the One Hundred Fourth Congress, each authorizing committee of the Senate should conduct a comprehensive reexamination and evaluation of existing programs under its jurisdiction which result in the expenditure of Federal dollars, and report its findings to

e Senate. Such committee reports should consider the following tters—

(1) an identification of the objectives intended for the program and the problem it was intended to address;

(2) an identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address;

(3) an identification of any other program having potentially conflicting or duplicative objectives;

(4) a statement of the number and types of beneficiaries or persons served by the program;

(5) an assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved;

(6) an assessment of the cost effectiveness of the program; and

(7) an assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program.

:C. 16. SENSE OF THE SENATE REGARDING INCREASING PRODUCTIVITY.

(a) FINDING.—The Senate finds that—

(1) failure to meet the challenge of international economic competitiveness would seriously jeopardize our national security, standard of living, and quality of life in the coming decades; and

(2) increased productivity is the key to meeting the challenge and regaining the competitive edge the United States economy enjoyed in the past.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that ds should be allocated to allow this Nation to commit to an crease in productivity and international competitiveness through program of long-term strategic investment in—

(1) the development of its human resources;

(2) the physical infrastructure that supports economic activity;

(3) the development and commercialization of technology; and

(4) productive plants and equipment.

:C. 17. SENSE OF THE CONGRESS ON WIC.

a) FINDINGS.—The Congress finds that—

(1) the Special Supplemental Food Program for Women, Infants and Children (WIC) has been invaluable to millions of needy pregnant and nursing women, infants and children at nutritional risk for nearly 20 years;

(2) President Bush has commendably recommended an increase in the WIC program for fiscal year 1993, continuing the strong bipartisan support for expanding the program to serve more of those eligible;

(3) the chairmen of five major American corporations testified last year on WIC, declaring that an increased investment in WIC is essential to the Nation's future economic growth and that "WIC can make an important contribution to ensuring that . . . we have the productive workforce we need";

(4) the CEO's called WIC "the health-care equivalent of a triple-A rated investment . . . one of the most reliable ways

that Government can invest in its resources", and recommended that to achieve the national education goal established by the President and Governors that by the year 2000 all children should start school ready to learn, ". . . we need to set a related goal: Every woman, infant, and child who is eligible for WIC in 1995 and later years will be served by the program";

(5) less than 60 percent of the eligible women, infants, and children are served by the program due to funding limitations;

(6) a funding level of $3,000,000,000 in fiscal year 1993 is needed to remain on the 5-year path embarked upon by the Congress last year to reach full funding consistent with the CEO's recommendation; and

(7) a recent United States Department of Agriculture study has demonstrated that the prenatal component of WIC reduces Medicaid costs by between $1.92 and $4.21 for each dollar invested in it, and studies issued by the National Bureau of Economic Research have found WIC to be one of the most cost-effective means of reducing infant mortality and indicate WIC also may produce long-term savings in special education costs.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the WIC program should be funded at $3,000,000,000 for fiscal year 1993.

SEC. 18. DEFENSE INDUSTRY CONVERSION.

(a) FINDINGS.—Congress finds that—

(1) the Office of Technology Assessment estimates that, during the period beginning in 1991 and ending in 1995, between 530,000 and 620,000 employees of private, defense-related industries in the United States will become unemployed as a result of reductions in such spending;

(2) the retraining and reemployment of such members, civilian employees, and employees of private industry is critical to the capability of the private aerospace and defense industries of the United States to develop, commercialize, and market nondefense products and technologies; and

(3) the capability of such industries to develop, commercialize, and market nondefense products and technologies will play a critical role in ensuring the long-term economic prosperity of such industries and the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) no less than $1,000,000,000 in budget authority provided in this resolution for the defense function 050 for fiscal year 1993 should be made available for defense industry conversion-related activities such as those within the following programs:

(A) DEFENSE INDUSTRY WORKERS.—Job Training Partnership Act, Economic Dislocation and Worker Adjustment Assistance;

(B) COMMUNITIES.—

(i) Economic Development Administration;

(ii) Community Development Block Grants;

(iii) Small Business Administration; and

(iv) Impact aid grants to school districts; and

(C) TECHNOLOGY.—

(i) National Science Foundation education grants to engineers;

(ii) Department of Energy technology transfer;

(iii) National Institute of Standards and Technology; and

(iv) Intelligent vehicle highway system; and

(2) a meaningful percentage of the savings in Federal defense spending in fiscal years 1993 through 1997 should be made available for the establishment of programs to retrain and reemploy active duty members of the Armed Forces, civilian employees of the Department of Defense, and employees of private, defense-related industries who are involuntarily separated from such duty or become unemployed as a result of reductions in Federal spending for national defense.

SEC. 19. BUDGET AUTHORITY-OUTLAY RATIO.

It is the sense of the Congress that if in decisions among priorities, the Committees on Appropriations find that an excess of budget authority would remain after dividing all of the outlays that this resolution allocates to those committees for fiscal year 1993, then to the extent that those committees wish to utilize that excess of budget authority, those committees should favor programs that cause outlays to occur more slowly, rather than employing delays of obligations or payment shifts that would increase outlays in fiscal year 1994.

Agreed to May 21, 1992.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

May 21, 1992
[H. Con. Res. 323]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 21, 1992, it stand adjourned until noon on Tuesday, May 26, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the Senate recesses or adjourns at the close of business on Thursday, May 21, 1992, or Friday, May 22, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until Monday, June 1, 1992, at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to May 21, 1992.

May 28, 1992
[S. Con. Res. 123]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION EXHIBIT—CAPITOL GROUNDS AUTHORIZATION

Resolved by the Senate (the House of Representatives concurring), **That the National Aeronautics and Space Administration is authorized to use the East Front parking lot of the Capitol for an exhibit during the period beginning on June 1, 1992 and ending June 5, 1992. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to the physical preparations and security for the exhibit.**

Agreed to May 28, 1992.

June 11, 1992
[H. Con. Res. 299]

IRAQ—KURDISH REFUGEE ASSISTANCE

Whereas the Government of Iraq brutally suppressed a Kurdish uprising in February and March 1991, forcing hundreds of thousands of Kurds to flee across the border into Turkey;

Whereas this sudden, massive refugee flow into Turkey resulted in shortfalls of shelter, food, medicine, and potable water that placed thousands of Kurdish lives at risk;

Whereas the best solution to this humanitarian crisis was to encourage the Kurds to return to their homes in northern Iraq by creating a security zone in northern Iraq in which the United States guaranteed that they would not be attacked by Iraqi aircraft or other forces;

Whereas in response to the extraordinary humanitarian need of the Kurds, the United States took the lead in organizing Operation Provide Comfort, in which the United States and other forces undertook a major relief effort for the Kurds both within Turkey and in the designated security zone in northern Iraq;

Whereas in June 1991 the United Nations High Commissioner for Refugees took over the prime responsibility for all relief operations in northern Iraq;

Whereas the United Nations High Commissioner for Refugees still maintains a large presence in northern Iraq, including over a thousand civilians involved in relief activities as well as hundreds of United Nations guards;

Whereas the United Nations High Commissioner for Refugees is currently negotiating with the United Nations Children's Fund and other United Nations organizations to take over the functions being performed in northern Iraq by the United Nations High Commissioner for Refugees;

Whereas the memorandum of understanding between Iraq and the United Nations which authorizes the United Nations presence expires in June 1992;

Whereas the severe shortages of food within the security zone as a result of the Iraqi blockade of northern Iraq make a continued international relief effort essential in order to prevent famine among the Kurdish population;

Whereas the courageous decision of the Government of Turkey to permit the stationing of United States military forces in southern Turkey, despite the possibility of Iraqi retaliation against Turkey, was essential to the success of Operation Provide Comfort;

Whereas Operation Provide Comfort is still necessary in order to deter Iraqi attacks against the Kurdish population in the security zone in northern Iraq;

Whereas the agreement between the United States and Turkey that permits the stationing of United States military forces in southern Turkey expires in June 1992; and

Whereas if this agreement is not extended and if Operation Provide Comfort is terminated, it is extremely likely that Iraqi forces will attack the security zone, resulting in substantial loss of lives and possibly generating another massive wave of Kurdish refugees into Turkey: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should seek Turkish permission to extend beyond June 1992 the agreement that permits the stationing of United States military forces in southern Turkey for purposes of Operation Provide Comfort;

(2) the Government of Turkey, whose continued commitment to Operation Provide Comfort is essential if the operation is to be continued, should respond positively to a United States request to extend that agreement;

(3) the United Nations presence in northern Iraq should be extended;

(4) the United States and the international community should attach high priority to persuading the Government of Iraq to lift the economic boycott of northern Iraq; and

(5) in working to ameliorate the conditions of the Iraqi Kurds, the United States should continue to support the sovereignty and territorial integrity of all states, and the internationally recognized human rights of all peoples, in the region.

Agreed to June 11, 1992.

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

June 18, 1992
[H. Con. Res. 331]

Resolved by the House of Representatives (the Senate concurring), That the Greater Washington Soap Box Derby Association ("Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 11, 1992, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate. Such event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event. For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment, as may be required for the event. The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event.

Agreed to June 18, 1992.

June 18, 1992
[S. Con. Res. 113]

JERUSALEM REUNIFICATION—TWENTY-FIFTH ANNIVERSARY

Whereas for three thousand years Jerusalem has been the focal point of Jewish religious devotion;
Whereas Jerusalem is also considered a holy city by the members of other religious faiths;
Whereas the once thriving Jewish community of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;
Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;
Whereas in 1967 Jerusalem was reunited during the conflict known as the Six Day War;
Whereas since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;
Whereas this year marks the twenty-fifth year that Jerusalem has been administered as a unified city in which the religious rights of all faiths have been respected and protected;
Whereas in 1990 the United States Senate and House of Representatives overwhelmingly declared that Jerusalem, the capital of Israel, "must remain an undivided city";
Whereas United Nations Security Council Resolutions 681 and 726 have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states; and
Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the twenty-fifth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the religious rights of every ethnic and religious group are protected as they have been by Israel during the past twenty-five years; and

(3) calls upon the President and the Secretary of State to issue an unequivocal statement in support of these principles.

Agreed to June 18, 1992.

June 29, 1992
[S. Con. Res. 102]

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Resolved by the Senate (the House of Representatives concurring), That a Joint Congressional Committee on Inaugural Ceremonies consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect

and Vice President-elect of the United States on the 20th day of January 1993.

Agreed to June 29, 1992.

PRESIDENTIAL INAUGURATION CEREMONIES—CAPITOL ROTUNDA AUTHORIZATION

June 29, 1992
[S. Con. Res. 103]

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on January 20, 1993, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States. Such Committee is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between such Committee and the heads of such departments and agencies, in connection with such proceedings and ceremonies.

Agreed to June 29, 1992.

BAHA'I FAITH—IRANIAN PERSECUTION

July 2, 1992
[H. Con. Res. 156]

Whereas in 1982, 1984, 1988, and 1990, the Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas in such resolutions the Congress condemned the Iranian Government's persecution of the Baha'i community, including the execution of more than 200 Baha'is, the imprisonment of thousands of Baha'is, and other oppressive actions against Baha'is based solely upon their religious beliefs;

Whereas the Congress has urged the President to work with other governments and the United Nations in support of the rights of Iranian Baha'is;

Whereas recent reports indicate that most Iranian Baha'is imprisoned because of their religion have been released, and some confiscated business and personal properties of such Baha'is have been restored; and

Whereas despite such actions, the Government of Iran summarily executed a leading member of the Baha'i community in March 1992 and continues to deny the Baha'i community the right to organize, to elect its leaders, to hold community property for worship or assembly, to operate religious schools, and to conduct other normal religious community activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and the international covenants on human rights;

(2) notes that the Government of Iran summarily executed a prominent Iranian Baha'i in March 1992, the first such execution in more than 3 years, and further notes that recent reports indicate that several Baha'is have been arrested during 1992;

(3) expresses concern that, despite some recent improvements in the treatment of individual Baha'is, the Baha'i community continues to be denied legal recognition, and the basic rights to organize, elect its leaders, educate its youth, and carry on the normal activities of a law-abiding religious community;

(4) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights, including freedom of thought, conscience, and religion, and equal protection of the law; and

(5) calls upon the President to continue—

(A) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant element in the development of its relations with the Government of Iran; and

(C) to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

Agreed to July 2, 1992.

July 2, 1992
[H. Con. Res. 328]

"YEAR OF THE AMERICAN INDIAN, 1992: CONGRESSIONAL RECOGNITION AND APPRECIATION" BOOK—HOUSE PRINT

Resolved by the House of Representatives (the Senate concurring), That the book entitled "Year of the American Indian, 1992: Congressional Recognition and Appreciation", prepared under the direction of the Joint Committee on Printing, shall be printed as a House document, with illustrations and suitable binding. In addition to the usual number there shall be printed the lesser of—

(1) 123,000 copies of the document, of which 88,000 copies shall be for the use of the House of Representatives, 20,000 copies shall be for the use of the Senate, and 15,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies as does not exceed a cost of $200,000, with distribution to be allocated in the same proportion as described in paragraph (1).

Agreed to July 2, 1992.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

July 2, 1992
[H. Con. Res. 343]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 2, 1992, it stand adjourned until noon on Tuesday, July 7, 1992, and that when the House adjourns on the legislative day of Thursday, July 9, 1992, it stand adjourned until noon on Tuesday, July 21, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 2, 1992, or Friday, July 3, 1992, in accordance with this resolution, it stand recessed or adjourned until Monday, July 20, 1992, at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to July 2, 1992.

SYRIA—WITHDRAWAL FROM LEBANON

July 9, 1992
[S. Con. Res. 129]

Whereas Lebanon's sixteen-year civil war finally was ended by the Taif Agreement, brokered by the Arab League on October 22, 1989;

Whereas the Taif Agreement is intended to lead to full restoration of Lebanon's sovereignty, independence, and territorial integrity;

Whereas Syria continues to exert undue influence upon the government of Lebanon and maintains an estimated 40,000 Syrian armed forces in Lebanon;

Whereas truly free and fair elections in Lebanon will not be possible in areas of foreign military control;

Whereas under the Taif Agreement the Syrians must withdraw their armed forces to the gateway of the Bekaa Valley by September 1992; and

Whereas the success of the Taif Agreement depends upon timely Syrian withdrawal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring)—

(1) expresses continuing support for the Taif Agreement, signed in 1989;

(2) calls upon Syria to withdraw its armed forces to the gateway of the Bekaa Valley in September 1992, as required under the Taif Agreement, and as a prelude to complete withdrawal from Lebanon;

(3) urges immediate consideration of possible alternatives to ensuring security in Beirut following the Syrian withdrawal, including the establishment of a United Nations or other multilateral presence in Beirut, if necessary; and

(4) urges the government of Lebanon to hold elections if they can be free and fair, conducted after the Syrian withdrawal and without outside interference, and witnessed by international observers.

Agreed to July 9, 1992.

July 31, 1992
[S. Con. Res. 131]

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislation Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91–510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

Agreed to July 31, 1992.

Aug. 6, 1992
[H. Con. Res. 192]

JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT AND MEMBERSHIP.—There is established an ad hoc Joint Committee on the Organization of the Congress (referred to as the "Committee") to be composed of—

(1) 12 members of the Senate—

(A) 6 to be appointed by the Majority Leader; and

(B) 6 to be appointed by the Minority Leader; and

(2) 12 members of the House of Representatives—

(A) 6 to be appointed by the Speaker; and

(B) 6 to be appointed by the Minority Leader.

(b) EX OFFICIO MEMBERS.—The Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives shall be ex officio members of the Committee, to serve as voting members of the Committee. Ex officio members shall not be counted for the purpose of ascertaining the presence of a quorum of the Committee.

(c) ORGANIZATION OF COMMITTEE.—(1) A chairman from each House shall be designated from among the members of the Committee by the Majority Leader of the Senate and the Speaker of the House of Representatives.

(2) A vice chairman from each House shall be designated from among the members of the Committee by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(3) The Committee may establish subcommittees comprised of only members from one House. A subcommittee comprised of members from one House may consider only matters related solely to that House.

(4)(A) No recommendation shall be made by the Committee except upon a majority vote of the members representing each House, respectively.

(B) Notwithstanding subparagraph (A), any recommendation with respect to the rules and procedures of one House which only affects matters related solely to that House may only be made and voted on by the members of the committee from that House, and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the committee. Once such recommendation is adopted, the full committee may vote to make an interim or final report containing any such recommendation.

SEC. 2. STUDY OF ORGANIZATION AND OPERATION OF THE CONGRESS.

(a) IN GENERAL.—The Committee shall—

(1) make a full and complete study of the organization and operation of the Congress of the United States; and

(2) recommend improvements in such organization and operation with a view toward strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with and oversight of other branches of the United States Government, and improving the orderly consideration of legislation.

(b) FOCUS OF STUDY.—The study shall include an examination of—

(1) the organization and operation of each House of the Congress, and the structure of, and the relationships between, the various standing, special, and select committees of the Congress;

(2) the relationship between the two Houses of Congress;

(3) the relationship between the Congress and the executive branch of the Government;

(4) the resources and working tools available to the legislative branch as compared to those available to the executive branch; and

(5) the responsibilities of the leadership, their ability to fulfill those responsibilities, and how that relates to the ability of the Senate and the House of Representatives to perform their legislative functions.

SEC. 3. AUTHORITY AND EMPLOYMENT AND COMPENSATION OF STAFF.

(a) AUTHORITY OF COMMITTEE.—The Committee, or any duly authorized subcommittee thereof, may—

(1) sit and act at such places and times as the Committee, or any duly authorized subcommittee thereof, determines are appropriate during the sessions, recesses, and adjourned periods of Congress; and

(2) require the attendance of witnesses and the production of books, papers, and documents, administer oaths, take testimony, and procure printing and binding.

(b) APPOINTMENT AND COMPENSATION OF STAFF.—(1) The Committee may appoint and fix the compensation of such experts, consult-

ants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but shall utilize existing staff to the extent possible.

(2) The Committee may utilize such voluntary and uncompensated services as it deems necessary and may utilize the services, information, facilities, and personnel of the General Accounting Office, the Office of Technology Assessment, the Congressional Research Service of the Library of Congress, and other agencies of the legislative branch.

(3) The members and staff of the Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Committee, other than expenses in connection with meetings of the Committee held in the District of Columbia during such times as the Congress is in session.

(c) WITNESSES.—Witnesses requested to appear before the Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in traveling to and from the places at which they are to appear.

(d) EXPENSES.—

(1) SENATE.—(A) The Senate members of the Committee shall submit a budget of expenses allocable to the Senate to the Committee on Rules and Administration of the Senate. The Committee may expend for expenses allocable to the Senate not to exceed $250,000 from the contingent fund of the Senate subject to approval by the Committee on Rules and Administration until a Committee funding resolution is approved by the Senate or, if no funding resolution is approved, until March 1, 1993.

(B) The expenses of the Committee allocable to the Senate shall be paid from the contingent fund of the Senate, upon vouchers signed by the Senate chairman.

(2) HOUSE OF REPRESENTATIVES.—Notwithstanding any law, rule, or other authority, there shall be paid from the contingent fund of the House of Representatives such sums as may be necessary for one-half of the expenses of the committee, with not more than $250,000 to be paid with respect to the second session of the One Hundred Second Congress. Such payments shall be made on vouchers signed by the House of Representatives co-chairman of the committee and approved by the Committee on House Administration of the House of Representatives. Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration of the House of Representatives.

SEC. 4. COMMITTEE REPORT.

(a) REPORT.—The Committee shall report to the Senate and the House of Representatives the result of its study, together with its recommendations, not later than December 31, 1993.

(b) RECESS OR ADJOURNMENT.—If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be.

(c) REFERRAL.—All reports and findings of the Committee shall, when received, be referred to the appropriate committees of the Senate and the appropriate committees of the House of Representatives.

SEC. 5. CONDUCT OF COMMITTEE BUSINESS.

The Committee shall not conduct any business prior to November 15, 1992.

Agreed to August 6, 1992.

SOMALIA—HUMANITARIAN RELIEF

Aug. 10, 1992
[S. Con. Res. 132]

Whereas as a result of the civil conflict in Somalia, at least thirty thousand people have died, hundreds of innocent civilians, many of them children, continue to die each day, and an additional one million two hundred thousand lives are at risk;

Whereas the Somali political factions show no signs of ceasing their internecine war for power even as thousands of their own people perish;

Whereas international relief agencies have been unable to deliver adequate humanitarian assistance to those most in need due to increasingly difficult and dangerous conditions, including pervasive banditry and looting;

Whereas the United Nations Security Council, on July 27, 1992, adopted a resolution on the situation in Somalia, including an expansion of United Nations relief efforts and support for the deployment of United Nations security personnel to facilitate the delivery of relief supplies, and the President has expressed strong support for the United Nations proposals; and

Whereas although the Congress has expressed strong support for more active efforts to deliver humanitarian relief to the suffering people of Somalia, the situation has continued to deteriorate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns in the strongest possible terms the senseless killing and wanton destruction wrought by the political factions in Somalia;

(2) strongly urges these factions to abide by the United Nations ceasefire and to allow the deployment of security forces to protect humanitarian relief deliveries and workers;

(3) commends the dedicated and energetic efforts of United Nations Secretary-General Boutros Boutros Ghali, and his Special Envoy to Somalia, Ambassador Mohammed Sahnoun;

(4) pays tribute to the courageous and heroic actions of the relief agencies working in Somalia;

(5) calls upon the international community, through the United Nations, and in particular the United Nations specialized agencies, to immediately expand its relief efforts in Somalia;

(6) recognizes with appreciation the July 27, 1992, statement of the President urging the United Nations to deploy a sufficient

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number of security guards to permit relief supplies to move into and within Somalia, and committing funds for such an effort; and

(7) urges the President to work with the United Nations Security Council to deploy these security guards immediately, with or without the consent of the Somalia factions, in order to assure that humanitarian relief gets to those most in need, particularly the women, children and elderly of Somalia.

Agreed to August 10, 1992.

Aug. 12, 1992
[H. Con. Res. 355]

ISRAEL—ELECTIONS AND PRIME MINISTER YITZHAK RABIN

Whereas the Israeli public recently went to the polls to participate in the only fully free and democratic elections in the Middle East;

Whereas Israel has faced serious outside threats to her existence since 1948 and has never compromised the democratic system upon which the nation was founded;

Whereas as a result of democratic elections, a peaceful and orderly transfer of power has taken place;

Whereas the elections and debate leading to them demonstrated to the world the openness and vibrancy of Israeli democracy;

Whereas Israel is actively committed to the absorption of close to 1,000,000 refugees over the next several years;

Whereas Israel remains committed and engaged in the Mideast peace process and is seeking an acceleration of that process; and

Whereas Israeli Prime Minister Yitzhak Rabin is currently visiting the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the citizens of Israel on concluding fair and open democratic elections;

(2) welcomes Prime Minister Rabin to the United States and applauds his statements and actions encouraging active participation in the search for peace; and

(3) calls upon all parties in the region to actively and seriously engage in the peace process.

Agreed to August 12, 1992.

Aug. 12, 1992
[S. Con. Res. 81]

VISIONARY ART—AMERICAN VISIONARY ART MUSEUM

Whereas visionary art is the art produced by self-taught individuals who are driven by their own internal impulses to create;

Whereas the visionary artist's product is a striking personal statement possessing a powerful and often spiritual quality;

Whereas prominent among the creators of visionary art are the mentally ill, the disabled, and the elderly;

Vhereas there are many museums of visionary art located throughout Europe such as the Art Brut Museum located in Lausanne, Switzerland;

ereas the American Visionary Art Museum is the first museum in North America to be wholly dedicated to assembling a comprehensive national collection of American visionary art;

Vhereas the collection at the American Visionary Art Museum includes film, literature, and research on all fields related to visionary art;

Vhereas the American Visionary Art Museum's mission is to increase public awareness of uncommon art produced by individuals in response to extraordinary circumstances;

Vhereas the American Visionary Art Museum seeks to remove the stigma associated with disability by illuminating the power of humans to triumph over adversity through creativity;

Vhereas the national policy of deinstitutionalization has resulted in the closure of many facilities and the destruction of visionary artwork;

Vhereas the American Visionary Art Museum has the support of certain offices of the National Institute of Mental Health and other government agencies in its goal to function as a national repository for works produced by formerly institutionalized individuals; and

Vhereas it is in the best interest of the national welfare and all American citizens to preserve visionary art and to celebrate this unique art form: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), 'hat it is the sense of the Congress that—

(1) visionary art should be designated as a rare and valuable national treasure to which we devote our attention, support, and resources to make certain that it is collected, preserved, and understood; and

(2) the American Visionary Art Museum is the proper national repository and educational center for visionary art.

Agreed to August 12, 1992.

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Aug. 12, 1992
[S. Con. Res. 135]

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, August 12, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adourned until 12:00 noon, or until such time as may be specified by the Majority Leader, or his designee, in the motion to adjourn or recess, on Tuesday, September 8, 1992, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns at the close of business on the legislative day of Wednesday, August 12, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 noon on Wednesday, September 9, 1992, or until 12:00 noon on the second day after Members are notified

to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to August 12, 1992.

Sept. 29, 1992
[S. Con. Res. 112]

"A MANUAL OF PARLIAMENTARY PRACTICE FOR THE USE OF THE SENATE OF THE UNITED STATES" BOOK—SENATE PRINT

Whereas parliamentary bodies require written rules of order for their proceedings to be conducted fairly and efficiently;

Whereas the Senate's first code of rules provided that "every question of order shall be decided by the presiding officer, without debate";

Whereas Thomas Jefferson, serving as the Senate's second president from 1797 to 1801, prepared for his own guidance a manual of legislative practice that included, under 53 topical headings, precedents from major authorities on parliamentary conduct;

Whereas "Jefferson's Manual" set the framework for the evolution of the Senate's rules and procedures, served to inspire respect for parliamentary law in the new Nation, and stands as one of Jefferson's most enduring intellectual ventures;

Whereas "Jefferson's Manual" was first printed for the use of the Senate in 1801 and was subsequently published by the Senate on a regular basis from 1828 to 1975;

Whereas the House of Representatives in 1837 provided by rule, which still exists, that the provisions of "Jefferson's Manual" should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House"; and

Whereas April 13, 1993, marks the 250th anniversary of the birth of Thomas Jefferson and it is fitting on this occasion to honor Jefferson and the continued development of parliamentary law: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "A Manual of Parliamentary Practice for the Use of the Senate of the United States" by Thomas Jefferson (with the editorial assistance of the Senate Historical Office under the supervision of the Secretary of the Senate).

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 10,000 copies for the use of the Senate and House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

Agreed to September 29, 1992.

WOMEN'S SOCCER—1996 OLYMPIC GAMES

Sept. 29, 1992
[S. Con. Res. 127]

Whereas participation in soccer programs by women in the United States and abroad has increased dramatically since 1988;
Whereas 45 nations competed in the 1st Women's World Soccer Championships in the People's Republic of China;
Whereas the United States Women's National Soccer Team won the 1st Women's World Soccer Championships;
Whereas bids have been extended to host the 2d Women's World Soccer Championships;
Whereas 64 nations have a national women's soccer team;
Whereas 40 percent of young soccer players in the United States are female;
Whereas one-third of the children under the age of 18 in the United States play soccer;
Whereas 26 percent of the more than 29,000 soccer players at the college level in the United States are women;
Whereas one-third of the 327,000 soccer players at the high school level in the United States are women;
Whereas, during the 1990–1991 school year, high schools in the United States added soccer to their sports programs more often than any other sport;
Whereas Atlanta, Georgia, will host the 1996 Olympic games;
Whereas many nations have announced that they will give women's soccer priority in their Olympic programs once it becomes a medal sport; and
Whereas the Congress has in the past designated a special day to honor women and girls in sports: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, Georgia.

Agreed to September 29, 1992.

ENROLLMENT CORRECTIONS—H.R. 3379

Oct. 1, 1992
[H. Con. Res. 366]

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House of Representatives the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference. The Clerk of the House is authorized to receive such bill if it is returned when the House is not in session. Upon the return of such bill, the action of the Speaker of the House of Representatives and the Acting President pro tempore of the Senate in signing it shall be deemed rescinded and the Clerk of the House shall reenroll the bill with the following corrections:

Strike "574" and insert "594".

In the title of the bill, strike "574" and insert "594".

Agreed to October 1, 1992.

Oct. 2, 1992
[S. Con. Res. 138]

ENROLLMENT CORRECTIONS—H.R. 2042

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: With respect to section 209—

(1) strike out subparagraph (A) of subsection (d)(1) and insert in lieu thereof the following new subparagraph:

"(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed with regard to employee transported releases of hazardous materials; and"; and

(2) strike out paragraph (2) of subsection (d) and insert in lieu thereof the following new paragraph:

"(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate, pursuant to the Secretary's authority under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), such regulations or standards as determined to be appropriate not later than 3 years after such determination.".

Agreed to October 2, 1992.

Oct. 5, 1992
[H. Con. Res. 302]

U.S. COMMUNITIES—HUNGER-FREE STATUS

Whereas a growing number of State and national reports on the prevalence of hunger in United States communities has heightened the public's awareness of hunger-related issues;

Whereas the increase in severe poverty in such communities is evidence that more adults and children are vulnerable to hunger-related problems;

Whereas there is a need for community partnership and involvement in order to assist in Federal and State support for hunger and poverty programs;

Whereas there is a need for guidelines that will affirm the community's vital role in improving access to food resources for residents who are vulnerable individuals and families; and

Whereas such guidelines should be in the form of actions that a community could take in order to move toward solving hunger and malnutrition problems of its residents: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that a community should work toward—

(1) having a community-based emergency food delivery network that coordinates the services of programs such as food pantries, food banks, and congregate meals facilities;

(2) assessing food insecurity problems and evaluating existing services in the community to determine necessary strategies for responding to unmet needs;

(3) establishing a group of individuals, including low-income participants, to develop and to implement policies and programs to combat food insecurity, to monitor responsiveness of existing services, and to address underlying causes and factors related to hunger;

(4) participating in federally assisted nutrition programs that should be easily accessible to targeted populations, such as the Federal programs that provide school breakfast, school lunch, summer food, child care food, and food for homeless and older individuals;

(5) effectively integrating public and private resources, including local businesses, to alleviate food insecurity;

(6) having an education program about food needs of the community and the need for increased local citizen participation in activities to alleviate food insecurity;

(7) having available information and referral services for accessing both public and private programs and services;

(8) having initiatives for alleviating food shopping constraints through the development of creative food resources such as community gardens, buying clubs, food cooperatives, community-owned and operated grocery stores, and farmers' markets;

(9) carrying out activities to identify and target food services to high-risk populations;

(10) having adequate transport and distribution of food from all resources;

(11) coordinating food services with park and recreation programs and other community-based outlets to which residents of the area would have easy access;

(12) improving public transportation, human service agencies, and food resources;

(13) having nutrition education programs for low-income citizens to enhance good food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health; and

(14) having a program for collecting and distributing nutritious food, either agricultural commodities in farmers' fields or foods that have already been prepared, that would otherwise be wasted.

Agreed to October 5, 1992.

ENROLLMENT CORRECTIONS—H.R. 5482

Oct. 5, 1992
[H. Con. Res. 371]

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 5482) to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes, the Clerk of the House of Representatives shall make corrections in the bill as follows:

(1) In section 308 of the bill, strike subsection (e) of the section and insert the following:

"(e) EDUCATIONAL AND VOCATIONAL REHABILITATION DEMONSTRATION PROJECTS REGARDING LOW-FUNCTIONING.—Section 311 (29 U.S.C. 777a), as amended by subsection (b), is amended by adding at the end the following new subsection:

"'(e)(1) The Commissioner may make grants to public or private institutions to pay for the cost of developing special projects and demonstration projects to address the general education, counseling, vocational training, work transition, supported employment, job placement, followup, and community outreach needs of individuals who are either low-functioning and deaf or low-functioning and hard-of-hearing. Such projects shall provide educational and vocational rehabilitation services that are not otherwise available in the region involved and shall maximize the potential of such individuals, including individuals who are deaf and have additional severe disabilities.

"'(2) The Commissioner shall monitor the activities of the recipients of grants under this subsection to ensure that the recipients carry out the projects in accordance with paragraph (1), that the recipients coordinate the projects as described in paragraph (3), and that information about innovative methods of service delivery developed by such projects is disseminated.

"'(3) The Commissioner shall prepare and submit an annual report to Congress that includes an assessment of the manner in which the recipients carrying out the projects coordinate the projects with projects carried out by other public or nonprofit agencies serving individuals who are deaf, to expand or improve services for such individuals.'.

"(f) RELATIONSHIP TO SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a), as amended by subsection (e), is amended by adding at the end the following new subsection:

"'(f)(1) Consistent with paragraph (2), and consistent with the general authority set forth in this section to fund special demonstration programs, projects, and activities, nothing in this Act shall be construed to prohibit the Commissioner from exercising authority under this title, or making available funds appropriated to carry out this title, to fund programs, projects, and activities described in section 802.

"'(2) If the amount of funds appropriated for a fiscal year to carry out this section exceeds the amount of funds appropriated for the preceding fiscal year to carry out this section, adjusted by the percent by which the average of the estimated gross domestic product fixed-weight price index for that fiscal year differs from that estimated index for the preceding fiscal year, the amount of the excess shall be treated as if the excess were appropriated under title VIII.'".

(2) In section 801 of the bill:

(A) Redesignate subsection (b) as subsection (c).

(B) Insert after subsection (a) the following subsection:

"(b) ACCOUNT.—There shall be established an account with a distinct designated budget account identification code number in the President's budget, for activities under title VIII of the Rehabilitation Act of 1973. Funding for such activities shall be available only to such extent as is provided, or in such amounts as are provided, in appropriations Acts. Such account shall be separate and distinct from the accounts for all other activities under titles I through VII of such Act.".

Agreed to October 5, 1992.

OFFICIAL DUPLICATES OF BILLS AND RESOLUTIONS—HOUSE OF REPRESENTATIVES AND SENATE

Oct. 5, 1992
[H. Con. Res. 376]

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives and the Secretary of the Senate each shall prepare, sign, and furnish to the other as appropriate, official duplicates of the papers of the two Houses on the following bills and resolutions of the One Hundred Second Congress: H.R. 5400, H.R. 5194, H.R. 5427, S. 2532, S. 1985, S. 1002, S. 893, S. 1569, S. 225, S. 758, S. 759, S. 1146, and S. 2661. Each official duplicate shall be in a form certified by the Clerk or the Secretary to be true. An official duplicate certified as true shall be considered for all purposes as original.

Agreed to October 5, 1992.

SUDAN—HUMAN RIGHTS VIOLATIONS

Oct. 6, 1992
[S. Con. Res. 140]

Whereas the Government of Sudan engages in a consistent pattern of gross violations of internationally recognized human rights;

Whereas Sudanese military forces and the resistance movement, the Sudan Peoples' Liberation Army, are currently engaged in a battle for the southern capital of Juba without regard for the welfare of its civilian population, some 300,000 of whom are existing only on the intermittent provision of relief supplies;

Whereas the Government of Sudan is engaging in gross abuses of human rights elsewhere in the country, including a campaign of forced displacement of tens of thousands of Nuba from their ancestral homes in southern Kordofan Province, the destruction of Nuba villages, and the killing of hundreds of civilians;

Whereas the Government of Sudan has undertaken a cruel campaign to relocate some 500,000 internally displaced southerners and westerners from the outskirts of Khartoum to inhospitable camps far from the city, has announced plans to relocate an additional 250,000 in the coming months, and inhibited many international relief agencies from aiding the displaced;

Whereas the Government of Sudan has systematically harassed international relief agencies and workers whose only objective is to reduce suffering among Sudanese citizens in need;

Whereas the Government of Sudan is engaging in the imprisonment, torture, and execution of suspected dissidents across the country; and

Whereas, in September 1992, the Government of Sudan executed in Juba one and possibly two employees of the United States Agency for International Development after trials in which the victims had no possibility of appropriate counsel or appeal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) condemns the egregious human rights abuses by the Government of Sudan and calls upon the Government of Sudan to cease its abuses of internationally recognized human rights and specifically—

(A) to allow free movement for all civilians who wish to leave the southern city of Juba and to cease the human rights abuses, including summary executions, of those civilians held against their will in Juba;

(B) to allow unrestricted and unconditional access for the International Committee of the Red Cross, United States officials, and other relief organizations to all parts of the country, including Juba;

(C) to guarantee the personal safety and security of all relief workers, including Sudanese employees of relief agencies working in Sudan;

(D) to provide a full accounting of the recent deaths of employees of the United States Agency for International Development in Juba;

(E) to cease its violent campaign of forced displacement of the Nuba people of Kordofan Province and the displaced people from Khartoum, to permit a greater number of international relief organizations to attend to their needs, and to initiate a process for just settlement of claims of those who have been relocated and whose homes and belongings have been destroyed;

(F) to permit international human rights groups to visit all areas of Sudan, including places of detention and displaced persons camps; and

(G) to lift the ban on the institutions of independent civil society such as the press and labor unions, and to restore freedom of speech and expression;

(2) calls upon the Sudan Peoples' Liberation Army to end its human rights abuses and interference with relief efforts; and

(3) calls upon the President to work with United Nations Secretary General Boutros Boutros-Ghali to convene a Security Council meeting to discuss the human rights situation in Sudan and to consider further international means, including within the United Nations system, to ameliorate the humanitarian situation in Sudan.

Agreed to October 6, 1992.

Oct. 7, 1992
[H. Con. Res. 383]

CASCADIA CORRIDOR COMMISSION—U.S. PARTICIPATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. It is the sense of Congress that:

(a) CASCADIA CORRIDOR COMMISSION.—The United States should continue negotiations with the Government of Canada and State, provincial, and local governments in the urbanized Cascadia corridor along Interstate 5/Highway 99 from Vancouver, British Columbia (including Vancouver Island), to Eugene, Oregon, in order to establish a commission to—

(1) act as a forum to coordinate consideration of regional issues in the Cascadia area by representatives from the private sector, nonprofit organizations, and local, State, provincial, regional, and national governments;

(2) develop a strategy for environmentally sound economic development in the Cascadia region which includes consideration of environmental issues, urban development, transportation, communications, and education; and

(3) submit a plan, developed by the commission and incorporating such strategy, to the Congress, the Canadian Parliament, the legislature of British Columbia, and the State legislatures of Oregon and Washington.

(b) ADVISORY COMMISSION.—The commission should be authorized to function only in an advisory capacity and should have no authority concerning any local, State, or Federal agency or government.

(c) COMPOSITION OF UNITED STATES DELEGATION.—If the United States and Canada conclude an agreement to establish such a commission concerning the Cascadia region, the United States delegation to the commission should include—

(1) 1 member appointed by the President, who should be a nonvoting member;

(2) a Washington State delegation; and

(3) an Oregon delegation.

(d) COST-SHARING AMONG UNITED STATES DELEGATION.—Upon appointment of a United States delegation to such a commission, the United States delegation should decide the cost-sharing arrangements among the Federal, State, and local participants of the delegation. Federal Government contributions of the United States may not exceed one-fourth of the total budget of the commission for any fiscal year. If a Cascadia commission is established, it is the sense of the Congress that of funds appropriated for "International Commissions" for the Department of State $200,000 for fiscal year 1993 and $200,000 for fiscal year 1994 should be available for the commission.

Agreed to October 7, 1992.

"NATIVE VOICES: 500 YEARS AFTER" PROGRAM—CAPITOL GROUNDS AUTHORIZATION

Oct. 8, 1992
[H. Con. Res. 367]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PROGRAM ON THE CAPITOL GROUNDS.

On October 12, 1992, the Morning Star Foundation and the 1992 Alliance (in this resolution referred to as the "non-Federal sponsor"), may present on the Capitol grounds a program known as the "Native Voices: 500 Years After".

SEC. 2. REQUIREMENT FOR WRITTEN AGREEMENT.

The non-Federal sponsor may construct and use structures and equipment on the Capitol grounds, and otherwise make arrangements for presentation of the program, only in accordance with a written agreement between the non-Federal sponsor and the Architect of the Capitol.

SEC. 3. CONDITIONS.

The program shall be carried out in accordance with such conditions as the Architect of the Capitol and the Capitol Police Board may prescribe. Such conditions, to be included in the agreement under section 2, shall include the following:

(1) CAPITOL GROUNDS.—Only that portion of the Capitol grounds comprising the upper Senate park may be used for the program.

(2) ADMISSION.—The program shall be open for admission to the general public without charge.

(3) EXPENSES AND LIABILITIES.—The non-Federal sponsor shall assume full responsibility for all expenses incident to activities associated with the program and shall indemnify, hold harmless, and defend the United States against any loss, damage, claim, or other liability incident to such activities.

(4) LIMITATION ON REPRESENTATIONS.—The non-Federal sponsor shall ensure that no person who supports presentation of the program by contributing amounts or products to the non-Federal sponsor will represent, either directly or indirectly, that such support in any way constitutes approval or endorsement by the Federal Government of such person or any product or service offered by such person.

Agreed to October 8, 1992.

Oct. 8, 1992
[H. Con. Res. 370]

SOMALIA—HUMANITARIAN AND PEACEKEEPING MISSION

Whereas violence, anarchy, and starvation continue to escalate in Somalia;

Whereas there have been more than 100,000 deaths by starvation and approximately 2,000,000 people face death from starvation and disease as a result of drought, famine, and civil war;

Whereas one-fourth of all Somali children under the age of five have perished and three out of four of the remaining young children are still in danger of dying;

Whereas a 95 percent malnutrition rate and a 75 percent severe malnutrition rate currently exist in Somalia;

Whereas hundreds of thousands of Somalis are refugees or internally displaced;

Whereas a state of almost total anarchy has existed for 19 months, following the overthrow of the Siad Barre dictatorship and the subsequent civil war between various Somali clans, during which period the government has ceased to exist—no police, no army, no health ministry, no schools, and no civil administration of any kind;

Whereas Somali warring factions have disrupted international relief efforts, attacked convoys, stolen food and medical supplies, and injured and killed relief workers;

Whereas the safety of relief workers and people seeking care must be assured during periods needed to provide medical and feeding services;

Whereas Somali leaders have been unable or unwilling to exert control over those responsible for the clan, subclan, and random violence which jeopardizes relief operations;

Whereas the process of peace negotiations should not be permitted to delay resolution of the obvious security problems that prevent relief operations; and

Whereas President Bush recently welcomed the call of the Secretary-General of the United Nations for a new agenda to strengthen the ability of the United Nations to prevent, contain, and resolve conflict across the globe: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President should—

(1) express to the United Nations Security Council the desire and the willingness of the United States to participate, consistent with applicable United States legal requirements, in the deployment of armed United Nations security guards, as authorized by the Security Council, in order to secure emergency relief activities and enable greater numbers of international and Somali organizations and people to provide relief and rehabilitation assistance;

(2) express to the United Nations Security Council that the exigency of the crisis in Somalia warrants authorization by the Security Council of the deployment of United Nations security guards even in the event that an invitation by the various warring Somali factions cannot be obtained;

(3) encourage discussion of alternative strategies for solving the political crisis in Somalia;

(4) support the United Nations-sponsored relief coordination conference for Somalia scheduled for mid-October 1992; and

(5) make every effort to ensure that adequate United States financial support exists for the United Nations to carry out its humanitarian and peacekeeping/peacemaking mission in Somalia.

Agreed to October 8, 1992.

ENROLLMENT CORRECTIONS—H.R. 5006

Oct. 8, 1992
[H. Con. Res. 379]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to provide for defense conversion, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 4, strike out "$273,921,787,000" and "$253,454,264,000" and insert in lieu thereof "$274,121,787,000" and "$253,654,264,000", respectively.

(2) In the quoted matter in section 111(b), strike out "103(3)(A)" and insert in lieu thereof "101(3)".

(3) In section 411(c)(2), strike out "from active duty or full-time National Guard duty".

(4) In section 433, strike out "$76,311,000,000" and insert in lieu thereof "$76,511,000,000".

(5) In section 653—

(A) in subsection (a)(2), strike out "adding at the end" and insert in lieu thereof "inserting after subsection (g)";

(B) strike out subsection (h) of section 1408 of title 10, United States Code, as proposed to be inserted by subsection (a)(2), and insert in lieu thereof the following:

"(h) BENEFITS FOR DEPENDENTS WHO ARE VICTIMS OF ABUSE BY MEMBERS LOSING RIGHT TO RETIRED PAY.—(1) If, in the case of a member or former member of the armed forces referred to in paragraph (2)(A), a court order provides (in the manner applicable to a division of property) for the payment of an amount from the disposable retired pay of that member or former member (as certified under paragraph (4)) to an eligible spouse or former spouse of that member or former member, the Secretary concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such spouse or former spouse.

"(2) A spouse or former spouse of a member or former member of the armed forces is eligible to receive payment under this subsection if—

"(A) the member or former member, while a member of the armed forces and after becoming eligible to be retired from the armed forces on the basis of years of service, has eligibility to receive retired pay terminated as a result of misconduct while a member involving abuse of a spouse or dependent child (as defined in regulations prescribed by the Secretary of Defense); and

"(B) the spouse or former spouse—

"(i) was the victim of the abuse and was married to the member or former member at the time of that abuse; or

"(ii) is a natural or adopted parent of a dependent child of the member or former member who was the victim of the abuse.

"(3) The amount certified by the Secretary concerned under paragraph (4) with respect to a member or former member of the armed forces referred to in paragraph (2)(A) shall be deemed to be the disposable retired pay of that member or former member for the purposes of this subsection.

"(4) Upon the request of a court or an eligible spouse or former spouse of a member or former member of the armed forces referred to in paragraph (2)(A) in connection with a civil action for the issuance of a court order in the case of that member or former member, the Secretary concerned shall determine and certify the amount of the monthly retired pay that the member or former member would have been entitled to receive as of the date of the certification—

"(A) if the member or former member's eligibility for retired pay had not been terminated as described in paragraph (2)(A); and

"(B) if, in the case of a member or former member not in receipt of retired pay immediately before that termination of eligibility for retired pay, the member or former member had retired on the effective date of that termination of eligibility.

"(5) A court order under this subsection may provide that whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount payable under the court order to the spouse or former spouse of a member or former member described in paragraph (2)(A) shall be increased at the

same time by the percent by which the retired pay of the member or former member would have been increased if the member or former member were receiving retired pay.

"(6) Notwithstanding any other provision of law, a member or former member of the armed forces referred to in paragraph (2)(A) shall have no ownership interest in, or claim against, any amount payable under this section to a spouse or former spouse of the member or former member.

"(7)(A) If a former spouse receiving payments under this subsection with respect to a member or former member referred to in paragraph (2)(A) marries again after such payments begin, the eligibility of the former spouse to receive further payments under this subsection shall terminate on the date of such marriage.

"(B) A person's eligibility to receive payments under this subsection that is terminated under subparagraph (A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payments shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the payments shall be the amount that would have been paid if the continuity of the payments had not been interrupted by the marriage.

"(8) Payments in accordance with this subsection shall be made out of funds in the Department of Defense Military Retirement Fund established by section 1461 of this title.

"(9)(A) A spouse or former spouse of a member or former member of the armed forces referred to paragraph (2)(A), while receiving payments in accordance with this subsection, shall be entitled to receive medical and dental care, to use commissary and exchange stores, and to receive any other benefit that a spouse or a former spouse of a retired member of the armed forces is entitled to receive on the basis of being a spouse or former spouse, as the case may be, of a retired member of the armed forces in the same manner as if the member or former member referred to in paragraph (2)(A) was entitled to retired pay.

"(B) A dependent child of a member or former member referred to in paragraph (2)(A) who was a member of the household of the member or former member at the time of the misconduct described in paragraph (2)(A) shall be entitled to receive medical and dental care, to use commissary and exchange stores, and to have other benefits provided to dependents of retired members of the armed forces in the same manner as if the member or former member referred to in paragraph (2)(A) was entitled to retired pay.

"(C) If a spouse or former spouse or a dependent child eligible or entitled to receive a particular benefit under this paragraph is eligible or entitled to receive that benefit under another provision of law, the eligibility or entitlement of that spouse or former spouse or dependent child to such benefit shall be determined under such other provision of law instead of this paragraph.

"(10) In this subsection, the term 'dependent child', with respect to a member or former member of the armed forces referred to in paragraph (2)(A), means an unmarried legitimate child, including an adopted child or a stepchild of the member or former member, who—

"(A) is under 18 years of age;

"(B) is incapable of self-support because of a mental or physical incapacity that existed before becoming 18 years of

age and is dependent on the member or former member for over one-half of the child's support; or

"(C) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this subparagraph, is under 23 years of age and is dependent on the member or former member for over one-half of the child's support."; and

(C) in subsection (c), strike out "entitlement to".

(6) In section 1077—

(A) in subsection (a)(1), strike out "under section 5551(a) of that title";

(B) in subsection (b)(1)(A), strike out "60 days" and insert in lieu thereof "180 days"; and

(C) in subsection (d), strike out "under section 5551" in the last sentence and all that follows and insert in lieu thereof a period.

(7) In section 2401(a)—

(A) strike out "paragraphs (2), (3), (4), and (5)" and insert in lieu thereof "paragraphs (2) through (6)"; and

(B) in the item relating to Millington Naval Air Station, Tennessee, in the table in such section, strike out "$10,000,000" and insert in lieu thereof "$15,000,000".

(8) In section 2403(c)—

(A) redesignate paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) insert after paragraph (3) the following:

"(4) $5,000,000 (the balance of the amount authorized for the life-safety upgrade of the Naval Hospital at Millington Naval Air Station, Tennessee);".

(9) In section 3105(c)(1)(C), insert "from a contractor-owned, contractor-operated facility" after "government-owned, contractor-operated facility".

(10) In section 4101(7), insert "reinvestment," after "conversion,".

(11) In section 4223(e)—

(A) insert "(1)" before "Subsection"; and

(B) add at the end the following:

(2) Subsection (e)(1) of such section is amended by striking out "70 percent" and inserting in lieu thereof "50 percent".

Agreed to October 8, 1992.

Oct. 8, 1992
[H. Con. Res. 382]

ENROLLMENT CORRECTIONS—H.R. 429

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 429) to amend certain Federal reclamation laws to improve enforcement of acreage limitations, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

In section 1804(e), strike out "nonreimbursable." at the end of the proviso and insert in lieu thereof "reimbursable.".

In section 1807, strike out "nonreimbursable." at the end of the proviso and insert in lieu thereof "reimbursable.".

In section 3405(d), strike out "goals and objectives" and insert in lieu thereof "purposes".

In section 3405(e), strike out "on Central" in the matter preceding paragraph (1) and insert in lieu thereof "of Central".

In section 3406(b)(13), strike out "Diversion Dam in" and insert in lieu thereof "Diversion Dam, and in".

In section 3708(f)(2), strike out "3904(a)" and insert in lieu thereof "3704(a)".

greed to October 8, 1992.

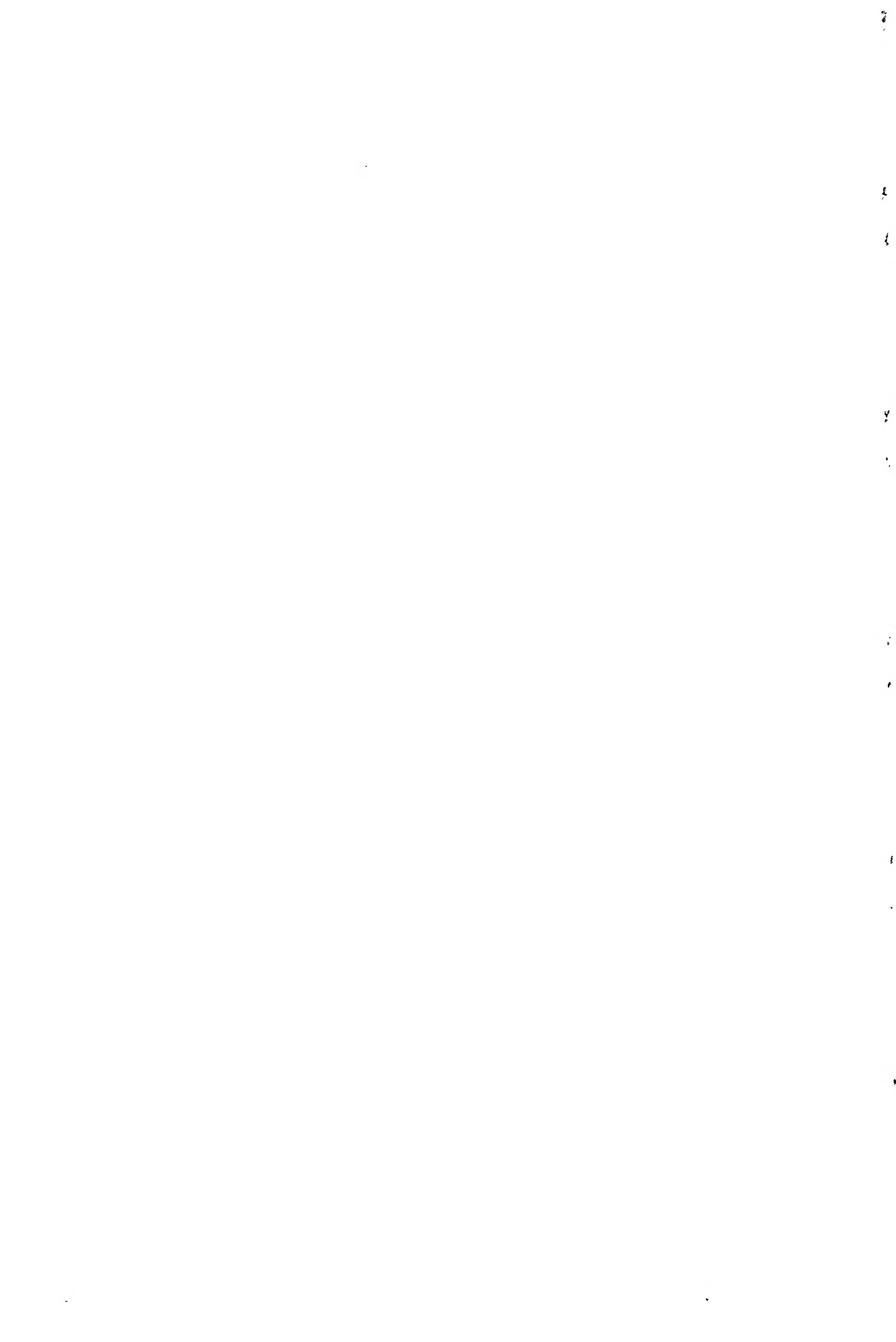
DJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Oct. 8, 1992
[H. Con. Res. 384]

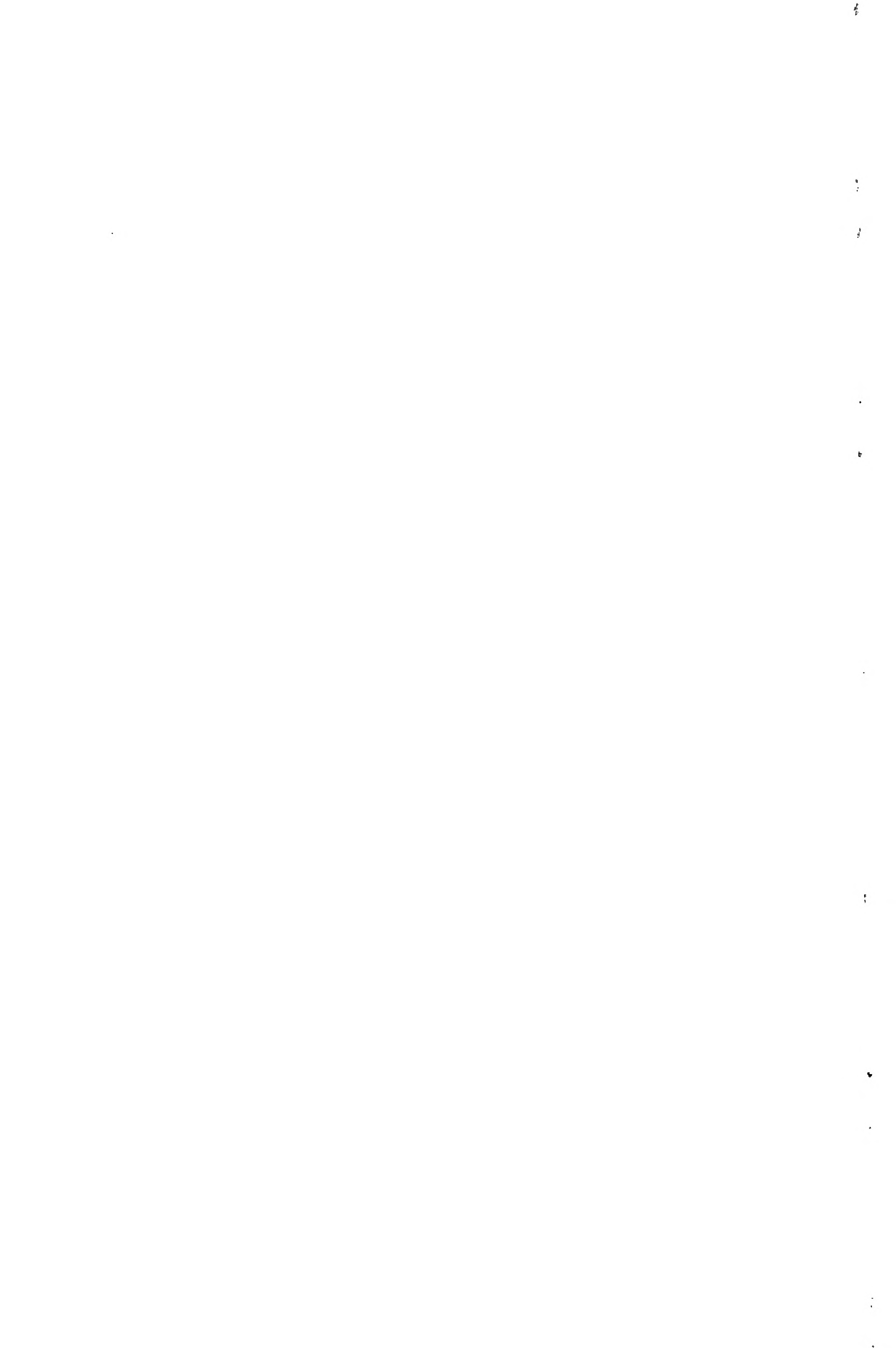
Resolved by the House of Representatives (the Senate concur-), That when the House adjourns on the legislative day of rsday, October 8, 1992, or Friday, October 9, 1992, pursuant motion by the Majority Leader, or his designee, it stand urned sine die, and that when the Senate adjourns on the ndar day of Thursday, October 8, 1992, or any day thereafter, uant to a motion made by the Majority Leader, or his designee, cordance with this resolution, it stand adjourned sine die ntil noon on the second day after Members are notified to semble pursuant to section 2 of this resolution.

SEC. 2. The Speaker of the House and the Majority Leader e Senate, acting jointly after consultation with the Minority ler of the House and the Minority Leader of the Senate, shall y the Members of the House and Senate, respectively, to semble whenever, in their opinion, the public interest shall ant it.

greed to October 8, 1992.



PROCLAMATIONS



lamation 6399 of January 10, 1992

r of the Gulf of Mexico, 1992

ıe President of the United States of America
oclamation

than a vast repository of marine and wildlife and other natural
ders, the Gulf of Mexico is also a major factor in the economic life
e United States. This year, we reaffirm our commitment to protect-
nd preserving this magnificent body of water.

Gulf of Mexico enchants because it is full of life and beauty. A
habitat for shorebirds and for much of the Nation's migratory wa-
wl, the Gulf region is replete with colors and sounds that are as
and varied as each evening's sunset. Indeed, few sights can com-
to that of majestic whooping cranes winging over Gulf waters to
ring grounds on the Texas coast. Many a visitor has been de-
ed to watch fishing boats dock at the bustling ports of Florida,
siana, Mississippi, and Alabama—only to unload the day's catch
o prepare for another turn at sea. Even amateur anglers know the
of casting into Gulf waters, and millions of vacationing Ameri-
have enjoyed the region's warm, sandy beaches.

e we celebrate the natural splendor and the unique cultural herit-
of the Gulf coast and barrier islands, we also acknowledge their
role in our Nation's economy. The fishing, naval defense, and
maritime industries that employ millions of people from Browns-
, Texas, to Key West, Florida, also help to promote the economic
perity and security of our entire country. Natural gas and oil ex-
d from the Gulf floor are vital sources of energy for our homes,
s, factories, and automobiles. A significant percentage of all U.S.
ping passes through ports on the Gulf of Mexico, and each year the
n generates billions of dollars in revenue through travel and tour-
To ensure that the Gulf remains a viable natural resource for fu-
generations, the United States is determined to reconcile legiti-
needs for economic development with our responsibility to pro-
its beaches, estuaries, fisheries, and wildlife.

Congress, by Public Law 102–178, has designated 1992 as the
r of the Gulf of Mexico" and has authorized and requested the
ident to issue a proclamation in observance of this year.

V, THEREFORE, I, GEORGE BUSH, President of the United States
merica, do hereby proclaim 1992 as the Year of the Gulf of Mexico.
ite all Americans to observe this year with appropriate programs,
monies, and activities.

VITNESS WHEREOF, I have hereunto set my hand this tenth day
nuary, in the year of our Lord nineteen hundred and ninety-two,
of the Independence of the United States of America the two hun-
and sixteenth.

GEORGE BUSH

Proclamation 6400 of January 16, 1992

Women's History Month, 1992

By the President of the United States of America
A Proclamation

Women's History Month provides a wonderful opportunity to reflect on the myriad contributions and achievements of American women—from the millions of unsung heroines who have strengthened our Nation through their homes, families, and communities to the many celebrated women who have enjoyed more widespread recognition and fame. While this occasion helps to bring honor where it is due, we must nevertheless resist the notion that "women's history" is somehow separate from the rest of history. In fact, they are thoroughly entwined.

When our ancestors fought for this Nation's independence, when they pushed westward across the frontier, women played integral, if not then widely acclaimed, roles in the success of the great American experiment. They shared in the labors that produced thriving farms and towns across this great land, and they helped to nurture in their children the faith and the love of freedom that have long characterized the American dream.

Over the years, women have continued to share in the pioneer spirit, and this month we remember in a special way those who were early leaders in their respective fields. We gratefully recall women like Emma Hart Willard and Elizabeth Ann Seton, who helped to shape American education, as well as trailblazers like Elizabeth and Emily Blackwell, who were two of the first women in the United States to earn medical degrees. We also recount the achievements of women like Maria Mitchell, an astronomer, educator, and the first woman to be elected to the American Academy of Arts and Sciences, and Louise Bethune, who in 1886 became the first woman elected to the American Institute of Architects. These noted women were just a few of the many who have helped to open doors of opportunity for others.

More than the collected stories of pioneers and their progeny, history also traces the development of principles and ideals—and the epic struggle for human freedom and progress. Thus, this month we also remember those women who have helped to uphold this Nation's promise of liberty and justice for all. Well over a century ago, women like Harriet Tubman, Harriet Beecher Stowe, and Sojourner Truth helped to wage the triumphant struggle against slavery. These heroines have been followed by other courageous women, such as Ida Wells-Barnett and Rosa Parks, who made further contributions to the fight for equality by calling public attention to the evils of bigotry and segregation.

Many women who opposed slavery and segregation in the United States were also early supporters of the women's suffrage movement, and vice versa. For example, we recall Lucretia Mott, a well-known abolitionist who also worked with Elizabeth Cady Stanton and Susan B. Anthony to secure for women the right to vote. These women and the countless others who joined their ranks shared a strong commitment to the ideals of equal opportunity and fairness, and their efforts helped to increase the participation of women not only in politics but also in virtually every field of endeavor.

votion to the ideals on which the United States is founded has in-
red millions of women to engage in service to our country. As dem-
strated last year by U.S. military operations in the Persian Gulf, we
e come a long way since the days of Sarah Edwards, who disguised
rself as a young man so she could help defend the Union during the
vil War. Today women not only play highly visible and important
les in America's Armed Forces but also hold positions of leadership
d responsibility in government, business, education, science, and the
s.

ost important, women continue to strengthen and enrich this country
helping their children to recognize the value of learning, as well as
e importance of self-respect, personal responsibility, and respect and
cern for others. Indeed, our families and communities constitute
e basic fabric of America, and the women who have strengthened
ese institutions merit as much recognition and thanks as the great
storical figures whose achievements we celebrate this month.

e Congress, by Public Law 102–70, has designated March 1992 as
Vomen's History Month" and has authorized and requested the Presi-
nt to issue a proclamation in observance of this occasion.

OW, THEREFORE, I, GEORGE BUSH, President of the United States
America, do hereby proclaim March 1992 as Women's History
onth. I invite all Americans to observe this month with appropriate
ograms, ceremonies, and activities.

WITNESS WHEREOF, I have hereunto set my hand this sixteenth
y of January, in the year of our Lord nineteen hundred and ninety-
o, and of the Independence of the United States of America the two
ndred and sixteenth.

GEORGE BUSH

oclamation 6401 of January 17, 1992

artin Luther King, Jr., Federal Holiday, 1992

the President of the United States of America

Proclamation

he ultimate measure of a man is not where he stands in moments
comfort and convenience, but where he stands at times of challenge
d controversy." On the 63rd anniversary of the birth of the Reverend
. Martin Luther King, Jr., we honor an American who took a brave
nd for justice and equality, even though his message of racial har-
ony met with stubborn, sometimes brutal, opposition.

artin Luther King told us that, in spite of the cruel reality of segrega-
n in the United States, "I still have a dream. It is a dream deeply
oted in the American dream. I have a dream that one day this nation
ll rise up and live out the true meaning of its creed . . . ." He be-
ved that for this creed to be truly fulfilled, his children would "one
y live in a nation where they will not be judged by the color of their
in but by the content of their character."

roughout his years as leader of the civil rights movement, Dr. King
hered to an ethic of nonviolence. Time and again, he urged his lis-

teners: "Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct ourselves on the high plane of dignity and discipline." King knew that it would take great patience, courage, and fortitude to wage a peaceful struggle in the face of sometimes bitter resistance, but he also knew that acting in the spirit of nonviolence could make virtue out of suffering. "The nonviolent approach . . . first does something to the hearts and souls of those committed to it," he explained. "It gives them new self-respect; it calls up resources of strength and courage that they did not know they had." Dr. King urged his listeners to rely on the force of moral truth.

Recognizing the redemptive power of love and sacrifice, King labored to lead the civil rights movement in a manner consistent with its noble goals. "You can't reach good ends through evil means," he explained, "because the means represent the seed and the end represents the tree." Dr. King aspired not only to change laws but also to plant in the hearts and minds of the American people a new sense of brotherhood.

King's approach was more than a rejection of bitterness and violence; it was a resounding affirmation of the dignity and potential of each individual. Sharing the faith that had been nurtured in him from youth, he declared that the key to "peace on earth and good will toward men is the . . . affirmation of the sacredness of all human life. Every man is somebody because he is a child of God." That message is worth repeating today.

During the past few decades, our Nation has made tremendous strides toward ensuring equal opportunity for all. The Civil Rights Act of 1957, the Civil Rights Act of 1964, and the Voting Rights Act of 1965 marked only the beginning of many important advances for minority men and women—advances that continue to this day. However, while we have overcome the painful legacy of legal segregation in this country, we know that many challenges remain. At a time when too many lives are being claimed by violence in our cities, by drug abuse, or by unfulfilled potential; at a time when too many young Americans lack confidence in themselves and in the future, we do well to reflect, once again, on Martin Luther King's timeless message—a message that underscores the importance of faith, family, self-respect, and respect for others.

In his last public speech, given the night before he fell victim to the violence he so fervently opposed, Martin Luther King enjoined his listeners, "let us move on in these powerful days, these days of challenge, to make America a better nation . . . ." Recalling those words and his dream for America, let us make this occasion a time of renewed commitment to our families and to our fellowman.

By Public Law 98–144, the third Monday in January of each year has been designated as a legal public holiday.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Monday, January 20, 1992, as the Martin Luther King, Jr., Federal Holiday.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of January, in the year of our Lord nineteen hundred and ninety-

and of the Independence of the United States of America the two
dred and sixteenth.

GEORGE BUSH

lamation 6402 of February 5, 1992

Amend the Generalized System of Preferences

ne President of the United States of America
oclamation

ursuant to sections 501 and 502 of the Trade Act of 1974, as
nded (the 1974 Act) (19 U.S.C. 2461 and 2462), and having due re-
for the eligibility criteria set forth therein, I have determined that
appropriate to designate Estonia, Latvia, and Lithuania as bene-
ry developing countries for purposes of the Generalized System of
erences (GSP).

ection 604 of the 1974 Act (19 U.S.C. 2483) authorizes the Presi-
to embody in the Harmonized Tariff Schedule of the United States
S) the substance of the provisions of that Act, and of other acts af-
ng import treatment, and actions thereunder.

V, THEREFORE, I, GEORGE BUSH, President of the United States
merica, acting under the authority vested in me by the Constitu-
and the laws of the United States of America, including but not
ed to title V and section 604 of the 1974 Act, do proclaim that:

) General note 3(c)(ii)(A) to the HTS, listing those countries whose
ucts are eligible for benefits of the GSP, is modified by inserting
onia", "Latvia", and "Lithuania" in alphabetical order in the enu-
tion of independent countries.

Any provisions of previous proclamations and Executive orders
nsistent with the provisions of this proclamation are hereby super-
d to the extent of such inconsistency.

) The amendment made by this proclamation shall be effective
respect to articles both: (i) imported on or after January 1, 1976,
(ii) entered, or withdrawn from warehouse for consumption, on or
15 days after the date of publication of this proclamation in the
ral Register.

VITNESS WHEREOF, I have hereunto set my hand this fifth day
ebruary, in the year of our Lord nineteen hundred and ninety-two,
of the Independence of the United States of America the two hun-
and sixteenth.

GEORGE BUSH

Proclamation 6403 of February 14, 1992

American Heart Month, 1992

By the President of the United States of America

A Proclamation

Since our first annual observance of American Heart Month just over 25 years ago, our Nation has made substantial progress in the fight against cardiovascular disease. According to the American Heart Association, a not-for-profit volunteer health agency, age-adjusted death rates from heart attack declined by almost 51 percent between 1963 and 1988. During the same period, the death rate from stroke dropped even further, by close to 61 percent. Advances in both the prevention and the treatment of cardiovascular disease have saved lives.

Despite the success of related research and nationwide public awareness campaigns, diseases of the heart and blood vessels continue to claim the lives of nearly 1 million Americans each year. In fact, heart attack, stroke, and other forms of cardiovascular disease remain our Nation's number one killer.

The American Heart Association reports that more than 69 million Americans currently suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, rheumatic heart disease, and stroke. While many people mistakenly assume that heart disease occurs primarily in old age, studies show that 5 percent of all heart attacks occur in people younger than age 40, and more than 45 percent occur in people younger than age 65.

Cardiovascular disease can affect people of any age, race, or walk of life, and women as well as men. Its toll in terms of individual pain and suffering is incalculable. Its cost to our Nation, in terms of health care expenses and lost productivity, totals in the billions of dollars.

Today concerned organizations in both the public and private sectors are working to save lives and to help alleviate the wider impact of cardiovascular disease. Through the National Heart, Lung, and Blood Institute, the Federal Government has spent millions of dollars on educational programs and on research into cardiovascular disease. The American Heart Association estimates that it has invested nearly 1 billion dollars in research since it became a national voluntary health organization in the late 1940s. That investment has been made possible by the generosity of the American public and by the dedicated efforts of the Association's 3.5 million volunteers.

Thanks, in large part, to ongoing support from the Federal Government and from the American Heart Association, physicians and scientists have been able to make many important advances in cardiovascular health care. Public and private funding has also led to the development of effective educational programs, which have enabled more and more Americans to learn what they can do to avoid heart attack and stroke.

Today, for example, we know how important it is to avoid the use of tobacco products, in particular, smoking. We are especially aware of the dangers of smoking among young people. We also know that controlling one's blood pressure, maintaining a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Encouraged by the progress that we have made thus far, and recognizing the need for continued education and research, let us pause this month to strengthen and renew our commitment to the fight against cardiovascular disease. After all, the many programs and activities that are conducted during American Heart Month offer lessons for life.

The Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of February 1992 as American Heart Month. I urge all Americans to join in observing this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of February, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6404 of February 14, 1992

National Visiting Nurse Associations Week, 1992

By the President of the United States of America
A Proclamation

When Florence Nightingale and William Rathbone's concept of the visiting nurse was brought to the United States in 1885, that event marked the beginning of a long and distinguished tradition of service to homebound Americans. Today the Department of Health and Human Services reports that more than 1,500,000 men, women, and children receive home health care and support services through visiting nurse associations. Such assistance is invaluable to persons who are terminally ill, to persons who are recovering from a temporary illness or injury, and to persons who are incapacitated by a chronic disease or disability—individuals who might otherwise be forced to seek care in an institutional setting. Visiting nurse associations enable these Americans to obtain needed services in the comfort and security of their own homes.

While it is inspired by the same spirit of compassion and volunteerism, the role of the visiting nurse has changed dramatically over the past 100 years. In addition to providing medical care, visiting nurse associations also offer social services, nutritional counseling and Meals-on-Wheels programs, as well as physical, speech, and occupational therapy. Today's visiting nurse associations also operate wellness clinics, hospices, and adult day care centers. Their efforts are a reminder that health care is made more accessible and more affordable by the hundreds of thousands of Americans who volunteer their time and service to others.

The Visiting Nurse Associations of America are independently operated community organizations that serve more than 500 urban and rural communities in 45 States. These organizations are committed to

providing quality health care to all people, regardless of one's ability to pay, and this week, we gratefully salute the many hardworking professionals and volunteers who help to uphold their wonderful tradition of service.

The Congress, by Public Law 102–207, has designated the week beginning February 16, 1992, as "National Visiting Nurse Associations Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of February 16 through February 22, 1992, as National Visiting Nurse Associations Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6405 of February 25, 1992

Save Your Vision Week, 1992

By the President of the United States of America
A Proclamation

As the "window" to the brain, the human eye joins our other senses in opening the mind to the outside world, enabling us to appreciate more fully the wonders of creation and their wide range of form, color, size, and motion. While the gift of sight is a tremendous blessing, it is one that we sometimes, all too easily, take for granted. Hence, during Save Your Vision Week, we reflect on both the importance of good vision in our daily lives and the vital role of prevention, early detection, and treatment in the fight against vision loss.

Each year thousands of Americans suffer from vision loss that might have been prevented. One simple and effective way to prevent such tragedies is through periodic eye examinations by a licensed professional. Regular eye exams can provide an early warning of eye disease and allow an eye care professional to initiate prompt treatment.

Glaucoma is one potentially blinding eye disease that can be controlled and treated effectively if detected early. Despite this fact, however, glaucoma remains a leading cause of blindness in the United States. People who run the highest risk of developing the disease—in particular, black Americans over the age of 40 and all persons over the age of 60—are urged to obtain an eye examination at least every two years.

Periodic eye examinations are absolutely critical for persons with diabetes. Although diabetic eye disease is treatable, it remains a leading cause of blindness because many people with diabetes fail to have their eyes examined at least annually.

Children also need early and regular eye examinations. Even the healthiest of youngsters may have an unsuspected visual problem that, if left untreated, could interfere with his or her play and learning and eventually cause permanent vision loss. A routine checkup can identify a disorder in time for effective treatment.

Eye safety is a must at any age. Children should be instructed early and often in the basic principles of eye safety. Both in the home and in the workplace, Americans should wear a face mask, goggles, or safety glasses when working with chemicals or machinery that might be dangerous to the eyes. Individuals who engage in contact sports and other potentially hazardous athletic activities are urged to wear protective eyewear whenever possible, and contact lens wearers should always clean, store, and handle their lenses carefully and in accordance with the directions of their eye care professional. Through simple yet important steps like these, we can protect our precious gift of sight.

To encourage Americans to cherish and to protect their vision, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 169a), has authorized and requested the President to proclaim the first week in March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of March 1 through March 7, 1992, as Save Your Vision Week. I urge all Americans to participate in this observance by making eye care and eye safety an important part of their lives. I also invite eye care professionals, members of the communications media, and other concerned parties to join in activities that will help make Americans more aware of the steps that they can take to protect their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of February, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6406 of February 26, 1992

American Red Cross Month, 1992

By the President of the United States of America

A Proclamation

Since its founding in 1881, the American Red Cross has earned the respect and trust of millions of people around the world—many of whom have benefitted directly from its outstanding humanitarian programs. This month, we salute and thank the more than 1,000,000 volunteers and 23,000 staff members who conduct the life-saving work of today's Red Cross.

In addition to offering valuable health and safety information to the public, the American Red Cross has long brought vital aid and services to victims of natural disasters and other emergencies, to persons in need of blood, and to members of the Armed Forces. The past year was

extraordinarily eventful by any standard, and we owe a special debt to the members of the Red Cross, who rose to the challenges it presented.

One of the most significant events of 1991, of course, was the war in the Persian Gulf, and members of the American Red Cross were there. At the outset of Operation Desert Storm, the Red Cross shipped 10,000 pints of blood to the Gulf. As our troops fought to liberate Kuwait and repel Iraqi aggression, Red Cross workers provided them with an important link to their families, relaying emergency messages from home. In the United States, Red Cross staff and volunteers helped to counsel spouses, established support groups, and provided emergency loans and grants to ease the burden of separation on military families.

In keeping with its commitment to serving people in need without regard to race, creed, or national origin, the Red Cross remained in the region to assist refugees and other persons affected by the war. In Kuwait a 50-member medical team recruited by the Red Cross delivered emergency care for hundreds of patients in a war-ravaged hospital. Team members also operated a camp on the Iraq-Kuwait border providing refuge and medical care for tens of thousands of men, women, and children driven or fleeing from their homes.

Despite the demands of its overseas operations in 1991, the American Red Cross continued to maintain a high level of activity at home. During a year that saw an unprecedented series of tornadoes, floods, and other natural disasters, thousands of Red Cross workers operated shelters, served meals, and provided financial assistance to individuals and families in need. On average, the Red Cross helps victims of about 55,000 disasters—from house fires to hurricanes—each year.

During the past year, the Red Cross continued its health and safety programs, training thousands of Americans in first aid, cardiopulmonary resuscitation (CPR), and water safety. Red Cross workers also continued to collect, process, and distribute more than half of our Nation's blood supply—some 6,000,000 units—thereby ensuring countless Americans of life-saving transfusions.

Because so many people place their trust in the American Red Cross, the Red Cross is working to ensure that it will always meet the highest standards of performance and accountability. For example, it has launched a far-reaching modernization of its blood services programs to produce a state-of-the-art operation to meet the challenge of 21st century medicine. This month, as we recognize the outstanding contributions of Red Cross volunteers and staff, we also thank them for their commitment to even greater accomplishments in the future.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America and Honorary Chairman of the American National Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of March 1992 as American Red Cross Month. I urge all Americans to continue their generous support of the work of the American Red Cross and its local chapters.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6407 of March 2, 1992

Year of the American Indian, 1992

By the President of the United States of America
A Proclamation

Half a millennium ago, when European explorers amazed their compatriots with stories of a New World, what they actually described was a land that had long been home to America's native peoples. In the Northeast part of this country and along the Northwest coast, generations of tribes fished and hunted; others farmed the rich soils of the Southeast and Great Plains, while nomadic tribes roamed and foraged across the Great Basin. In the arid Southwest, native peoples irrigated the desert, cultivating what land they could. Each tribe formed a thriving community with its own customs, traditions, and system of social order.

The contributions that Native Americans have made to our Nation's history and culture are as numerous and varied as the tribes themselves. Over the years, they have added to their ancient wealth of art and folklore a rich legacy of service and achievement. Today we gratefully recall Native Americans who helped the early European settlers to survive in a strange new land; we salute the Navajo Code Talkers of World War II and all those Native Americans who have distinguished themselves in service to our country; and we remember those men and women of Indian descent—such as the great athlete, Jim Thorpe and our 31st Vice President, Charles Curtis—who have instilled pride in others by reaching the heights of their respective fields. We also celebrate, with special admiration and gratitude, another enduring legacy of Native Americans: their close attachment to the land and their exemplary stewardship of its natural resources. In virtually every realm of our national life, the contributions of America's original inhabitants and their descendants continue.

During 1992, we will honor this country's native peoples as vital participants in the history of the United States. This year gives us the opportunity to recognize the special place that Native Americans hold in our society, to affirm the right of Indian tribes to exist as sovereign entities, and to seek greater mutual understanding and trust. Therefore, we gratefully salute all American Indians, expressing our support for tribal self-determination and assisting with efforts to celebrate and preserve each tribe's unique cultural heritage.

The Congress, by Public Law 102–188, has designated 1992 as the "Year of the American Indian" and has authorized and requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim 1992 as the Year of the American Indian. I encourage Federal, State, and local government officials, interested groups and organizations, and the people of the United States to observe this year with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of March, in the year of our Lord nineteen hundred and ninety-two,

and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6408 of March 4, 1992

Irish-American Heritage Month, 1992

By the President of the United States of America
A Proclamation

They trace their roots to "an isle of wondrous beauty," to a place "as kind as it is green." They are the more than 40 million Americans who claim Irish ancestry, and this month as communities across the country honor Saint Patrick, the beloved apostle of Ireland, our Nation joins in celebrating their rich heritage.

The distinct heritage of Irish immigrants and their descendants has long been a vibrant part of American history and culture. Sons and daughters of Erin were among the first colonists in America, and many played key roles in our Nation's struggle for independence. Nine of the men who signed our Declaration of Independence were of Irish origin, as was Commodore John Barry, the first naval commander commissioned by the Continental Congress. Another son of Ireland, Charles Thomson, served as the secretary of that body during all 15 years of its existence. Hailed as "the Sam Adams of Philadelphia, the life of the cause of liberty," Thomson labored to help keep the Continental Congress together until America's freedom had been won and a new government under the Constitution had been established. Scores of other Irish-Americans championed the cause of liberty through service in the Continental Army.

Although a significant number of Americans of Irish descent contributed to our Nation's independence, the largest wave of Irish immigration did not reach these shores until the mid-19th century. When a devastating potato blight in the late 1840s led to a series of crop failures and famine, well over a million Irish immigrants journeyed to this land of opportunity. Boston, New York, and other great cities grew with the influx of Irish labor, as did our Nation's railroads, metal trades, and mining communities. One historical portrait of Irish-Americans quotes a 19th-century journal as observing:

> America demands for her development an inexhaustible fund of physical energy, and Ireland supplies the most part of it. There are several sorts of power working at the fabric of this Republic—waterpower, steam-power, and Irish-power. The last works hardest of all.

Such accounts of Irish industry and resolve are, today, inspiring. Yet we know that although it is as glorious as the ancient tales of Brian Boru and as rich as the fields that border the River Shannon, the Irish-American heritage includes its share of hardship.

While farming and other trades were difficult in Ireland, even before the "Black Forties," many 19th-century Irish immigrants faced hard and dangerous work in our Nation's mining towns and cities. The Irish

were no strangers to prejudice or discrimination either; they bore the brunt of the "Know-Nothing" nativist movement, and many felt the sting of signs posted by hiring employers that read: "No Irish Need Apply."

Characteristically, however, Irish-Americans proved to be more durable than the forces of bigotry and distrust—even the nickname "the fighting Irish," once used in derision, gradually became an expression of admiration and pride. With faith in Almighty God, with a strength rooted in love of family, and with full confidence in the promise of America, Irish immigrants and their descendants steadily achieved social and economic advancement. Well recognizing the virtues of democracy, Irish-Americans organized effectively at the grass-roots level and greatly increased their voice in government during the early part of this century. Moreover, as they had done since the earliest days of our Republic, the Irish home, school, and church together affirmed the importance of faith, industry, and learning. Thus, today we celebrate many outstanding contributions and achievements of Irish-Americans in virtually every sphere of our national life.

Although it spans more than three centuries of American history, the Irish-American heritage continues to flourish on this soil—as perennial as the "wearing o' the green." Annual Saint Patrick's Day events in the United States resonate with a deep and earnest affinity between the American and Irish peoples. In recent years, renewed immigration from Ireland has underscored the strong ties between our two countries.

The Congress, by House Joint Resolution 350, has designated March 1992 as "Irish-American Heritage Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 1992 as Irish-American Heritage Month. I invite all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6409 of March 5, 1992

National Day of Prayer, 1992

By the President of the United States of America
A Proclamation

We live during a time of great and historic change, a time that has seen the rise of newly democratic nations and the fall of once firmly entrenched totalitarian regimes. While such progress is cause for optimism and hope, the dramatic pace of global developments and the uncertainty they generate can also leave us with a faint sense of anticipation and unease. As we seek to chart a proper course in a world that is changing by the hour, our observance of a National Day of Prayer

reminds us that we can always place our trust in the steady, unfailing light that is the love of God.

Time and again, Scripture tells us of the constancy of the Almighty. Indeed, His kingdom is an everlasting kingdom, wrote the Psalmist, and His dominion endures throughout all generations.

Our ancestors trusted in the faithfulness of the Almighty, and they frequently turned to Him in humble, heartfelt prayer. When they finally reached these shores, the early settlers gave thanks for their very lives—and for the promise of freedom in a new land. Members of the Continental Congress began their deliberations with prayer, and later when members of that same body pledged their lives, their fortunes, and their sacred honor in support of our Nation's independence, they did so "with a firm reliance on the protection of Divine Providence."

Today we know that their trust was well placed; their faith, richly rewarded. The great American experiment in liberty and self-government has not only endured but prospered. The triumph of freedom in this country has inspired the advance of human rights and dignity around the globe.

Although much has transpired since our ancestors prayed for divine mercy and direction, this occasion calls us to remember, as did Ben Franklin and his contemporaries, "that God governs in the affairs of men." The One to whom George Washington turned when he knelt in the snow at Valley Forge is the same God who heard the prayers of President Lincoln nearly a century later during the darkest hours of the Civil War. While our needs today may be different, we are no less dependent on the help of Almighty God. Therefore, let us likewise seek His forgiveness, strength, and guidance.

Whatever our individual religious convictions may be, each of us is invited to join in this National Day of Prayer. Indeed, although we may find our own words to express it, each of us can echo this timeless prayer of Solomon, the ancient king who prayed for, and received, the gift of wisdom:

> The Lord our God be with us, as He was with our fathers; may He not leave us or forsake us; so that He may incline our hearts to Him, to walk in all His ways . . . . that all the peoples of the earth may know that the Lord is God; there is no other.

Since the approval of the joint resolution of the Congress on April 17, 1952, calling for the designation of a specific day to be set aside each year as a National Day of Prayer, recognition of such a day has become a cherished annual event. Each President since then has proclaimed a National Day of Prayer annually under the authority of that resolution, continuing a tradition that dates back to the Continental Congress. By Public Law 100–307, the first Thursday in May of each year has been set aside as a National Day of Prayer.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 7, 1992, as a National Day of Prayer. I urge all Americans to gather together on that day in homes and places of worship to pray, each after his or her own manner, in thanksgiving to Almighty God. On this occasion, let us also pray for His continued blessing upon our families and Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord nineteen hundred and ninety-two,

of the Independence of the United States of America the two hun-
d and sixteenth.

GEORGE BUSH

clamation 6410 of March 10, 1992

:l Scouts of the United States of America 80th \nnniversary Day

the President of the United States of America
'roclamation

ce Juliette Gordon Low founded the first troop on March 12, 1912, lions of Girl Scouts have embarked on great adventures in learn- —adventures that have combined the joys of self-discovery with the ards of friendship and voluntary service to others. By fostering the ial, spiritual, and intellectual development of its members, the Girl uts of the U.S.A. has not only helped them to prepare for the chal- ges and opportunities of adulthood but also enriched our commu- es and country.

m the Daisy and Brownie levels to the ranks of Junior, Cadette, and ior, participation in the Girl Scouts is about becoming a good ghbor and citizen while at the same time striving to reach one's full- potential. The fundamentals of scouting—and life—are summarized e Girl Scout Promise, which states:

> On my honor, I will try
> To serve God and my country
> To help people at all times
> And to live by the Scout Law.

: Scout Law, in turn, upholds virtues such as honesty, fairness, self- ›ect, and respect and consideration for others. The first five words he Law, "I will do my best," emphasize that virtually every aim of uting is rooted in a commitment to excellence.

rning is a key to excellence, of course, and one way that Girl Scouts 1 valuable knowledge and experience is through voluntary service others. Every Girl Scout has pledged "to help where I am ded . . . [and] to protect and improve the world around me." ice, Girl Scouts serve as shining Points of Light in their commu- es; each year, they devote thousands of hours to activities such as ting residents of nursing homes, collecting food and clothing for the ›r, or planting and caring for trees. Moreover, the Girl Scout organi- on, which includes more than 200,000 troops across the United tes, is staffed almost entirely by adult volunteers.

affirming the importance of serving others and by upholding the itional moral and spiritual values on which this great Republic s, the Girl Scouts of the U.S.A. has become known as an "all-Amer- 1" organization. Yet through its membership in the World Associa- 1 of Girl Guides and Girl Scouts, the Girl Scouts of the U.S.A. is t of a global family of young women and adults who profess the eless ideals contained in the Scout Promise and Scout Law.

When she brought scouting to the girls of America 80 years ago, Juliette Gordon Low could not have envisioned the immense popularity and stature that it enjoys today. In a 1924 letter to members of the Girl Scouts, she wrote:

> I hope that during the coming year we shall all remember the rules of this Girl Scouting game of ours. They are: To play fair. To play in your place. To play for your side and not for yourself. And as for the score, the best thing in a game is the fun and not the result. . . .

For millions of American women, participation in the Girl Scouts has proved to be excellent preparation for life, and Ms. Low's words are well worth remembering today.

The Congress, by House Joint Resolution 343, has designated March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby recognize March 12, 1992, as the 80th anniversary of the Girl Scouts of the United States of America. I invite all Americans to observe this occasion with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6411 of March 12, 1992

To Amend the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to section 504(a)(1) of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2464(a)(1)), the President may withdraw, suspend, or limit the application of the duty-free treatment afforded under the Generalized System of Preferences (GSP) with respect to any article or any country after considering the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)). Accordingly, after taking into account the factors set forth in sections 501 and 502(c) of the 1974 Act, I have determined that it is appropriate to withdraw the duty-free treatment afforded under the GSP to imports from Malaysia of vulcanized rubber thread and cord provided for in heading 4007.00.00 of the Harmonized Tariff Schedule of the United States (HTS).

2. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitu-

on and the laws of the United States of America, including but not mited to sections 501, 502(c), 504(a)(1), and 604 of the 1974 Act, do roclaim that:

(1) In order to provide that Malaysia should no longer be treated as beneficiary developing country with respect to HTS heading 007.00.00 for purposes of the GSP, the Rates of Duty 1–Special ubcolumn for HTS heading 4007.00.00 is modified: (i) by deleting the ymbol "A" in parentheses, and (ii) by inserting the symbol "A*" in eu thereof.

(2) In order to provide that Malaysia should no longer be treated as beneficiary developing country with respect to HTS heading 007.00.00 for purposes of the GSP, general note 3(c)(ii)(D) to the HTS modified by adding, in numerical sequence, "4007.00.00 Malaysia".

(3) Any provisions of previous proclamations and Executive orders iconsistent with the provisions of this proclamation are hereby supereded to the extent of such inconsistency.

(4) The modifications to the HTS made by paragraphs (1) and (2) of is proclamation shall be effective with respect to articles both: (i) imorted on or after January 1, 1976, and (ii) entered, or withdrawn from varehouse for consumption, on or after 15 days after the date of publiation of this proclamation in the **Federal Register**.

N WITNESS WHEREOF, I have hereunto set my hand this twelfth day f March, in the year of our Lord nineteen hundred and ninety-two, d of the Independence of the United States of America the two hunred and sixteenth.

GEORGE BUSH

roclamation 6412 of March 17, 1992

Jational Women in Agriculture Day, 1992

y the President of the United States of America
Proclamation

s we Americans observe Women's History Month this March, we reember in a special way women who were pioneers in their respective elds—including women who were the first to pursue jobs and degrees raditionally held by men. Women have always played leading roles in merican agriculture, however, and today they remain full working artners on our Nation's farms. On this occasion, we gratefully recogize their contributions and achievements.

n every generation, in times of adversity as well as in times of plenty, vomen have demonstrated the hardy spirit and the finely honed skills ecessary to ensure the survival of the American farm. On the frontier, vomen helped to raise crops and care for livestock while meeting the umerous demands of home and family. During periods of conflict in ur Nation's history—and, in particular, during the long and difficult ears of the Second World War—women played critical roles in the nanagement and operation of our farms and ranches.

'oday new challenges confront American farm women as they strive apply innovative agricultural methods and technology while meet-

ing demands for better business practices. Women in agriculture are meeting those challenges with an increasing array of new skills and knowledge—and with the remarkable resilience and resolve that have long characterized the American farmer.

Through the grace of Almighty God and through the daily labors of the men and women who till the soil, plant the seeds, nourish the tender shoots, and reap the harvest, our Nation's farms are the most efficient and most productive in the world. In fact, America's farmers produce enough food and fiber to meet our Nation's needs and those of millions of people around the globe.

On this occasion, we offer special thanks to the women who serve on our Nation's farms. In agriculture as in virtually every other field of endeavor, women are making vital contributions to our families, communities, and country.

The Congress, by Senate Joint Resolution 176, has designated March 19, 1992, as "National Women in Agriculture Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 19, 1992, as National Women in Agriculture Day. I invite all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6413 of March 17, 1992

Extending United States Copyright Protections to the Works of the People's Republic of China

By the President of the United States of America

A Proclamation

Section 104(b)(5) of title 17 of the United States Code provides that when the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States of America or to works first published in the United States, copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the President may extend protection under that title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which are first published in that nation.

Satisfactory assurances have been received that as of March 17, 1992, as provided in Article 3(9) of the Memorandum of Understanding Between the Government of the United States of America and the Govern-

t of the People's Republic of China on the Protection of Intellectual ɔerty (hereinafter the "Memorandum of Understanding"), China grant to works of United States nationals and domiciliaries and ks first published in the United States protection in the People's ublic of China on the same basis as works of Chinese nationals and iciliaries and works first published in China which are not in the lic domain.

V, THEREFORE, I, GEORGE BUSH, President of the United States merica, by the authority vested in me by section 104 of title 17 ie United States Code, do find and proclaim that effective March 1992, the conditions specified in section 104(b)(5) of title 17 of the ted States Code have been satisfied in the People's Republic of ia with respect to works of which one or more of the authors is, he date of first publication, a national or domiciliary of the United es of America, or which are first published in the United States, as of March 17, 1992, works of Chinese nationals and domiciliaries works first published in the People's Republic of China are enti- to protection under title 17 of the United States Code.

reby request the Secretary of State to notify the Government of the ɔle's Republic of China that the date on which works of Chinese onals and domiciliaries and works first published in the People's ublic of China are entitled to protection under title 17 of the Unit- States Code, is March 17, 1992, 60 days after the date of signature ie Memorandum of Understanding.

VITNESS WHEREOF, I have hereunto set my hand this seventeenth of March, in the year of our Lord nineteen hundred and ninety- , and of the Independence of the United States of America the two dred and sixteenth.

GEORGE BUSH

:lamation 6414 of March 18, 1992

:ional Public Safety Telecommunicators Week, 1992

he President of the United States of America

roclamation

ı day, thousands of Americans dial 9–1–1 for help in emergencies ;ing from house fires and automobile accidents to heart attacks and d poisonings. The men and women who answer these calls for ɔ, gathering essential information and dispatching the appropriate stance, can often make the difference between life and death for ons in need. Our Nation's 9–1–1 dispatchers, however, are among more than 500,000 telecommunications specialists who work daily rotect and to promote the public safety. This week, we salute all hem—both professional and volunteer—for their dedicated efforts ur behalf.

ic safety telecommunicators are more than a calm and reassuring e at the other end of the phone. They are knowledgeable and high- rained individuals who work closely with other police, fire, and lical personnel. They are Federal and State officials who manage l government communications in areas such as highway safety,

road maintenance, forestry, and conservation; and they are municipal employees who help to ensure the smooth operation of public utilities and other services that affect the health and safety of our citizens. Because emergencies can strike at any time, we rely on the vigilance and the preparedness of these individuals 24 hours a day, 365 days a year.

Our Nation enjoys the highest standards of public health and safety in the world, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

The Congress, by House Joint Resolution 284, has designated the week of April 12 through April 18, 1992, as "National Public Safety Telecommunicators Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of April 12 through April 18, 1992, as National Public Safety Telecommunicators Week. I invite all Americans to observe this week with appropriate programs and activities in honor of all the emergency dispatchers and other communications specialists, both professional and volunteer, who help to protect our health and safety.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6415 of March 20, 1992

National Safe Boating Week, 1992

By the President of the United States of America

A Proclamation

America's marine resources are a national treasure. The vast systems of lakes, rivers, and bays across this great land, and the oceans which touch our shores have played a pivotal role in the development of United States industry, agriculture, energy production, and commerce. Beautiful and inviting, our Nation's inland waterways and coastal regions have also provided generations of Americans with opportunities for relaxation and fun. This year, it is anticipated that more than 19 million Americans will engage in recreational boating.

While we Americans are fortunate to have the freedom to enjoy boating and related activities on the open water, at the same time, it is important to remember that an improperly handled watercraft can be dangerous or even deadly. Tragically, about 900 persons die each year on our Nation's waterways. All too often, these deaths are caused by human carelessness and neglect.

To help prevent boating-related accidents, the United States Coast Guard is working together with other government agencies and with private organizations around the country to encourage Americans to

t Smart." Smart boating begins with making safety the first prior-
of every pilot and passenger. Every watercraft operator should know
r her vessel—its equipment, its condition, and its capabilities—as
as the rules and courtesies of navigation. Pilots should have
wledge of and respect for the marine environment in which they
be operating, and all boaters should be aware of prevailing and
asted weather conditions. Pilots and passengers alike should be
ipped with life jackets and know what to do in the event of an
rgency. Moreover, because the ability to "Boat Smart" requires
r judgment and physical readiness, no one should operate a
ercraft while under the influence of alcohol or drugs.

hese fundamentals of safety indicate, smart boating goes hand in
d with common sense—and with a sense of personal responsibility
concern for others.

help promote safe boating practices, the Congress, by joint resolu-
approved June 4, 1958 (36 U.S.C. 161), as amended, has author-
and requested the President to proclaim annually the week begin-
on the first Sunday in June as "National Safe Boating Week."

V, THEREFORE, I, GEORGE BUSH, President of the United States
merica, do hereby proclaim the week beginning June 7, 1992, as
onal Safe Boating Week. I encourage the Governors of the 50 States
the Commonwealth of Puerto Rico and officials of other areas sub-
to the jurisdiction of the United States to provide for the observ-
of this week. I also urge all Americans to take this opportunity
earn more about boating safety.

VITNESS WHEREOF, I have hereunto set my hand this twentieth
of March, in the year of our Lord nineteen hundred and ninety-
and of the Independence of the United States of America the two
red and sixteenth.

GEORGE BUSH

lamation 6416 of March 23, 1992

ncer Control Month, 1992

he President of the United States of America
roclamation

n our Nation first observed Cancer Control Month more than 50
s ago, few diseases evoked more dread or inspired a greater sense
ystery than cancer. Today, however, thanks to advances in early
ction, diagnosis, and treatment, more than half of the people who
diagnosed with cancer survive their disease 5 years or more. While
progress is heartening, each year more than 1,000,000 Americans
inue to be diagnosed with cancer—and tens of thousands die of
disease. Thus, the observance of Cancer Control Month warrants as
h public attention and cooperation as ever.

her progress in the fight against cancer depends on continuing re-
ch. Through the National Cancer Institute (NCI), the Federal Gov-
nent supports a nationwide network of cancer centers where physi-
s and scientists conduct basic research and clinical trials on cancer

prevention and treatment. The Institute also helps to support the research of investigators in private laboratories and hospitals across the country.

Basic research has made cancer prevention a realistic expectation and brought us a range of new cancer therapies. Such advances hold promise not only for our fight against cancer but also for our battles against other diseases, such as AIDS. In addition, our Nation's investment in the work of pioneers who are investigating the genetic and molecular bases of cancer has produced an extra dividend: a thriving biotechnology industry that, in turn, has helped to accelerate biomedical research.

To help speed the transfer of the results of biomedical research from the laboratory to the patient, the NCI's Physician Data Query (PDQ) incorporates into a computerized system the newest information about cancer prevention, technologies for early detection, and innovative therapies. Through the PDQ, physicians can readily obtain needed information. Cancer patients and other concerned individuals can dial toll-free numbers to obtain information as well: 1–800–4–CANCER to reach the NCI's Cancer Information Center and 1–800–ACS–2345 to access the Cancer Response System of the American Cancer Society.

While research is helping to lead the way in the fight against cancer, the public also has a key role to play in achieving victory. Each of us can adopt healthy behaviors that lower our risk of developing cancer. Smoking is implicated in at least one-third of all cancer deaths each year—about 170,000 deaths in all. No new drug, therapy, or screening technique would strike as forceful a blow in our fight against cancer as the decision by millions of smokers to quit the habit.

Maintaining a high-fiber, low-fat diet is another effective means of cancer prevention. Americans can reduce their risk of developing colon and other kinds of cancer by reducing their consumption of fatty foods and by increasing their daily intake of fruits, vegetables, and whole grain breads and cereals.

Just as a healthy life-style—one that includes a sensible diet and regular exercise—can help to decrease the risk of developing cancer, periodic cancer screenings and early detection can also save lives. Every American is encouraged to learn about cancer and its warning signs and to supplement regular self-examinations with periodic checkups by his or her doctor. A physician's judgment, which is often based on the use of sophisticated testing equipment, is imperative.

Simple steps like these, along with continuing research, can take us a long way toward our goal of defeating cancer. Indeed, as we continue to unlock the secrets of this complex disease, our failure to take advantage of all that we have learned would be the only mystery that remains.

In 1938, the Congress passed a joint resolution (52 Stat. 148, 36 U.S.C. 150) requesting the President to issue an annual proclamation declaring April to be Cancer Control Month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of April 1992 as Cancer Control Month. I invite the Governors of the fifty States and the appropriate officials of all other areas under the American flag to issue simi-

lar proclamations, and I urge every citizen to join in achieving continued progress in the fight against cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6417 of March 25, 1992

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 1992

By the President of the United States of America

A Proclamation

The United States proudly joins in celebrating Greek Independence Day on March 25, not only because many Americans trace their roots to Greece, but also because our two countries share a strong commitment to the ideals of freedom and democratic government.

When the people of Greece began to seek independence 171 years ago, they enjoyed widespread support in the United States. President Monroe expressed admiration for "the heroic struggle" of the Greeks during his seventh annual address to the Congress, and countless Americans shared his "ardent wishes" that their quest for liberty would triumph. Yet the shared aspirations and values that unite the Greek and American peoples can be traced long before the historic events of the early 19th century.

The great philosophers of ancient Greece and the experiences of its city-states had a profound impact on the founding of our Republic—as they have had on the development of all Western civilization. Many of our Founders were well schooled in classical languages and Greek literature, and their view of both human nature and the nature of civil order was clearly influenced by the thought of Solon, Thucydides, Plato, and other Greek statesmen, historians, and philosophers. Thomas Jefferson praised Greece for the enlightenment that was provided by its "splendid constellation of sages and heroes," and James Madison and other delegates to the Federal Convention often referred to the experiences of the Amphictyonic council and the Achaean league when debating proposals for the representation of States under our Constitution. Greek antiquity offered the Framers of our Constitution many valuable insights as they labored to establish a just and enduring system of democratic government in the United States.

Thousands of years ago, Greece became the "cradle of democracy." Today, democracy is no longer a nascent ideal, but a tried and proven form of government that continues to flourish around the world as hundreds of millions of people seek the blessings of freedom and self-government. During this period of historic change for so many nations, it is fitting that the peoples of the United States and Greece reaffirm our shared democratic heritage and the importance of our continuing cooperation. The Western alliance of democratic nations, including

Greece, was instrumental in thwarting imperial communism and hastening the collapse of totalitarian regimes. Now, as newly emerging democracies grapple with serious problems of economic hardship and social unrest, the United States and Greece will continue to stand as partners in the promotion of peace and stability based on respect for human rights and for the rule of law.

As an expression of the warm and friendly relations that exist between the Greek and American peoples and our governments, the Congress, by Public Law 102–263, has designated March 25, 1992, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 25, 1992, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities in honor of the Greek people and Greek independence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6418 of April 8, 1992

National Volunteer Week, 1992

By the President of the United States of America

A Proclamation

Experiencing the profound sense of satisfaction and even joy that comes from helping others, millions of Americans are transforming communities across the country through voluntary service. We owe a great deal to these Points of Light, and during National Volunteer Week we offer a special salute to each of them. Their work has brightened the lives of countless individuals and demonstrated the heights that we can achieve as a Nation.

By taking direct and consequential action to help solve serious social problems and by working to enhance the existing good in their communities, volunteers are helping to build the kind of America we all seek. These Points of Light are helping to build what I call Communities of Light—places that demonstrate a strong commitment to children and to the values that foster stable, loving families; that contain excellent schools and a culture that encourages lifelong learning; and that offer every citizen meaningful employment opportunities and the hope of economic advancement. A Community of Light would also offer its members decent housing in a safe, drug-free, and clean environment, as well as access to quality health care. While effective government leadership and sustainable economic growth are essential to

promoting these conditions in any community, we know that real progress also requires voluntary action and leadership at the grass-roots level.

Today volunteers are helping to achieve progress in a variety of ways, working either on their own or in association with others. For example, many volunteers are assisting children and families by providing prenatal and infant care, by teaching parenting skills, and by offering wholesome extracurricular activities for youth. Other volunteers—including thousands of senior citizens—are helping to promote excellence in our schools by serving as tutors and mentors. Volunteers who participate in job training programs are helping to open doors to meaningful employment opportunities for persons in need, and many Americans are improving their communities by renovating old homes and building affordable housing. Volunteers are also helping to expand health care options by providing transportation, home care services, and other forms of support for persons who are ill or otherwise incapacitated.

Although millions of Americans engage in voluntary service, making this time-honored tradition a leading tool in the fight against poverty, drug abuse, and other social problems requires committed leadership. Since 1971, the Federal Government has worked to mobilize Americans for volunteer service through the ACTION agency. Other examples of our Federal commitment to promoting volunteerism include the Peace Corps, the Commission on National and Community Service, the Points of Light Foundation, and, of course, the Office of National Service here at the White House. Yet businesses and labor unions, educational and health care institutions, religious congregations, social clubs, and civic groups all have a role to play. These organizations and their leaders can develop effective, innovative service programs; they can replicate what is already working elsewhere; and they can mobilize their members for action. By working together and by encouraging more and more Americans to become Points of Light, we can make any neighborhood, town, or city a Community of Light.

Because voluntary service can go such a long way toward improving our communities and solving problems wherever they exist, creating Communities of Light must become one of America's priorities for the close of this century. During this annual celebration, I call on all leaders to include voluntary service to others as part of the mission of their institutions, to recognize and support the work of volunteers, and to help transform their communities through service.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning April 26, 1992, as National Volunteer Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities in honor of volunteers and in recognition of their important contributions to our communities and country.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6419 of April 10, 1992

To Extend Nondiscriminatory Treatment (Most-Favored-Nation Treatment) to the Czech and Slovak Federal Republic and the Republic of Hungary

By the President of the United States of America

A Proclamation

Pursuant to section 2 of Public Law 102–182, 105 Stat. 1233, and having due regard for the findings of the Congress in section 1 of said law, I have determined that title IV of the Trade Act of 1974 (19 U.S.C. 2431–2441) should no longer apply to the Czech and Slovak Federal Republic or to the Republic of Hungary.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 2 of Public Law 102–182, do proclaim that:

(1) Nondiscriminatory treatment (most-favored-nation treatment) shall be extended to the products of the Czech and Slovak Federal Republic and to the products of the Republic of Hungary.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The extension of nondiscriminatory treatment to the products of the Czech and Slovak Federal Republic and the Republic of Hungary shall be effective on the date of publication of this proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6420 of April 13, 1992

National Recycling Day, 1992

By the President of the United States of America

A Proclamation

Throughout the United States concerned Americans are actively involved in recycling solid waste as a way to help protect our environment and to conserve our natural resources. Consumers are choosing to buy products made with recycled materials, and more and more people are recycling materials that were once discarded; business owners are using recycled materials to produce high quality goods; and government officials are working to encourage further efforts of this kind.

Recycling is fast becoming a key part of our Nation's integrated waste management program. In response to public interest—and in an effort

to address rising disposal costs and shrinking landfill capacity—more and more communities now collect recyclables at curbside. There are now more than 2,700 curbside recycling programs in communities across the United States. Beyond this, there exist thousands of other sites where citizens can drop off recyclables. Traditional "paper drives" and other voluntary recycling activities continue in many communities, and countless Americans "recycle" in their own backyards by composting yard trimmings.

Businesses both large and small have also responded to the challenge of recycling. Historically, this country has benefitted from the unsung efforts of waste haulers and scrap dealers who have taken our discarded paper, metals, and other commodities and used them to create jobs and economic opportunity. Recently, however, other businesses have stepped forward to apply American ingenuity in collecting all kinds of recyclable commodities and processing and remanufacturing them to produce new, high quality goods.

While we have made significant and commendable progress, all sectors of society must continue to work together to promote recycling. Public and private research efforts to develop more cost-effective and efficient recycling technologies are very important. In particular, we must explore new initiatives to encourage the use of recovered materials as feedstock for the manufacture of marketable products. Only when recovered materials are returned to the marketplace and purchased by consumers is recycling complete.

Today, every American can help to promote recycling by participating in curbside collection and other recycling programs and by purchasing recycled products whenever practical. On this occasion, let us reaffirm our commitment to reducing the amount of pollution that we generate overall and to recycling those materials that can be recovered for beneficial use.

The Congress, by Senate Joint Resolution 246, has designated April 15, 1992, as "National Recycling Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim April 15, 1992, as National Recycling Day. I urge all Americans to observe this day with appropriate programs and activities that underscore and renew our commitment to recycling and other forms of environmental stewardship throughout the year. I specifically urge the Federal Government to attend to my direction of Executive Order 12780 regarding recycling and procurement in order to carry out its due share of continually improving the environment of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6421 of April 14, 1992

Education and Sharing Day, U.S.A., 1992

By the President of the United States of America

A Proclamation

The American work force of tomorrow will face unprecedented challenges and opportunities in our increasingly interdependent, technological world. How well our students are prepared to meet them will determine not only their ability to succeed as individuals but also the economic competitiveness of our entire Nation. Indeed, our future standard of living will depend heavily on the standards that we set in education today. That is why we are pressing ahead with AMERICA 2000, our comprehensive strategy to achieve excellence in our schools.

While AMERICA 2000 constitutes a vital investment in the future of the United States, we know that a nation's quality of life depends on much more than worker productivity and economic competitiveness alone. It also depends on the standards of character and conduct that are upheld and cherished by society, since these, in turn, determine the degree of freedom, opportunity, and security enjoyed by each member. Thus, as we focus on excellence in American education, we must also recognize the importance of moral instruction.

As the parent of private virtue and civil order, moral education is vital to the healthy development of our children and to the continued strength and well-being of our Nation. When he took office, President Dwight Eisenhower urged Americans to "proclaim anew" the faith on which the United States is founded. "It is our faith in the deathless dignity of man, *governed by eternal moral and natural laws*." This challenging yet ennobling view of humankind stands at the heart of America's commitment to freedom, equality, and justice. As President Eisenhower noted, it defines our full view of life. We cannot, therefore, overestimate the importance of education that fosters ethical and moral values in keeping with what our Founders called the "laws of Nature and of Nature's God." Moral education is the means by which we preserve the very foundation of this Nation's great yet precious experiment in self-government.

Public as well as private institutions of learning have both an obligation and a proper interest in advancing principles of ethical conduct and moral virtue. In recent years, we have seen how some "value-neutral" curricula have exploited America's long-cherished commitment to diversity and tolerance by avoiding the teaching of values. By contrast, teachers who affirm the absolute reality of truth and the timeless, universal value of qualities such as honesty, compassion, and personal accountability help their students to develop a sound inner compass.

Although school has a role to play in providing direction to our youth, moral education begins at home, in the guidance that parents provide for their children, and in religious institutions, where we learn of our just and loving Creator and of the commandments that He has set before us. Recognizing that "fear of the Lord is the beginning of wisdom," members of the worldwide Lubavitch movement, under the leadership of Rabbi Menachem Mendel Schneerson, have worked to promote greater knowledge of Divine law, including the Biblical injunction to assist those who are needy. Like the Psalmist who wrote,

Thy word is a lamp to my feet and a light to my path," the individual vho possesses such knowledge is well-equipped for a safe and fruitful assage on his or her life's journey.

n recognition of the Lubavitch movement and in honor of the 90th irthday of its leader, Rabbi Schneerson, the Congress, by House Joint Resolution 410, has designated April 14, 1992, as "Education and Sharng Day, U.S.A." and has requested the President to issue a proclamaion in observance of this day.

JOW, THEREFORE, I, GEORGE BUSH, President of the United States f America, do hereby proclaim April 14, 1992, as Education and Sharng Day, U.S.A. I invite all Americans to observe this day with approriate programs and activities.

N WITNESS WHEREOF, I have hereunto set my hand this fourteenth lay of April, in the year of our Lord nineteen hundred and ninety-two, nd of the Independence of the United States of America the two hunlred and sixteenth.

GEORGE BUSH

Proclamation 6422 of April 14, 1992

'an American Day and Pan American Week, 1992

By the President of the United States of America
A Proclamation

'his year, the peoples of the Americas are deeply mindful of our comnon heritage as we celebrate Christopher Columbus's historic journeys o this region half a millennium ago. Yet today we celebrate not only he great meeting of cultures that was initiated by Columbus and his rew but also our shared commitment to democratic ideals and to the dvancement of human freedom and progress throughout the Western Iemisphere. Those shared aspirations and values form the basis of the nique international alliance that we celebrate each year during Pan American Day and Pan American Week.

'he Inter-American System dates back to 1890, with the establishment f the International Union of American Republics—later known as the 'an American Union. Our present commitment to inter-American solilarity and freedom is embodied by that institution's successor, the Organization of American States. Recognizing that "the historic mission f America is to offer man a land of liberty, and a favorable environnent for . . . the realization of his just aspirations," signatories to the OAS Charter agreed to work together to strengthen the peace and secuity of the American states, to prevent possible causes of difficulties mong them and to facilitate the peaceful settlement of disputes, and o promote, through cooperative action, their economic, social, and ultural development. Signatories to the OAS Charter also declared hat:

> . . . the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man.

After a century of partnership, we know that any real and lasting progress within the Inter-American System has gone hand in hand with our commitment to this ideal.

The United States firmly believes in the value of the Inter-American System as a force for promoting peace and stability in the region. In recent years, the Organization of American States has proved to be an effective vehicle not only for the settlement of disputes but also for the promotion of representative government and human rights. With the principal exception of Castro's Cuba, we have come close to achieving the world's first completely democratic hemisphere. Today the OAS is playing a key role in efforts to restore democracy in Haiti and Peru.

As part of their expressed commitment to democratic ideals, members of the OAS have recognized that all human beings have the right "to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security." Accordingly, the United States and its friends and neighbors have also been working together to promote investment and free and fair trade in the region, to alleviate the problem of official debt, and to encourage protection of the environment. These goals form the heart of the Enterprise for the Americas Initiative, which recently took another step forward with the establishment of the Multilateral Investment Fund. This new fund will provide targeted support for Latin American countries as they transform lumbering state-run industries into efficient private enterprises.

Because the security and well-being of our peoples—and the stability of entire governments—also depend on our success in the fight against drugs, we remain committed to achieving the goals of the 1990 Cartagena Declaration, which laid the foundation for the development of a comprehensive, multilateral anti-drug strategy. At our recent summit in San Antonio, the United States and six of our Latin American neighbors agreed to move beyond the achievements of Cartagena and to strengthen interdiction, alternative development, and demand reduction efforts. In these and other endeavors, we are heartened by the prospect of extending human freedom and progress throughout the hemisphere—from Point Barrow, Alaska, to Puerto Williams, Chile, and to every point in between.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Tuesday, April 14, 1992, as Pan American Day and the week of April 12 through April 18, 1992, as Pan American Week. I urge the Governors of the fifty States and the Commonwealth of Puerto Rico, and officials of other areas under the flag of the United States, to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

·oclamation 6423 of April 24, 1992

'ational Farm Safety Week, 1992

/ the President of the United States of America
Proclamation

ıe United States is no longer a primarily agrarian society, but we mericans still rely on our farmers and ranchers as heavily as we did ore than 200 years ago. By helping to feed and to clothe millions of orkers and their families, members of the agricultural industry have ıabled this country to achieve the world's highest standards of health ıd productivity. In today's expanding global economy, which is creatg opportunities to market an ever-wider array of agricultural prodcts and by-products, our farmers and ranchers have an increasingly ıportant role to play in promoting our Nation's competitiveness and rength. Because we depend on these enterprising individuals for our ıily sustenance and for so much more, it is fitting that we set aside pecial week to promote their health and safety.

ıanks in large part to public awareness campaigns such as National ırm Safety Week, we have made notable progress in our efforts to otect the lives and health of America's agricultural workers. Accordg to the National Safety Council, a private, nonprofit organization at is dedicated to promoting public safety, the number of work-relatl deaths among agricultural workers has dropped over the past 10 ears from an average of 54 per 100,000 to 42 per 100,000. The Council ports that nonoccupational accidents in rural areas have also deeased.

espite such encouraging trends, however, far too many farmers and nchers continue to suffer from injuries and illnesses that could be evented. Improper and prolonged exposure to chemicals and envinmental elements is having a harmful effect on the health of many ricultural workers and thus on their livelihood as well. Serious accints are often the cruel price of carelessness and haste. The costs in ıman terms alone—which are far greater than the billions of dollars lost productivity and medical expenses—warrant a strengthened mmitment to improved safety measures and to healthier life-styles.

ıe solutions are relatively simple and inexpensive, and they begin ith the whole family. For example, farmers and ranchers can reduce eir risk of developing dermatitis, lung disease, hearing loss, and her common occupational illnesses by wearing protective gloves, resrators, and ear plugs when the job calls for it. Empty pesticide coniners should be disposed of safely, and leftover chemicals should be ored out of the reach of children. In addition to being given clear and nsistent examples of prudence and caution—be it at work, on the ad, or at play—youngsters should be taught the dangers of playing ı or near farm machinery. Children should also be encouraged to recnize health hazards such as dust, noise, toxic fumes, and extreme exsure to the sun, and every member of every farm family should ıow what to do in the event of an emergency. Only when injury and lness prevention becomes a daily priority for all those who live and ork on our Nation's farms and ranches can we reap a full harvest of etter health and safety.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 20 through September 26, 1992, as National Farm Safety Week. I urge all those who live and work on our Nation's farms and ranches to make health and safety an integral part of their daily activities. I call on organizations that serve agricultural workers and their families to sponsor or to support rural health and safety programs, and I encourage all Americans to observe this week with appropriate activities as an expression of our gratitude for the many contributions that men and women in agriculture make to our individual and collective well-being.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6424 of April 28, 1992

Loyalty Day, 1992

By the President of the United States of America

A Proclamation

The United States has endured and prospered because it is founded on the ideals of freedom, equal opportunity, and justice—ideals worthy of the abiding faith and fidelity of our people. Unlike the May Day parades and marches that many totalitarian regimes once orchestrated among their citizens—hollow shows of unity and devotion that have died along with imperial communism—our observance of Loyalty Day has remained a cherished American tradition. On this occasion, we reaffirm our belief in the God-given dignity and worth of the individual and in each human being's equal and unalienable rights to life, liberty, and the pursuit of happiness.

This year's observance of Loyalty Day has added significance as we celebrate the 100th anniversary of the Pledge of Allegiance. Its original author, Francis Bellamy of *The Youth's Companion* magazine, said that he strived to compose a salute to our flag that would "embody the fundamental idea of patriotic citizenship, comprehending in broadest lines the spirit of our history and the deepest aim of our National life." Clearly, he succeeded. When we recite the Pledge and promise our allegiance to this "one Nation under God, indivisible, with liberty and justice for all," we reaffirm the great spiritual and moral heritage of the United States, the importance of our Union, and the noble vision to which it is dedicated.

The Pledge of Allegiance expresses in words the loyalty and love of country that millions of Americans demonstrate, each day, through acts of patriotism and service. By honoring their vow to uphold our Constitution, elected officials, law enforcement officers, judges, and other public employees demonstrate their appreciation for the blessings of liberty and their determination to help preserve them. Parents, teachers, veterans, and civic association members show loyalty to our coun-

ry by educating our children about its past, by encouraging them to ake pride in all that America means to the world, and by setting examles of personal responsibility, strong moral character, and good citienship. The millions of Americans who volunteer their time and talnts to help solve various social problems likewise testify to their love f this great land. Today we remember especially the courageous memers of our all-volunteer armed forces, as well as the many heroes who ave gone before them in battle, proving with their very lives the depth f their commitment to liberty and self-government. These and all mericans demonstrate that our country is, indeed, as President Hayes nce described it, "a union depending not upon the constraint of force, ut upon the loving devotion of a free people."

o foster loyalty to the principles on which the United States is foundd, the Congress, by joint resolution approved July 18, 1958 (72 Stat. 69; 36 U.S.C. 162), has designated May 1 of each year as "Loyalty Day."

OW, THEREFORE, I, GEORGE BUSH, President of the United States f America, do hereby proclaim May 1, 1992, as Loyalty Day. I call on ll Americans to observe that day with appropriate ceremonies and acivities, including public recitation of the Pledge of Allegiance to the lag of the United States. I also call on all Government officials to dislay the flag on all Government buildings and grounds on that day.

N WITNESS WHEREOF, I have hereunto set my hand this twentyighth day of April, in the year of our Lord nineteen hundred and inety-two, and of the Independence of the United States of America he two hundred and sixteenth.

GEORGE BUSH

roclamation 6425 of April 29, 1992

o Amend the Generalized System of Preferences

y the President of the United States of America

Proclamation

. Section 504(a)(1) of the Trade Act of 1974, as amended (the 1974 ct) (19 U.S.C. 2464(a)(1)), provides that the President may withdraw, uspend, or limit the application of the duty-free treatment afforded nder the Generalized System of Preferences (GSP) with respect to any rticle or any country after considering the factors set forth in sections 01 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)). Pursuant o section 504(a)(1) of the 1974 Act and having considered the factors et forth in sections 501 and 502(c), including, in particular, section 02(c)(5) on the adequate and effective protection of intellectual proprty rights, I have determined that it is appropriate to suspend the uty-free treatment afforded under the GSP to certain eligible articles hat are imported from India, as provided for in the Annex to this procamation.

. Section 504(c) of the 1974 Act (19 U.S.C. 2464(c)), provides that benficiary developing countries are subject to limitations on the preferential treatment afforded under the GSP. Pursuant to 504(c)(1)(B), I ave determined that India should no longer receive preferential tariff

treatment under the GSP with respect to certain eligible articles, as provided for in the Annex to this proclamation.

3. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 501, 502(c), 504, and 604 of the 1974 Act, do proclaim that:

(1) In order to provide that India should no longer be treated as a beneficiary developing country with respect to certain eligible articles for purposes of the GSP program, the HTS is modified as provided in the Annex to this proclamation.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The amendments made by this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

ANNEX

Modifications in the Harmonized Tariff Schedule of the United States (HTS) of an Article's Duty-Free Tariff Treatment With Respect to India Under the Generalized System of Preferences (GSP)

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register:**

(a) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, delete the symbol "A" and insert an "A*" in lieu thereof:

0713.90.10	2811.29.50	2823.00.00	2826.11.50
2403.91.20	2812.10.50	2824.10.00	2826.19.00
2801.30.10	2812.90.00	2824.20.00	2826.20.00
2804.10.00	2813.10.00	2824.90.10	2826.90.00
2804.21.00	2813.90.50	2824.90.50	2827.10.00
2804.29.00	2815.30.00	2825.10.00	2827.31.00
2804.30.00	2816.10.00	2825.20.00	2827.33.00
2804.40.00	2816.20.00	2825.30.00	2827.34.00
2805.22.10	2816.30.00	2825.50.10	2827.35.00
2805.40.00	2818.10.20	2825.50.20	2827.36.00
2806.20.00	2819.10.00	2825.50.30	2827.37.00
2810.00.00	2819.90.00	2825.60.00	2827.38.00
2811.19.10	2820.10.00	2825.70.00	2827.39.10
2811.19.50	2820.90.00	2825.90.10	2827.39.20
2811.21.00	2821.10.00	2825.90.20	2827.39.30
2811.22.10	2821.20.00	2825.90.60	2827.39.50
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(b) General note 3(c)(ii)(D) to the HTS is modified—

(1) by adding, in numerical sequence, the following HTS provisions and the country set opposite them:

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2934.90.25	India
2934.90.47	India
2934.90.50	India
2935.00.05	India
2935.00.20	India
2935.00.30	India
2935.00.31	India
2935.00.33	India
2935.00.37	India
2935.00.43	India
2935.00.44	India
2936.10.00	India
2936.21.00	India
2936.22.00	India
2936.24.00	India
2936.25.00	India
2936.27.00	India
2936.28.00	India
2936.29.15	India
2936.29.50	India
2936.90.00	India
2937.10.00	India
2937.21.00	India
2937.22.00	India
2937.29.00	India
2937.91.00	India
2938.10.00	India
2938.90.00	India
2939.10.50	India
2939.30.00	India
2939.50.00	India
2939.60.00	India
2939.70.00	India
2939.90.10	India
2939.90.50	India
2940.00.00	India
2941.10.20	India
2941.20.00	India
2941.30.00	India
2941.50.00	India
2941.90.10	India
2941.90.50	India
2942.00.50	India
3001.10.00	India
3001.20.00	India
3002.90.10	India
3003.31.00	India
3003.39.10	India
3003.40.00	India
3003.90.00	India
3004.10.10	India
3004.20.00	India
3004.31.00	India
3004.32.00	India
3004.39.00	India
3004.40.00	India
3004.50.30	India
3004.50.50	India
3004.90.30	India
3004.90.60	India
3005.10.10	India
3005.10.50	India
3005.90.10	India
3005.90.50	India
3006.10.00	India
3006.40.00	India
3006.50.00	India
3006.60.00	India
3201.90.10	India
3201.90.50	India
3202.10.10	India
3202.90.50	India
3204.19.35	India
3204.90.00	India
3205.00.20	India
3206.10.00	India
3206.20.00	India
3206.30.00	India
3206.41.00	India
3206.42.00	India
3206.43.00	India
3206.49.10	India
3206.49.30	India
3206.49.50	India
3207.10.00	India
3207.20.00	India
3207.30.00	India
3208.10.00	India
3208.20.00	India
3208.90.00	India
3209.10.00	India
3209.90.00	India
3210.00.00	India
3212.10.00	India
3212.90.00	India
3213.10.00	India
3213.90.00	India
3214.10.00	India
3215.11.00	India
3215.19.00	India
3215.90.10	India
3215.90.50	India
3301.19.10	India
3301.24.00	India
3301.29.10	India
3301.29.20	India
3301.30.10	India
3302.10.10	India
3302.10.20	India
3302.90.10	India
3302.90.20	India
3303.00.20	India
3303.00.30	India
3304.10.00	India
3304.20.00	India
3304.30.00	India
3304.91.00	India
3304.99.00	India
3305.10.00	India
3305.20.00	India
3305.30.00	India
3305.90.00	India
3306.10.00	India
3306.90.00	India
3307.10.10	India
3307.10.20	India
3307.20.00	India
3307.30.10	India
3307.30.50	India
3307.41.00	India
3307.49.00	India
3307.90.00	India
3401.11.10	India
3401.11.50	India
3401.19.00	India
3401.20.00	India
3402.11.10	India
3402.11.50	India
3402.12.10	India
3402.12.50	India
3402.13.10	India
3402.13.20	India
3402.13.50	India
3402.19.10	India
3402.19.50	India
3402.20.10	India
3402.90.30	India
3402.90.50	India
3403.11.40	India
3403.11.50	India
3403.19.50	India
3403.91.10	India
3404.20.00	India

3405.10.00 India
3405.20.00 India
3405.30.00 India
3405.40.00 India
3405.90.00 India
3406.00.00 India
3407.00.20 India
3501.10.10 India
3501.90.20 India
3501.90.50 India
3503.00.10 India
3503.00.55 India
3504.00.10 India
3504.00.50 India
3505.10.00 India
3505.20.00 India
3506.10.50 India
3506.91.00 India
3506.99.00 India
3507.90.00 India
3601.00.00 India
3603.00.30 India
3603.00.60 India
3603.00.90 India
3604.10.00 India
3604.90.00 India
3606.90.60 India
3701.10.00 India
3701.20.00 India
3701.30.00 India
3701.91.00 India
3701.99.30 India
3701.99.60 India
3702.10.00 India
3702.20.00 India
3702.31.00 India
3702.32.00 India
3702.39.00 India
3702.41.00 India
3702.42.00 India
3702.43.00 India
3702.44.00 India
3702.51.00 India
3702.52.00 India
3702.53.00 India
3702.54.00 India
3702.91.00 India
3702.92.00 India
3702.93.00 India
3702.95.00 India
3703.10.30 India
3703.10.60 India
3703.20.30 India
3703.20.60 India
3703.90.30 India
3703.90.60 India
3706.10.30 India
3707.10.00 India
3707.90.30 India
3707.90.60 India
3801.10.10 India
3801.30.00 India
3801.90.00 India
3802.10.00 India
3802.90.10 India
3802.90.20 India
3802.90.50 India
3805.10.00 India
3806.10.00 India
3806.20.00 India
3806.30.00 India
3807.00.00 India
3808.10.10 India
3808.10.20 India
3808.10.30 India
3808.20.10 India
3808.20.20 India
3808.20.30 India
3808.30.10 India
3808.30.20 India
3808.40.10 India
3808.40.50 India
3808.90.10 India
3808.90.20 India
3809.10.00 India
3809.91.00 India
3811.11.10 India
3811.11.50 India
3812.20.10 India
3812.30.20 India
3813.00.50 India
3814.00.20 India
3815.90.10 India
3815.90.20 India
3816.00.00 India
3817.10.50 India
3823.20.00 India
3823.30.00 India
3823.60.00 India
3823.90.19 India
3823.90.22 India
3823.90.25 India
3823.90.31 India
3823.90.32 India
3823.90.33 India
3823.90.34 India
3823.90.36 India
3823.90.46 India
4104.29.30 India
5208.31.20 India
5208.32.10 India
5208.41.20 India
5208.42.10 India
5208.51.20 India
5208.52.10 India
5209.31.30 India
5209.41.30 India
5310.90.00 India
5702.20.10 India
6304.99.25 India
7012.00.00 India

(2) by adding, in alphabetical order, the country opposite the following HTS subheadings:

2804.69.10 India
2825.90.15 India
2827.59.05 India
2903.40.00 India
2903.59.40 India
2906.11.00 India
2915.31.00 India
2918.22.10 India
2918.90.30 India
2929.90.50 India
2933.39.25 India
2933.40.10 India
2933.90.47 India
2937.92.10 India
3203.00.50 India
3207.40.10 India
3301.12.00 India
3402.90.10 India
3823.90.40 India

Proclamation 6426 of May 1, 1992

National Amyotrophic Lateral Sclerosis Awareness Month, 1992

By the President of the United States of America

A Proclamation

Just over 50 years ago, Americans watched in helpless anguish as one of our Nation's most beloved sports heroes died slowly and painfully of amyotrophic lateral sclerosis (ALS), an insidious, progressive disease that gradually destroys the body's nerves and muscles. Although ALS was discovered as early as 1869, the death of baseball legend Lou

Gehrig was the first to generate widespread public awareness of this fatal ailment. To this day, amyotrophic lateral sclerosis is often referred to simply as "Lou Gehrig's disease."

Like the acclaimed "Iron Horse," whose outstanding career as a first baseman was cut short before the age of 37, most ALS sufferers initially experience weakness in the hands or legs as muscles waste away. Most people with the disease are likewise struck in the prime of life. ALS eventually affects the muscles that control vital functions such as respiration and swallowing, usually resulting in death within 2 to 5 years. ALS does not, however, affect the mind—its victims remain alert and mentally unimpaired.

Both an identifiable cause and a cure for ALS remain elusive. Currently, care is aimed at assisting people with ALS through the use of wheelchairs, respirators, and feeding tubes, particularly among those who outlive the average life expectancy. Because at least 5,000 people will be diagnosed with ALS this year, and because more than 300,000 people who are alive today will eventually die from the disease, rigorous scientific research on ALS continues. Scientists supported by the Federal Government's National Institute of Neurological Disorders and Stroke (NINDS) are searching for clues to the cause of ALS, as well as for more effective ways of treating the disease. Researchers hope to discover one day a means of curing or preventing ALS altogether.

Recent progress has been heartening: NINDS-supported investigators recently discovered that a gene responsible for a familial form of ALS lies somewhere on chromosome 21; still other researchers are studying chemicals known as nerve growth factors in order to learn more about the role that they play in this complex disease.

A number of private, voluntary health agencies across the country join the NINDS in supporting ALS research. In addition to promoting the work of physicians and scientists who are studying the disease, these organizations also provide a variety of services to ALS patients and their families. On this occasion, we gratefully salute all those men and women who are working to overcome ALS, and we applaud the courage and cooperation of those patients who are coping with this mysterious and painful disease.

The Congress, by Senate Joint Resolution 174, has designated May 1992 as "National Amyotrophic Lateral Sclerosis Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 1992 as National Amyotrophic Lateral Sclerosis Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6427 of May 1, 1992

Law and Order in the City and County of Los Angeles, and Other Districts of California

By the President of the United States of America

A Proclamation

WHEREAS, I have been informed by the Governor of California that conditions of domestic violence and disorder exist in and about the City and County of Los Angeles, and other districts of California, endangering life and property and obstructing execution of the laws, and that the available law enforcement resources, including the National Guard, are unable to suppress such acts of violence and to restore law and order;

WHEREAS, such domestic violence and disorder are also obstructing the execution of the laws of the United States, in the affected area; and

WHEREAS, the Governor of California has requested Federal assistance in suppressing the violence and restoring law and order in the affected area.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence and disorder to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6428 of May 1, 1992

To Implement Duty Reductions for Certain Products of Beneficiary Countries Under the Caribbean Basin Economic Recovery Expansion Act of 1990

By the President of the United States of America

A Proclamation

1. Section 213(h)(1) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2703(h)(1)), as added by section 212 of the Caribbean Basin Economic Recovery Expansion Act of 1990 (Expansion Act) (Public Law 101–382), directs the President to proclaim reductions in the rates of duty on handbags, luggage, flat goods, work gloves, and leather wearing apparel that are (1) the product of any beneficiary country, and (2) were not designated on August 5, 1983, as eligible articles for purposes of the Generalized System of Preferences (GSP)

under title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*). Such goods were excluded from the duty-free treatment afforded under the CBERA by the provisions of section 213(b) of that Act.

2. Section 213(h)(2) of the CBERA provides that the duty reduction required for any such article shall (1) result in a rate that is equal to 80 percent of the rate of duty that applied to the article on December 31, 1991, except that, subject to certain limitations, the reduction may not exceed 2.5 percent ad valorem; and (2) be implemented in 5 equal annual stages with the first one-fifth of the aggregate reduction in the rate of duty being applied to entries, or withdrawals from warehouse for consumption, of the article on or after January 1, 1992.

3. Pursuant to section 213(h) of the CBERA, I have decided that certain existing duties set forth in Rates of Duty 1-General subcolumn of the Harmonized Tariff Schedule of the United States (HTS) for specified handbags, luggage, flat goods, work gloves, and leather wearing apparel should be reduced as set forth in Annex I to this proclamation. In accordance with section 213(b) of the CBERA, as amended by section 212(b) of the Expansion Act, I have decided that it is appropriate to make conforming changes in general note 3(c)(v) to the HTS and to modify the nomenclature of certain HTS subheadings, in order to reflect the tariff treatment to be accorded to such goods.

4. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), requires the President, from time to time, as appropriate, to embody in the HTS the substance of the provisions of that Act, of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to section 604 of the Trade Act of 1974, section 213 of the CBERA, and section 212 of the Expansion Act, do proclaim that:

(1) In order to provide reductions in the Rates of Duty 1-General subcolumn duty rate applicable to certain goods which are the products of designated beneficiary countries under the CBERA, and to implement the provisions of the CBERA, as amended, the HTS is modified as provided in Annex I to this proclamation.

(2) In order to continue the schedule of duty reductions for goods originating in the territory of Canada modified by Annex I to this proclamation, pursuant to Annex 401.2 to the United States-Canada Free-Trade Agreement (the Canada FTA), the HTS is further modified as set forth in Annex II to this proclamation.

(3) In order to continue the schedule of duty reductions for products of Israel modified by Annex I to this proclamation, pursuant to Annex 1 to the Agreement on the Establishment of a Free Trade Area between the Government of the United States and the Government of Israel (the Israel FTA), the HTS is further modified as set forth in Annex III to this proclamation.

(4) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(5)(a) Except as provided in this paragraph, the modifications made by Annex I to this proclamation shall be effective with respect to arti-

cles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of publication of this proclamation in the **Federal Register**. Entries of products of countries designated as beneficiary countries for purposes of the Caribbean Basin Economic Recovery Act made after January 1, 1992, and not liquidated as of the 15th day after the date of publication of this proclamation in the **Federal Register**, shall, if such goods would have qualified for duty reductions under the provisions of Annex I to this proclamation, be liquidated as if entered on such 15th day.

(b) The modifications made by Annexes II and III to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in such annexes.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) PURSUANT TO SECTION 213(h) OF THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT (CBERA)

(a) *Effective with respect to articles which are the product of any designated beneficiary country under the CBERA that are entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of publication of this proclamation in the* **Federal Register**, *the HTS is modified as follows:*

(1) General note 3(c)(v) to the HTS is modified—

(A) by inserting, at the end of subdivision (C) of such note, the following sentence: "Whenever a rate of duty other than "Free" appears in the special subcolumn followed by the symbol "E" in parentheses, articles imported into the customs territory of the United States in accordance with the provisions of subdivision (c)(v)(B) of this note from a country or territory listed in subdivision (c)(v)(A) of this note shall be eligible for such rate in lieu of the rate of duty set forth in the "General" subcolumn."

(B) by inserting, in subdivision (D)(3) of such note, the words "except as provided in subdivision (c)(v)(F) of this note," before the word "textile"; and

(C) by inserting at the end thereof the following new subdivision (F):

"(F) Handbags, luggage, flat goods, work gloves, and leather wearing apparel, the product of any beneficiary country, and not designated on August 5, 1983, as eligible articles for purposes of the GSP, are dutiable at the rates set forth in the "Special" subcolumn of column 1 followed by the symbol "E" in parentheses."

(2) The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter now in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1 General", "Rates of Duty 1 Special", and "Rates of Duty 2", respectively.

(A) Subheading 6116.10.18 is superseded by:

[Gloves,...:]
[Gloves,...:]
[Other:]
[Without fourchettes:]
[Cut and sewn...:]
"Of vegetable fibers:

6116.10.13	Containing over 50 percent by weight of plastics or rubber	25%	Free (E) 2.5% (IL) 15% (CA)	61%
6116.10.17	Other	25%	[see section (b) of this Annex] (E) 2.5% (IL) 15% (CA)	61%"

(B) Subheadings 6116.92.60 and 6116.92.90 are superseded by:

	[Gloves,...:] [Other:] [Of cotton:] [Other:] "Made from a pre-existing machine knit fabric:			
6116.92.64	Without fourchettes ...	25%	[see section (b) of this Annex] (E) 2% (IL) 15% (CA)	90%
6116.92.74	With fourchettes ...	25%	2% (IL) 15% (CA)	90%
6116.92.88	Without fourchettes ...	10%	[see section (b) of this Annex] (E) 1% (IL) 6% (CA)	90%
6116.92.94	With fourchettes ...	10%	1% (IL) 6% (CA)	90%"

(C) Subheadings 6116.93.60 and 6116.93.90 are superseded by:

	[Gloves,...:] [Other:] [Of synthetic fiber:] [Other:] "Containing 23 percent or more by weight of wool or fine animal hair:			
6116.93.64	Without fourchettes ...	33.1¢/kg + 7.4%	[see section (b) of this Annex] (E) 3.3¢/kg + 0.7% (IL) 19.8¢/kg + 4.4% (CA)	$1.10/kg + 50%
6116.93.74	With fourchettes ...	33.1¢/kg + 7.4%	3.3¢/kg + 0.7% (IL) 19.8¢/kg + 4.4% (CA)	$1.10/kg + 50%
	Other:			
6116.93.88	Without fourchettes ...	19.8%	[see section (b)] of this Annex] (E) 2% (IL) 11.8% (CA)	90%
6116.93.94	With fourchettes ...	19.8%	2% (IL) 11.8% (CA)	90%"

(D) Subheading 6116.99.50 is superseded by:

	[Gloves,...:]			
	[Other:]			
	[Of other textile...:]			
	[Of artificial...:]			
	"Other:			
6116.99.48	Without fourchettes ...	20%	[see section (b) of this Annex] (E) 0.4% (IL) 12% (CA)	90%
6116.99.54	With fourchettes ...	20%	0.4% (IL) 12% (CA)	90%"

(E) Subheading 6216.00.12 is superseded by:

	[Gloves,...:]			
	[Impregnated,...:]			
	[Other:]			
	[Without fourchettes:]			
	[Cut and sewn...:]			
	"Of vegetable fibers:			
6216.00.13	Containing over 50 percent by weight of plastics or rubber	25%	Free (E) 2.5% (IL) 15% (CA)	25%
6216.00.17	Other	25%	[see section (b) of this Annex] (E) 2.5% (IL) 15% (CA)	25%"

(F) Subheading 6216.00.39 is superseded by:

	[Gloves,...:]			
	[Other:]			
	[Of cotton:]			
	"Other:			
6216.00.38	Without fourchettes	25%	[see section (b) of this Annex] (E) 1.4% (IL) 15% (CA)	25%
6216.00.41	With fourchettes .	25%	1.4% (IL) 15% (CA)	25%"

(G) Subheading 6216.00.52 is superseded by:

	[Gloves,...:]			
	[Other:]			
	[Of man-made fibers:]			
	"Other:			
6216.00.54	Without fourchettes	22¢/kg + 11%	[see section (b) of this Annex] (E) 2.2¢/kg + 1.1% (IL) 13.2¢/kg + 6.6% (CA)	99.2¢/kg + 65%
6216.00.58	With fourchettes .	22¢/kg + 11%	2.2¢/kg + 1.1% (IL) 13.2¢/kg + 6.6% (CA)	99.2¢/kg + 65%"

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(3) For HTS provisions 6116.10.70 and 6216.00.28, the Rates of Duty 1-Special subcolumn is modified by deleting the "Free (E*)" set forth in such subcolumn for these HTS provisions.

(b) *Effective with respect to articles which are the product of any designated beneficiary country under the CBERA that are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.*

For each of the following provisions of the HTS (including those as modified by Annex 1(a)(2) of this proclamation), the Rates of Duty 1-Special subcolumn in the HTS is modified (a) by inserting in such subcolumn on the 15th day after the date of publication of this proclamation in the **Federal Register**, the rate of duty specified for such HTS provision in the following tabulation for 1992, followed by the symbol "E" in parentheses, and (b) on January 1 of each of the following years in the following tabulation, the duty rate followed by the symbol "E" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Provision	1992	1993	1994	1995	1996
4202.11.00	7.7%	7.4%	7%	6.7%	6.4%
4202.12.20	19.5%	19%	18.5%	18%	17.5%
4202.12.40	6.9%	6.6%	6.3%	6%	5.8%
4202.12.60	6.2%	6%	5.7%	5.5%	5.2%
4202.12.80	19.5%	19%	18.5%	18%	17.5%
4202.19.00	19.5%	19%	18.5%	18%	17.5%
4202.21.30	5.1%	4.9%	4.7%	4.5%	4.2%
4202.21.60	9.6%	9.2%	8.8%	8.4%	8%
4202.21.90	8.7%	8.3%	7.9%	7.6%	7.2%
4202.22.15	19.5%	19%	18.5%	18%	17.5%
4202.22.40	8.1%	7.7%	7.4%	7.1%	6.7%
4202.22.45	6.9%	6.6%	6.3%	6%	5.8%
4202.22.60	6.2%	6%	5.7%	5.5%	5.2%
4202.22.80	19.5%	19%	18.5%	18%	17.5%
4202.29.00	19.5%	19%	18.5%	18%	17.5%
4202.31.60	7.7%	7.4%	7%	6.7%	6.4%
4202.32.40	6.9%	6.6%	6.3%	6%	5.8%
4202.32.95	19.5%	19%	18.5%	18%	17.5%
4202.91.00	6.5%	6.3%	6%	5.7%	5.4%
4202.92.15	6.9%	6.6%	6.3%	6%	5.8%
4202.92.20	6.2%	6%	5.7%	5.5%	5.2%
4202.92.30	19.5%	19%	18.5%	18%	17.5%
4202.92.45	19.5%	19%	18.5%	18%	17.5%
4202.92.60	6.9%	6.6%	6.3%	6%	5.8%
4202.92.90	19.5%	19%	18.5%	18%	17.5%
4202.99.00	19.5%	19%	18.5%	18%	17.5%
4203.10.40	5.8%	5.5%	5.3%	5%	4.8%
4203.29.08	13.5%	13%	12.5%	12%	11.5%
4203.29.18	13.5%	13%	12.5%	12%	11.5%
4602.10.21	12%	11.5%	11%	10.5%	10%
4602.10.22	5.6%	5.3%	5.1%	4.9%	4.6%
4602.10.25	17.5%	17%	16.5%	16%	15.5%
4602.10.29	5.1%	4.9%	4.7%	4.5%	4.2%
6116.10.17	24.5%	24%	23.5%	23%	22.5%
6116.10.45	19.3%	18.8%	18.3%	17.8%	17.3%
6116.10.70	13.5%	13%	12.5%	12%	11.5%
6116.92.64	24.5%	24%	23.5%	23%	22.5%
6116.92.88	9.6%	9.2%	8.8%	8.4%	8%
6116.93.64	33.1¢/kg + 7.1%	33.1¢/kg + 6.8%	33.1¢/kg + 6.5%	33.1¢/kg + 6.2%	33.1¢/kg + 5.9%
6116.93.88	19.3%	18.8%	18.3%	17.8%	17.3%
6116.99.48	19.5%	19%	18.5%	18%	17.5%
6216.00.17	24.5%	24%	23.5%	23%	22.5%
6216.00.18	22¢/kg + 10.6%	22¢/kg + 10.1%	22¢/kg + 9.7%	22¢/kg + 9.2%	22¢/kg + 8.8%
6216.00.28	13.5%	13%	12.5%	12%	11.5%
6216.00.38	24.5%	24%	23.5%	23%	22.5%
6216.00.54	22¢/kg + 10.6%	22¢/kg + 10.1%	22¢/kg + 9.7%	22¢/kg + 9.2%	22¢/kg + 8.8%

ANNEX II

Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

r each of the following subheadings created by Annex I(a)(2) of this proclamation, on r after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-pecial subcolumn in the HTS that is followed by the symbol "CA" in parentheses is de-ted and the following rates of duty inserted in lieu thereof.

TS Provision	1993	1994	1995	1996	1997	1998
6116.10.13	12.5%	10%	7.5%	5%	2.5%	Free
6116.10.17	12.5%	10%	7.5%	5%	2.5%	Free
6116.92.64	12.5%	10%	7.5%	5%	2.5%	Free
6116.92.74	12.5%	10%	7.5%	5%	2.5%	Free
6116.92.88	5%	4%	3%	2%	1%	Free
6116.92.94	5%	4%	3%	2%	1%	Free
6116.93.64	16.5¢/kg + 3.7%	13.2¢/kg + 2.9%	9.9¢/kg + 2.2%	6.6¢/kg + 1.4%	3.3¢/kg + 0.7%	Free
6116.93.74	16.5¢/kg + 3.7%	13.2¢/kg + 2.9%	9.9¢/kg + 2.2%	6.6¢/kg + 1.4%	3.3¢/kg + 0.7%	Free
6116.93.88	9.9%	7.9%	5.9%	3.9%	1.9%	Free
6116.93.94	9.9%	7.9%	5.9%	3.9%	1.9%	Free
6116.99.48	10%	8%	6%	4%	2%	Free
6116.99.54	10%	8%	6%	4%	2%	Free
6216.00.13	12.5%	10%	7.5%	5%	2.5%	Free
6216.00.17	12.5%	10%	7.5%	5%	2.5%	Free
6216.00.38	12.5%	10%	7.5%	5%	2.5%	Free
6216.00.41	12.5%	10%	7.5%	5%	2.5%	Free
6216.00.54	11¢/kg + 5.5%	8.8¢/kg + 4.4%	6.6¢/kg + 3.3%	4.4¢/kg + 2.2%	2.2¢/kg + 1.1%	Free
6216.00.58	11¢/kg + 5.5%	8.8¢/kg + 4.4%	6.6¢/kg + 3.3%	4.4¢/kg + 2.2%	2.2¢/kg + 1.1%	Free

NNEX III

ffective with respect to goods which are the product of Israel and entered, or withdrawn om warehouse for consumption, on or after January 1, 1995.

or the following HTS provisions, on January 1, 1995, in the Rates of Duty 1-Special ubcolumn, delete the symbol (IL) and the duty rate preceding it, and insert in lieu thereof "Free" rate of duty followed by the symbol "IL" in parentheses.

6116.10.13	6116.92.94	6116.99.48	6216.00.41
6116.10.17	6116.93.64	6116.99.54	6216.00.54
6116.92.64	6116.93.74	6216.00.13	6216.00.58
6116.92.74	6116.93.88	6216.00.17	
6116.92.88	6116.93.94	6216.00.38	

roclamation 6429 of May 1, 1992

aw Day, U.S.A., 1992

y the President of the United States of America

Proclamation

lore than 200 years after the adoption of our Constitution and Bill of ights, we Americans continue to enjoy a rich heritage of liberty under aw. During this year's observance of Law Day, we celebrate that herit-ge with special pride, as peoples in new democracies around the vorld look to our Nation's founding documents—and the laws and in-titutions duly derived from them—as the surest guarantees of life, lib-rty, and property rights the world has ever known.

'he American Experience demonstrates clearly how the rule of law en-ures respect for the rights of individuals while establishing a solid oundation for responsible self-government. Our Constitution provides or the separation of powers within the Federal Government, including ur independent judiciary, and reserves to the States, or to the people,

those rights and powers that are not expressly delegated to the United States. The authority of the Federal Government comes entirely from the freely given consent of the people and is exercised only in accordance with public laws and due process. Indeed, the rule of law has endured in the United States because of the active and voluntary participation of our citizens at all levels of government, particularly the local level, and because of the deep respect that Americans have had historically for our legal system.

In recent days, the rule of law has been challenged in the most profound way. A jury verdict has been viewed by a large number of Americans as indefensible. There is, however, a difference between frustration with the law and direct assaults upon it. Those frustrated and angered by this outcome must understand: in order to remain a civilized society, we must pursue peaceful, orderly means of resolving such concerns. The wanton destruction of human life and property is not a legitimate expression of outrage with injustice; it is itself injustice. No rationalization, no matter how heartfelt, can make it otherwise. The rule of law, the belief in freedom under the law, is a precious legacy—and our only means of preserving fairness and equality and justice.

On this occasion, we rededicate ourselves with strengthened resolve to ensuring that our legal system provides justice and safety for all citizens. Equal justice under law is the unalienable right of every American. With this right comes to each of us a corresponding responsibility to do our part to make the American system of justice work effectively and fairly, so that the ideals of our Nation's Founders will continue to be achieved and the United States will remain a shining example of freedom and justice throughout the world.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, in accordance with Public Law 87–20 of April 7, 1961, do hereby proclaim May 1, 1992, as Law Day, U.S.A. I urge all Americans to observe this day by reflecting on the timeless ideals enshrined in our Declaration of Independence and Constitution and on the importance of the rule of law in protecting the rights of each individual. I ask that members of the legal profession, civic associations, and the media, as well as educators, librarians, and public officials, promote the observance of this day through appropriate programs and activities. I also call on all public officials to display the flag of the United States on all government buildings on this day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6430 of May 8, 1992

Mother's Day, 1992

By the President of the United States of America
A Proclamation

When we Americans observed a National Day of Prayer earlier this week, we not only gave thanks for our many blessings but also prayed for the renewal of our Nation's moral heritage, beginning with that most precious and important of institutions: the family. It seems fitting, therefore, that we observe Mother's Day while those prayers still echo in our thoughts. A mother is the heart of the family and the light of the home, and the love and values that she imparts to her children profoundly influence the character of our communities and country.

"All that I am," said John Quincy Adams, "my mother made me." Who of us could not say likewise? A mother is her child's first and most influential teacher, and the lessons that one learns through her love and example last a lifetime. Ranging from simple lessons about courtesy and kindness to poignant lessons about duty, honor, patience, and forgiveness, they guide us even as we rear children of our own. Indeed, the older we become, the more deeply we appreciate our mother's wisdom—as well as the many worries and sacrifices that she has endured for our sake.

Today, as we honor all women who, by virtue of giving birth or through marriage or adoption, are mothers, we remember especially those who—despite even the most difficult social and economic circumstances—help their children to grow in love of God and neighbor and in understanding of the difference between right and wrong. Through their faith and courage, and through the unconditional love and acceptance that are the mark of motherhood, these women give their children hope, self-esteem, and direction. In so doing, they give them keys to a brighter future.

In grateful recognition of the contributions that mothers everywhere make to their families and to the Nation, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 771), has designated the second Sunday in May each year as "Mother's Day" and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim that Sunday, May 10, 1992, be observed as Mother's Day. I urge all Americans to express their love and respect for their mothers on this day; to reflect on the importance of motherhood to our families and Nation; and to ask for God's blessing upon each. I also direct Federal officials to display the flag of the United States on all Federal buildings, and I encourage all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6431 of May 8, 1992

Public Service Recognition Week, 1992

By the President of the United States of America
A Proclamation

Good government is a reflection of the men and women who make it that way, and we Americans owe a great debt of gratitude to our Nation's 20 million public employees. Through their dedicated efforts at the Federal, State, and local levels, these men and women help to ensure our freedom, safety, security, and progress. Theirs is a noble yet challenging mission, and it is fitting that we set aside a week in their honor.

All public employees are dedicated to upholding the principles enshrined in our Constitution. They help to establish justice and ensure domestic tranquility by defending law and order in our communities and by providing for the day-to-day operation of our courts and corrections facilities; they provide for the common defense by supporting our military bases and by maintaining our transportation networks; and they promote the general welfare by conducting biomedical research, by ensuring the safety of our food supply, and by administering programs to aid citizens in need and preserve our environment. Finally, public employees help to secure the blessings of liberty to ourselves and our posterity by educating our children, by preserving historic documents and landmarks, and by ensuring the integrity of public elections. The contributions of government workers in these and countless other fields of endeavor have helped make possible the freedom and prosperity that we Americans enjoy today.

Americans who have chosen to engage in public service are making a profound difference in the lives of their neighbors and in the future of this country. For all their work to better the life of each American, they deserve our recognition and support.

The Congress, by House Joint Resolution 430, has designated the week beginning May 4, 1992, as Public Service Recognition Week and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of May 4 through May 10, 1992, as Public Service Recognition Week. I encourage all Americans to observe this week with appropriate programs and activities in honor of the dedicated men and women who serve our Nation as employees of Federal, State, and local government. I also invite young Americans to learn more about the important and rewarding work that is done by public employees and to consider devoting their talents and energy toward careers in government.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6432 of May 8, 1992

Infant Mortality Awareness Day, 1992

By the President of the United States of America

Proclamation

In recent years, our Nation has made significant and encouraging progress in its efforts to improve the health of mothers and infants. The Department of Health and Human Services reports that, in 1991, the infant mortality rate was 8.9 deaths per 1,000 live births—the lowest ever recorded and a continued decline from previous years. This decrease can be attributed to a number of factors, including advances in science and technology, which have enabled us to save the lives of ba- ies who are born prematurely or who develop dangerous conditions while still in the womb.

While we are justly proud of these advances and of the excellent standards of care provided in our Nation's neonatal intensive care units, we know that there is still much work to do. Several important indicators of maternal and child health, such as incidence of low birth weight and receipt of prenatal care, have not shown desired improvements. Moreover, the percentage of babies born to teenage mothers and the number of pregnant women who used one or more illegal substances during their pregnancies have increased. On this occasion, therefore, we renew our commitment to promoting maternal and child health—beginning with high quality prenatal care throughout pregnancy.

Although government cannot fulfill the primary responsibility of parents in caring for their children, officials at the Federal, State, and local levels have been working with health care professionals and other members of the private sector to help pregnant women protect the lives of their unborn children through proper nutrition and prenatal care. Prenatal care is especially important for women who are at increased medical or social risk. Today, for example, black infants have twice the risk of dying before their first birthday than do white infants. By expanding access to quality prenatal care and other family support services, we will alleviate tremendous human suffering and ensure that every child receives the best possible start in life. In addition, because the cost of preventive care is much less than the cost of caring for infants with low birth weight and other health problems, our efforts have the potential to produce substantial economic savings.

As part of our national campaign to improve maternal and child health, we have launched the Healthy Start program, a pilot project designed to bring needed information and services to pregnant women and to cut existing rates of infant mortality by half in 15 high-risk areas. Elements of the Healthy Start program include education about healthy life-styles, improved transportation to clinics and other medical facilities, the pooling of services to provide "one-stop shopping" for care, and smoking and drug abuse cessation programs. Our goal is to develop innovative programs that work, and then replicate them in other American communities. At the same time, we continue to promote public awareness of ways that each of us can help to improve maternal and child health in the United States.

As an expression of our Nation's commitment to further progress in the fight against infant mortality, the Congress, by House Joint Resolution

425, has designated May 10, 1992, as "Infant Mortality Awareness Day" and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 10, 1992, as Infant Mortality Awareness Day. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6433 of May 11, 1992

National Trauma Awareness Month, 1992

By the President of the United States of America

A Proclamation

Each year traumatic injury strikes almost one in four Americans, tragically ending the lives of some 150,000 people and afflicting millions more with temporary or permanent disabilities. This devastating loss of human life and potential is all the more regrettable because it is often preventable. In most instances, traumatic injury can be avoided; and when trauma does strike, its impact on individuals can be greatly reduced through proper treatment and rehabilitation.

While each of us is a potential trauma victim, young people are particularly vulnerable. The Department of Health and Human Services reports that traumatic injuries cause more childhood deaths than all diseases combined and account for 80 percent of all deaths among adolescents. Among all age groups, young adults who are between 25 and 44 years old account for the highest number of fatal traumatic injuries—some 50,000 deaths annually.

The economic costs of traumatic injury, including health care expenses and lost productivity, total in the tens of billions of dollars each year. We cannot, however, even begin to measure the sum of personal pain and suffering that are experienced by victims and their families.

Fortunately, the threat of traumatic injury can be reduced significantly when we use common sense and apply well-established safety precautions. We have, for example, witnessed an encouraging decline in deaths due to motor vehicle collisions—the leading cause of fatal trauma—since Americans began to increase their use of safety belts and to lower their intake of alcohol. Our success in reducing fatal motor vehicle collisions is but one indication of how much we have learned about preventing traumatic injuries.

We have also learned that, when serious traumatic injuries do occur, rapid transport, prompt treatment, and early rehabilitation of the victim provide the best means of minimizing physical, emotional, and financial costs. Thus, our Nation is indebted to the thousands of professionals and volunteers who serve on the front lines of trauma care: the

emergency medical personnel who stand ready to answer calls for assistance at all hours of the day and night; the rehabilitation specialists who work patiently with trauma victims so that they can recover as quickly and as fully as possible; and the physicians and scientists who are working to improve related therapies and technologies.

Our national commitment to overcoming traumatic injury has borne fruit. Further progress, of course, will require the continuing efforts of men and women in many fields—including health care, education, government, transportation, law, and engineering. By combining existing knowledge and proven health and safety measures with promising new developments in research, we can more successfully treat and prevent traumatic injury.

The Congress, by Public Law 102–208, has designated May 1992 as "National Trauma Awareness Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of May 1992 as National Trauma Awareness Month. I urge all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6434 of May 11, 1992

National Defense Transportation Day and National Transportation Week, 1992

By the President of the United States of America
A Proclamation

Transportation is an essential part of America—its history, its culture, its security, and its progress. Our Nation's transportation system has not only enabled our citizens to enjoy unparalleled personal mobility but also encouraged the growth of industry and commerce, thereby strengthening our American heritage of freedom and prosperity.

The United States has always been a Nation on the move. From the sea lanes that served coastal towns and cities to the wagon trails and railroad lines forged across the frontier—our transportation network made possible the settlement and development of America.

Amidst the strife of more recent wars, transportation has carried our armed forces to far-flung regions of the world and provided them with the materiel needed to defend our national interests. In each instance, millions of civilians in the transportation industry have assisted in the mobilization of our troops despite tremendous logistical challenges. Thus, transportation has played a key role in America's military preparedness, as well as in its social and economic development.

Even as we note the high levels of mobility and security that we enjoy today, we also recognize the need for continuing investments and improvements in American transportation. Efforts to strengthen our transportation infrastructure will create jobs and economic growth while enhancing the safety and efficiency of our roads, air routes, public transit systems, and waterways. This is the mandate set forth by the Intermodal Surface Transportation Efficiency Act of 1991, which I signed into law last year, and our commitment to its goals and to other objectives of our National Transportation Policy will help move us toward a bright future.

In recognition of the importance of transportation and of the millions of Americans who work to meet our transportation needs, the Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 160), has requested that the third Friday in May of each year be designated as "National Defense Transportation Day" and, by joint resolution approved May 14, 1962 (36 U.S.C. 166), that the week in which that Friday falls be proclaimed "National Transportation Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Friday, May 15, 1992, as National Defense Transportation Day and the week of May 10 through May 16, 1992, as National Transportation Week. I urge all Americans to observe these occasions with appropriate ceremonies and activities that will give due recognition to the individuals and organizations that build, operate, safeguard, and maintain our transportation system. I ask that special recognition be extended to the men and women of the United States Department of Transportation, which celebrates its 25th anniversary this year.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6435 of May 12, 1992

Small Business Week, 1992

By the President of the United States of America

A Proclamation

Small business men and women accomplish great things for our communities and country, and each year it is our privilege as Americans to join in saluting these present-day pioneers.

Through their willingness to take risks and to do the hard work that is necessary to improve existing products and services or to design, develop, and market new ones, small business people are leading America's economic productivity and innovation. Indeed, small business is the lifeblood of our Nation's free enterprise system. This resilient sector generates two of every three jobs in the United States and has been cited by forecasters as the driving force behind the more than 850,000 new jobs that were created in 1991. In addition, small businesses employ more than half of the American work force—often providing that

crucial first job to young people and other disadvantaged workers—while generating some 44 percent of all sales and 39 percent of our GNP. Today, as we look toward the vast frontier that is the 21st century, we know that small business men and women will continue to play a vital role in moving the United States forward to even greater heights of prosperity and progress.

In the future, the success of American small business will have increasing impact around the globe. Indeed, as they strive to overcome impoverishment and stagnation imposed by years of totalitarian rule, more and more of the world's emerging democracies are looking to the United States as a model of private initiative and market principles in action. Hence, it is important that we continue to promote a climate in which small businesses can thrive. This means alleviating the high cost of capital and the heavy burden of excessive government regulation, which stifle investment and creativity. Encouraging the success of small business will also require a continuing commitment to excellence in education, which is vital to producing workers who have the knowledge and skills that are necessary to excel in the increasingly competitive global marketplace. Today, it is gratifying to note that many small businesses have joined in support of AMERICA 2000, our comprehensive strategy to achieve our National Education Goals.

From their daily contributions toward our local and national economies to their generous participation in voluntary community service programs and other worthwhile endeavors, small business men and women are helping to build a better America for all of us. Thus, these enterprising individuals richly deserve our support and thanks.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 10 through May 16 as Small Business Week. I urge all Americans to join me in saluting our Nation's small business men and women by observing this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6436 of May 15, 1992

Bicentennial of the New York Stock Exchange, 1992

By the President of the United States of America

A Proclamation

When 24 New York merchants and brokers gathered on May 17, 1792, to establish rules of conduct for the exchange of securities and to buy and sell orders for those who wanted to trade, they laid the foundation for what is now one of the largest stock exchanges in the world. Today the New York Stock Exchange handles, on average, more than 200 million shares daily and plays a major role in the unique self-regulatory system that aids in the enforcement of the Nation's securities laws. At

a time when the peoples of newly emerging democracies are working to establish market economies and to promote the capital formation and investment that are cornerstones of prosperity and progress, we take special pride in the 200th anniversary of the New York Stock Exchange and in the many contributions that the NYSE has made to the development of the United States.

The New York Stock Exchange is, in many ways, a symbol of our Nation's free enterprise system and of the opportunities for savings and investment it provides to all of our citizens. Led by a private board of directors and regulated by the Securities and Exchange Commission, the NYSE offers an efficient market for the trading of securities, thereby facilitating the purchase and sale of stocks, options, futures, and other innovative financial contracts. By providing a vehicle by which businesses can acquire capital and by enabling individual and corporate investors to select portfolios that best fit their needs, the New York Stock Exchange has helped to finance the development of American industry and technology and, in so doing, contributed to the creation of countless jobs.

With 200 years of experience and growth behind them, members of today's New York Stock Exchange are helping to promote American principles of free enterprise around the world. As the economies of the United States and other nations become increasingly interdependent, and as advances in communications and other technologies transform financial markets, the future of the NYSE promises to be as eventful and as distinguished as its past.

The Congress, by Senate Joint Resolution 254, has recognized May 17, 1992, as the bicentennial of the New York Stock Exchange and has requested the President to issue a proclamation in recognition of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby invite all Americans to observe May 17, 1992, the bicentennial of the New York Stock Exchange, in recognition of that institution's role in promoting the economic vitality and growth of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6437 of May 18, 1992

Older Americans Month, 1992

By the President of the United States of America

A Proclamation

The heart of a nation may well be judged by the amount of respect that it has for its elders. Accordingly, when we pause to honor older Americans, the men and women who have helped to keep the United States free, strong, and prosperous, we show that we are a grateful people.

Older Americans constitute a living link to the past as well as a rich source of experience and wisdom for the future. They are our parents, grandparents, neighbors, and mentors, and, together, they have helped to preserve the rich legacy of freedom that we enjoy today. Through two global conflicts and the Cold War that followed, older Americans labored and sacrificed to defend the light of liberty. Through their creativity and hard work, they developed technology that has enabled us to cross new frontiers in space and science while achieving ever higher levels of industrial and agricultural productivity. Today, millions of older Americans share their talents and expertise with younger generations by engaging in voluntary service, thereby becoming Points of Light. What better way to thank our senior citizens than to ensure that they have access to the opportunities, services, and support that they so rightly deserve.

Each of us can contribute toward that important goal by joining in the National Eldercare Campaign. As part of this campaign, the Federal Government is working to promote partnerships among private voluntary organizations and State and Area Agencies on Aging. These locally established coalitions will help to address the specific needs of the at-risk elderly, thereby enabling millions of older Americans to live with dignity and security in their own homes and communities.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of May 1992 as Older Americans Month. I call on the people of the United States to observe this month with appropriate ceremonies and activities in honor of our Nation's senior citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this 18 day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6438 of May 18, 1992

National Huntington's Disease Awareness Month, 1992

By the President of the United States of America
A Proclamation

Huntington's disease is an insidious, hereditary neurological disorder that causes the gradual deterioration of one's ability to speak, move, and think. The National Institute of Neurological Disorders and Stroke reports that some 25,000 Americans have Huntington's disease, and that each of their children has a 50 percent chance of inheriting the defective gene that is associated with it.

One of the tragic facts about Huntington's disease is that it usually becomes manifest in the middle years, after an individual has established a career and a family. The estimated 125,000 Americans who are at risk of developing the disease may spend years anxiously awaiting the appearance of symptoms, such as tics, lapses in memory, and unsteadiness. If an individual develops Huntington's disease, the resulting de-

mentia, slurred speech, and uncontrollable movements progressively worsen. For those fortunate not to develop the disorder, Huntington's disease can nevertheless take an emotional and financial toll as they care for stricken loved ones.

Today, patients and their families have just cause for hope; a new era of discovery is unfolding in research on Huntington's disease. Members of the biomedical research community are aggressively pursuing studies to identify the exact location of the gene associated with Huntington's disease and to learn how it functions in the body. Once the gene is located and its mechanism of action is exposed, scientists will be able to analyze and possibly to correct the defect, thereby conquering Huntington's disease once and for all. Until scientists achieve these goals, however, affected individuals and families will continue to need our understanding and our support.

In order to enhance public awareness of Huntington's disease and to express concern for those affected by it, the Congress, by Senate Joint Resolution 251, has designated May 1992 as "National Huntington's Disease Awareness Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 1992 as National Huntington's Disease Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6439 of May 18, 1992

World Trade Week, 1992

By the President of the United States of America
A Proclamation

At no time in recent history has international commerce been so important to the economic productivity and strength of the United States. As more and more peoples around the world join the ranks of free and democratic nations and reform their economies on the basis of market principles, American business, agriculture, and industry face unprecedented opportunities and challenges. Thus, it is fitting that we pause to recognize the role of international trade in creating jobs for our citizens while spurring America's productivity and competitiveness.

Today the success of U.S. exporters is driving our Nation's economy toward stronger growth. Last year, U.S. merchandise exports soared to a record high of $422 billion. Our trade deficit dropped to $66 billion, the lowest level since 1983. Exports not only mean jobs to the men and women who develop, grow, manufacture, and market products for sale abroad but also help to bring prosperity to our communities.

This Administration will continue to work in partnership with U.S. business and industry to promote the quality of American goods and services and to eliminate barriers to free and fair trade. The United States led the way in initiating the current set of negotiations on the General Agreement on Tariffs and Trade (GATT), and we will continue to work to bring the Uruguay Round to a successful conclusion. We also remain committed to the full implementation of our Enterprise for the Americas Initiative, as well as to the completion of a North American Free Trade Agreement, which will create a thriving market of 360 million consumers and an estimated $6 trillion annual output—the largest integrated market in the world. The United States is determined to advance our free trade agenda on both the multilateral and bilateral levels.

There remains tremendous export potential in America today, and much of it lies with small- and medium-sized companies. In fact, while the United States leads the world in exports, just 15 percent of our exporters account for more than 60 percent of the value of goods shipped across our borders. American businesses and industries, large and small, must take advantage of recent events in the world marketplace and recommit themselves to the aggressive pursuit of export markets abroad. The Trade Promotion Coordinating Committee, which is chaired by the Secretary of Commerce and comprised of 18 Federal agencies, was established to coordinate government export programs and to assist American businesses in their exporting efforts.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 17 through May 23, 1992, as World Trade Week. I encourage all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6440 of May 19, 1992

National Maritime Day, 1992

By the President of the United States of America

A Proclamation

This year, as we celebrate the 500th anniversary of Christopher Columbus' historic first journey to the Americas, we are especially mindful of our Nation's rich maritime history. The development of the American colonies was made possible by merchant ships, and commercial vessels later played a key role in our Nation's struggle for independence. Since that time, our civilian seafarers have continued to contribute to the freedom and security of the United States, as well as to its trade and commerce. Thus, it is with great pride and appreciation that we pause to honor the American merchant marine.

America's civilian seafarers uphold a long and distinguished tradition of service to our country, a legacy that includes outstanding contributions in peacetime and in time of peril. During the Revolutionary War, merchant craft supplemented the 34 ships of the Continental Navy and captured and sank some 600 British vessels, thereby frustrating enemy shipping and hastening the American victory. During World War II, the United States merchant marine provided a vital lifeline for liberty as it helped to transport materiel and reinforcements to American and Allied forces around the world. More than 700 U.S.-flag merchant ships were lost to enemy attacks during that conflict, and more than 6,000 civilian sailors gave their lives in support of the effort to defeat tyranny and aggression. We remain grateful to each of them.

Our Nation is also grateful to the merchant sailors who contributed to the success of Operations Desert Shield and Desert Storm a little over a year ago. Like generations who have gone before them, these civilian seafarers demonstrated an impressive degree of readiness, patriotism, and skill.

While past periods of armed conflict underscore the importance of a strong sealift capacity to the United States, on this occasion we also note the contributions that our merchant marine makes each day to our Nation's economic security and competitiveness. By carrying American agricultural products and other goods to foreign markets, merchant vessels contribute to our balance of payments and create jobs and opportunities for our citizens. Although our transportation system has expanded dramatically since the colonial era, shipping remains a vital part of U.S. trade and commerce.

The freedom and prosperity that we Americans enjoy today have been made possible with the help of our merchant marine, and it is fitting that we offer this special salute to our civilian seafarers, port terminal operators, and all those who serve in this Nation's maritime industries.

In recognition of the importance of the U.S. merchant marine, the Congress, by joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" and has requested the President to issue annually a proclamation calling for its appropriate observance. This date was chosen to commemorate the day in 1819 when the SS SAVANNAH left Savannah, Georgia, on the first transatlantic steamship voyage.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 22, 1992, as National Maritime Day. I encourage all Americans to observe this day by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

oclamation 6441 of May 20, 1992

tional Foster Care Month, 1992

the President of the United States of America
Proclamation

the first and most fundamental of all social institutions and as the ary source of love, identity, and support that every individual eds and deserves, the family is the very foundation of our commuies and Nation. The future of the United States depends on the staity and well-being of its families, and we are deeply indebted to se Americans who work to assist them—particularly in times of ed. This month, we express special gratitude toward the providers foster care.

ster families are called on most frequently to supply guardianship d guidance to children whose biological parents are unable to proe an acceptable level of care for them. The Department of Health d Human Services reports that approximately 407,000 children in United States currently live in foster care. The more than 250,000 ensed foster families who have generously accepted these children temporary or perhaps permanent alternative placement not only et their basic needs for food, clothing, and shelter but also offer m affection, encouragement, moral direction, and discipline.

cause foster parents shape young hearts and minds in addition to ening the physical well-being of children in their care, the support d training that these adults receive are highly important. Indeed, fosparents merit recognition as vital members of a team that includes cial service providers, attorneys and law enforcement officials, mems of the clergy, and others who are dedicated to assisting children d families. Together with fellow members of our Nation's foster care tem, foster parents play an essential role in efforts to strengthen and nite troubled families or, when appropriate, in efforts to ease a ld's transition to a permanent, loving adoptive home—perhaps even foster family's own.

recognition of the contributions that foster families make to the ll-being of children and the Nation, the Congress, by House Joint solution 388, has designated the month of May 1992 as "National ster Care Month" and has authorized and requested the President to ue a proclamation in observance of this month.

OW, THEREFORE, I, GEORGE BUSH, President of the United States America, do hereby proclaim the month of May 1992 as National ster Care Month. I call on all Americans to observe this month with propriate programs and activities in honor of those generous individls who share their lives with foster children.

WITNESS WHEREOF, I have hereunto set my hand this twentieth y of May, in the year of our Lord nineteen hundred and ninety-two, d of the Independence of the United States of America the two huned and sixteenth.

GEORGE BUSH

Proclamation 6442 of May 21, 1992

Prayer for Peace Memorial Day, 1992

By the President of the United States of America
A Proclamation

Summer might well be described as the season of liberty—during this delightful time of year, millions of schoolchildren enjoy a welcome respite from the classroom while their parents and countless other Americans plan and participate in family vacations, Fourth of July picnics, and other activities that remind us of how very fortunate we are to live in this great land of freedom and opportunity. Thus, it is fitting that before we Americans celebrate the arrival of summer, we set aside a special day in honor of all those brave and selfless individuals who have died to defend our freedom and security. The peace, liberty, and prosperity with which we are blessed would not have been possible without their great sacrifices, and on Memorial Day we remember each of them with solemn pride and gratitude.

Whether we observe the occasion through public ceremony or through private prayer, Memorial Day leaves few hearts unmoved. Each of the patriots whom we remember on this day was first a beloved son or daughter, a brother or sister, or a spouse, friend, and neighbor. Each had hopes, plans, and dreams not unlike our own. The loss of these Americans—indeed, the loss of any human life to war—fills us with sorrow and with strengthened resolve to work for peace.

Yet it would be a great injustice to our fallen service members to observe the day solely as one of mourning. Henry Ward Beecher may have explained it best when he said:

> They that die for a good cause are redeemed from death . . . . Are they dead that yet move upon society and inspire the people with nobler motives and more heroic patriotism? Ye that mourn let gladness mingle with your tears. It was your son, but now he is the Nation's. He made your household bright; now his example inspires a thousand households.

The men and women who gave their lives in service to our country were dedicated to the worthy cause of freedom, and not one of them died in vain. From colonial America to the Persian Gulf, from places such as the Argonne to Normandy, Inchon, and Da Nang—they fought and sacrificed so others might live in peace, free from the fear of tyranny and aggression. On this Memorial Day, our hearts should swell with thankfulness and pride as we reflect on our Nation's enduring heritage of liberty under law and on the continuing expansion of democratic ideals around the globe.

Today, inspired by the selfless actions and by the noble legacy of our Nation's war dead, let us rededicate ourselves to the unfinished work of which President Lincoln spoke at Gettysburg. Let us renew our determination to promote respect for human rights and the rule of law, and let us pray for fortitude and discernment as we go about that unending task.

The Congress, by a joint resolution approved on May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of

ayer for permanent peace and designating a period on that day when e people of the United States might unite in prayer.

OW, THEREFORE, I, GEORGE BUSH, President of the United States America, do hereby designate Memorial Day, May 25, 1992, as a day prayer for permanent peace, and I designate the hour beginning in ch locality at 11 o'clock in the morning of that day as a time to unite prayer. I urge the members of the media to cooperate in this observ- ice.

also request the Governors of the United States and the Common- ealth of Puerto Rico, and the appropriate officials of all units of gov- nment, to direct that the flag be flown at half-staff until noon during s Memorial Day on all buildings, grounds, and naval vessels oughout the United States and in all areas under its jurisdiction and ntrol. I also request the people of the United States to display the ig at half-staff from their homes for the customary forenoon period.

WITNESS WHEREOF, I have hereunto set my hand this twenty-first iy of May, in the year of our Lord nineteen hundred and ninety-two, id of the Independence of the United States of America the two hun- ed and sixteenth.

GEORGE BUSH

oclamation 6443 of June 4, 1992

Veek for the National Observance of the 50th Anniversary of World War II, 1992

the President of the United States of America

Proclamation

a time when more and more nations are adopting systems of govern- nt based on respect for human rights, it may be difficult for many ung Americans to fathom the days when the very existence of free- m stood at the heart of a fierce global battle—one in which the Unit- States and its Allies faced totalitarian regimes intent on achieving gional hegemony and world domination. Yet remember those days e must, because however remote the events of a half-century ago may pear today, World War II offers lessons that are vital to the contin- ed preservation of our freedom and security.

its most fundamental level, World War II was a struggle to preserve ir way of life. As President Franklin Roosevelt said in late 1941:

> What we face is nothing more or less than an attempt to overthrow and to cancel out the great upsurge of human liberty of which the American Bill of Rights is the fundamental document: to force the peoples of the earth . . . to accept again the absolute authority and despotic rule from which the courage and the resolution and the sacrifices of their ancestors liberated them many, many years ago.

uring World War II, the United States and its Allies were pitted ainst tyrannical regimes that would brutally deny the God-given ghts and dignity of the individual, that would repress freedom of eech and subordinate the individual and family to the whims of the

state, and that would exterminate entire peoples while enslaving others through systematic intimidation, repression, and the use of force.

The people of the United States met this threat with an extraordinary display of unity, courage, and resolve. By January 1, 1942, only a few weeks after the attack on Pearl Harbor, more than 100,000 Americans rushed to enlist in the Armed Forces. Before the war ended, more than 16,000,000 Americans would serve in uniform, and some 400,000 would make the supreme sacrifice in the defense of freedom. In the first year of our Nation's participation in World War II, as U.S. and Allied forces fought in places such as Bataan and Corregidor, the North Atlantic, and the Coral Sea, countless citizens prayed at home, church, and school while millions of others worked virtually around-the-clock to maximize the production of our farms, factories, mines, and shipyards. Tested and proven in historic victories at Midway and Guadalcanal, in General MacArthur's celebrated "leapfrog" up the 1,500-mile coast of New Guinea, and in daring Allied campaigns across North Africa, this united front against tyranny would not falter or fail throughout the remaining years of the war.

We Americans have learned many lessons from our experience in World War II, one of the first being that no aggressor, no matter how ruthless or cunning, can match the loyalty and devotion of a free people to the ideals of liberty and self-government. Americans also learned, as President Roosevelt said, "that we cannot live alone, at peace; that our well-being is dependent on the well-being of other nations far away." The Allied victory in World War II affirmed U.S. leadership in global affairs and underscored the importance of promoting constructive dialogue among nations in an increasingly interdependent world.

Clearly, the lessons of World War II are timeless. When we reflect on the course of events 50 years ago and then consider the recent emergence of democratic nations around the globe, we recognize, as did President Truman, that the spirit of liberty and the inherent dignity and freedom of the individual "are the strongest and toughest and most enduring forces in all the world."

This week, as we celebrate our freedom in our places of worship and in our halls of government, in private thanksgiving and in public ceremony, let us honor our Nation's World War II veterans, especially the infirm and the hospitalized, and let us remember with grateful prayers those heroic individuals who died in battle so that others might live in freedom, peace, and safety. Finally, let us commit to memory the lessons of World War II and strive, through our constant vigilance and labors, to make them the basis of larger freedom and lasting peace among all humankind.

The Congress, by Public Law 102–290, has designated the week beginning May 31, 1992, as a "Week for the National Observance of the 50th Anniversary of World War II."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of May 31 through June 6, 1992, as a Week for the National Observance of the 50th Anniversary of World War II. I call on all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 4 day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6444 of June 10, 1992

Flag Day and National Flag Week, 1992

By the President of the United States of America
A Proclamation

"I have seen the glories of art and architecture," said Senator George Frisbie Hoar over a century ago, ". . . and the full moon rise over Mont Blanc; but the fairest vision on which these eyes ever looked was the flag of my country in a foreign land." As the great emblem of the United States, the Stars and Stripes has symbolized freedom and secu-ity to millions of people around the world. To the U.S. citizen abroad, Old Glory has offered comfort and reassurance, calling to mind the love of liberty that unites all Americans, wherever we may be. To the ervice member standing watch at some distant, lonely post, the flag as recalled the pride and support of our Nation—as well as the example of earlier patriots who likewise labored and sacrificed in the defense of liberty. While the flag has inspired deeper feelings of patriotism and duty among generations of Americans, it has also moved the hearts of countless other peoples, who have seen in its bright hues and gentle folds the shining promise of freedom—and the character of a Nation whose might and strength have been devoted to the service of justice and humanity.

enerations of American children have learned to show respect for the flag by reciting the Pledge of Allegiance, which is 100 years old this ear. As we celebrate the centennial of this simple yet stirring promise, we know that it is much, much more than a mnemonic verse for school oys and girls. Rather, it is—as its author, Francis Bellamy, had hoped it would be—an ageless creed that embodies "the fundamental idea of atriotic citizenship, comprehending in broadest lines the spirit of our istory and the deepest aim of our National life." When we recite the Pledge and promise our allegiance to this "one Nation, under God, indivisible, with liberty and justice for all," we reaffirm both the unity of our people and what President Eisenhower aptly described as "the transcendence of religious faith in America's heritage and future." As the Pledge of Allegiance states so eloquently, we Americans believe in Almighty God, the Source of all life and liberty; we believe in the inerent and unalienable rights and dignity of each human being; and we believe in equal opportunity, as well as equal protection of the law, for every citizen. Those are the convictions embodied by our flag, and those are the convictions that must ever be our guide, our hope, and our example to the world.

o commemorate the adoption of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of

each year as Flag Day. The Congress also requested the President, by joint resolution approved June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim June 14, 1992, as Flag Day and the week beginning June 14, 1992, as National Flag Week. I direct the appropriate officials of the government to display the flag of the United States on all government buildings during that week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

I also urge the American people to celebrate those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211) as a time to honor America, by having public gatherings and activities at which they can honor our country in an appropriate manner, including publicly reciting the Pledge of Allegiance. On June 14, communities across the United States will join in a special "Pause for the Pledge of Allegiance" program in honor of the 100th anniversary of this tribute to our flag.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6445 of June 15, 1992

Agreement on Trade Relations Between the United States of America and the Republic of Albania

By the President of the United States of America
A Proclamation

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of Albania to conclude an agreement on trade relations between the United States of America and Albania.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the United States of America and the Republic of Albania," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Albanian, was signed on May 14, 1992, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation.

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVII of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended, do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of Albania, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVII of said Agreement. The United States Trade Representative shall publish notice of the effective date in the **Federal Register**.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Albania".

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

AGREEMENT ON TRADE RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ALBANIA

The United States of America and the Republic of Albania (hereinafter referred to collectively as "Parties" and individually as "Party"),

Affirming that the evolution of market-based economic institutions and the strengthening of the private sector will aid the development of mutually beneficial trade relations,

Acknowledging that the development of trade relations and direct contact between nationals and companies of both Parties will promote openness and mutual understanding,

Considering that expanded trade relations between the Parties will contribute to the general well-being of the peoples of each Party,

Recognizing that development of bilateral trade may contribute to better mutual understanding and cooperation and promote respect for internationally recognized worker rights,

Taking into account Albania's membership in the International Monetary Fund and the International Bank for Reconstruction and Development and the prospects for economic reform and restructuring of the economy,

Having agreed that economic ties are an important and necessary element in the strengthening of their bilateral relations,

Being convinced that an agreement on trade relations between the two Parties will best serve their mutual interests, and

Desiring to create a framework which will foster the development and expansion of commercial ties between their respective nationals and companies,

Have agreed as follows:

Article I—Most Favored Nation and Nondiscriminatory Treatment

1. Each Party shall accord unconditionally to products originating in or exported to the territory of the other Party treatment no less favorable than that accorded to like products originating in or exported to the territory of any third country in all matters relating to:

(a) customs duties and charges of any kind imposed on or in connection with importation or exportation, including the method of levying such duties and charges;

(b) methods of payment for imports and exports, and the international transfer of such payments;

(c) rules and formalities in connection with importation and exportation, including those relating to customs clearance, transit, warehouses and transshipment;

(d) taxes and other internal charges of any kind applied directly or indirectly to imported products; and

(e) laws, regulations and requirements affecting the sale, offering for sale, purchase, transportation, distribution, storage and use of products in the domestic market.

2. Each Party shall accord to products originating in or exported to the territory of the other Party nondiscriminatory treatment with respect to the application of quantitative restrictions and the granting of licenses.

3. Each Party shall accord to imports of products and services originating in the territory of the other Party nondiscriminatory treatment with respect to the allocation of and access to the currency needed to pay for such imports.

4. The provisions of paragraphs 1 and 2 shall not apply to:

(a) advantages accorded by either Party by virtue of such Party's full membership in a customs union or free trade area;

(b) advantages accorded to adjacent countries for the facilitation of frontier traffic;

(c) actions by either Party which are required or permitted by the General Agreement on Tariffs and Trade (the "GATT") (or by any joint action or decision of the Contracting Parties to the GATT) during such time as such Party is a Contracting Party to the GATT and special advantages accorded by virtue of the GATT; and

(d) actions taken under Article XI (Market Disruption) of this Agreement.

5. The provisions of paragraph 2 of this Article shall not apply to Albanian exports of textiles and textile products.

Article II—Market Access for Products and Services

1. Each Party shall administer all tariff and nontariff measures affecting trade in a manner which affords, with respect to both third country and domestic competitors, meaningful competitive opportunities for products and services of the other Party.

2. Accordingly, neither Party shall impose, directly or indirectly, on the products of the other Party imported into its territory, internal taxes or charges of any kind in excess of those applied, directly or indirectly, to like domestic products.

3. Each Party shall accord to products originating in the territory of the other Party treatment no less favorable than that accorded to like domestic products in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, storage or use.

4. The charges and measures described in paragraphs 2 and 3 of this Article should not be applied to imported or domestic products so as to afford protection to domestic production.

5. The Parties shall ensure that technical regulations and standards are not prepared, adopted or applied with a view to creating obstacles to international trade or to protect domestic production. Furthermore, each Party shall accord products imported from the territory of the other Party treatment no less favorable than that accorded to like domestic products and to like products originating in any third country in relation to such technical regulations or standards, including conformity testing and certification.

6. The Government of the Republic of Albania shall accede to the Convention Establishing the Customs Cooperation Council and the International Convention on the Harmonized Commodity Description and Coding System, and shall take all necessary measures to implement entry into force of such Conventions with respect to the Republic of Albania. The United States of America shall endeavor to provide technical assistance, as appropriate, for the implementation of such measures.

Article III—General Obligations With Respect to Trade

1. The Parties agree to maintain a satisfactory balance of market access opportunities, including through concessions in trade in products and

services and through the satisfactory reciprocation of reductions in tariffs and nontariff barriers to trade resulting from multilateral negotiations.

2. Trade in products and services shall be effected by contracts between nationals and companies of both Parties concluded on the basis of nondiscrimination and in the exercise of their independent commercial judgment and on the basis of customary commercial considerations such as price, quality, availability, delivery, and terms of payment.

3. Neither Party shall require or encourage its nationals or companies to engage in barter or countertrade transactions. Nevertheless, where nationals or companies decide to resort to barter or countertrade operations, the Parties will encourage them to furnish to each other all necessary information to facilitate the transaction.

Article IV—Expansion and Promotion of Trade

1. The Parties affirm their desire to expand trade in products and services consistent with the terms of this Agreement. They shall take appropriate measures to encourage and facilitate trade in goods and services and to secure favorable conditions for long-term development of trade relations between their respective nationals and companies.

2. The Parties shall take appropriate measures to encourage the expansion of commercial contacts with a view to increasing trade. In this regard, the Government of the Republic of Albania expects that, during the term of this Agreement, nationals and companies of the Republic of Albania shall increase their orders in the United States for products and services, while the United States expects that the effect of this Agreement shall be to encourage increased purchases by nationals and companies of the United States of products and services from the Republic of Albania. Toward this end, the Parties shall publicize this Agreement and ensure that it is made available to all interested parties.

3. Each Party shall encourage and facilitate the holding of trade promotional events such as fairs, exhibitions, missions and seminars in its territory and in the territory of the other Party. Similarly, each Party shall encourage and facilitate the participation of its respective nationals and companies in such events. Subject to the laws in force within their respective territories, the Parties agree to allow the import and reexport on a duty free basis of all articles for use in such events, provided that such articles are not sold or otherwise transferred.

Article V—Government Commercial Offices

1. Subject to its laws and regulations governing foreign missions, each Party shall allow government commercial offices to hire directly host-country nationals and, subject to immigration laws and procedures, third-country nationals.

2. Each Party shall ensure unhindered access of host-country nationals to government commercial offices of the other Party.

3. Each Party shall encourage the participation of its nationals and companies in the activities of the other Party's government commercial offices, especially with respect to events held on the premise of such commercial offices.

4. Each Party shall encourage and facilitate access by government commercial office personnel of the other Party to host-country officials at both the national and subnational level, and representatives of nationals and companies of the host Party.

Article VI—Business Facilitation

1. Each Party shall afford commercial representations of the other Party fair and equitable treatment with respect to the conduct of their operations.

2. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit the establishment within its territory of commercial representations of nationals and companies of the other Party and shall accord such representations treatment at least as favorable as that accorded to commercial representations of nationals and companies of third countries.

3. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit such commercial representations established in its territory to hire directly employees who are nationals of either Party or of third countries and to compensate such employees on terms and in a currency that is mutually agreed between the parties, consistent with such Party's minimum wage laws.

4. Each Party shall permit commercial representations of the other Party to import and use in accordance with normal commercial practices, office and other equipment, such as typewriters, photocopiers, computers and telefax machines in connection with the conduct of their activities in the territory of such Party.

5. Each Party shall permit, on a nondiscriminatory basis and at nondiscriminatory prices (where such prices are set or controlled by the government), commercial representations of the other Party access to and use of office space and living accommodations, whether or not designated for use by foreigners. The terms and conditions of such access and use shall in no event be on a basis less favorable than that accorded to commercial representations of nationals and companies of third countries.

6. Subject to its laws and procedures governing immigration, each Party shall permit nationals and companies of the other Party to engage agents, consultants and distributors of either Party and of third countries on prices and terms mutually agreed between the parties.

7. Subject to its immigration laws and procedures, each Party shall permit nationals and companies of the other Party to serve as agents, consultants and distributors of nationals and companies of either Party and of third countries on prices and terms mutually agreed between the parties.

8. Each Party shall permit nationals and companies of the other Party to advertise their products and services (a) through direct agreement

with the advertising media, including television, radio, print and billboard, and (b) by direct mail, including the use of enclosed envelopes and cards preaddressed to that national or company.

9. Each Party shall encourage direct contact, and permit direct sales, between nationals and companies of the other Party and end-users and other customers of their goods and services, and with agencies and organizations whose decisions will affect potential sales.

10. Each Party shall permit nationals and companies of the other Party to conduct market studies, either directly or by contract, within its territory. To facilitate the conduct of market research, each Party shall upon request make available non-confidential, non-proprietary information within its possession to nationals and companies of the other Party engaged in such efforts.

11. Each Party shall provide nondiscriminatory access to governmentally-provided products and services, including public utilities, to nationals and companies of the other Party in connection with the operation of their commercial representations.

12. Each Party shall permit commercial representations to stock an adequate supply of samples and replacement parts for aftersales service on a non-commercial basis.

13. Neither Party shall impose measures which unreasonably impair contractual or property rights or other interests acquired within its territory by nationals and companies of the other Party.

Article VII—Transparency

1. Each Party shall make available publicly on a timely basis all laws and regulations related to commercial activity, including trade, investment, taxation, banking, insurance and other financial services, transport and labor. Each Party shall also make such information available in reading rooms in its own capital and in the capital of the other Party.

2. Each Party shall provide nationals and companies of the other Party with access to available non-confidential, non-proprietary data on the national economy and individual sectors, including information on foreign trade.

3. Each Party shall allow the other Party the opportunity to comment on the formulation of rules and regulations which affect the conduct of business activities.

Article VIII—Financial Provisions Relating to Trade in Products and Services

1. Unless otherwise agreed between the parties to individual transactions, all commercial transactions between nationals and companies of the Parties shall be made in United States dollars or any other currency that may be designated from time to time by the International Monetary Fund as being a freely usable currency.

2. Neither Party shall restrict the transfer from its territory of convertible currencies or deposits, or instruments representative thereof, obtained in connection with trade in products and services by nationals and companies of the other Party.

3. Nationals and companies of a Party holding currency of the other Party received in an authorized manner may deposit such currency in financial institutions located in the territory of the other Party and may maintain and use such currency for local expenses.

4. Without derogation from paragraphs 2 or 3 of this Article, in connection with trade in products and services, each Party shall grant to nationals and companies of the other Party the better of most-favored-nation or national treatment with respect to:

(a) opening and maintaining accounts, in both local and foreign currency, and having access to funds deposited, in financial institutions located in the territory of the Party;

(b) payments, remittances and transfers of convertible currencies, or financial instruments representative thereof, between the territories of the two Parties, as well as between the territory of that Party and that of any third country;

(c) rates of exchange and related matters, including access to freely usable currencies, such as through currency auctions; and

(d) the receipt and use of local currency and its use for local expense.

Article IX—Protection of Intellectual Property Rights

1. Each Party shall provide adequate and effective protection and enforcement for patents, trademarks, copyrights, trade secrets, industrial designs and layout designs for integrated circuits. Each Party agrees to adhere to the Paris Convention for the Protection of Industrial Property as revised at Stockholm in 1967, the Berne Convention for the Protection of Literary and Artistic Works as revised at Paris in 1971, the Universal Copyright Convention of September 6, 1952 as revised at Paris on July 24, 1971, and the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (1971).

2. To provide adequate and effective protection and enforcement of intellectual property rights, each Party shall, *inter alia*, observe the following commitments:

(a) Copyright and related rights

(i) Each Party shall protect the works listed in Article 2 of the Berne Convention (Paris 1971) and any other works now known or later developed, that embody original expressions within the meaning of the Berne Convention, not limited to the following:

(1) all types of computer programs (including application programs and operating systems) expressed in any language, whether in source or object code which shall be protected as literary works and works created by or with the use of computers; and

(2) collections or compilations of protected or unprotected material or data whether in print, machine readable or any other medium, including data bases, which shall be protected if they constitute intellectual creation by reason of the selection, coordination, or arrangement of their contents.

(ii) Rights in works protected pursuant to paragraph 2(a)(i) of this Article shall include, *inter alia*, the following:

(1) the right to import or authorize the importation into the territory of the Party of lawfully made copies of the work as well as the right to prevent the importation into the territory of the Party of copies of the work made without the authorization of the right-holder;

(2) the right to make the first public distribution of the original or each authorized copy of a work by sale, rental, or otherwise; and

(3) the right to make a public communication of a work (*e.g.*, to perform, display, project, exhibit, broadcast, transmit, or retransmit a work); the term "public" shall include:

(A) communicating a work in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or

(B) communicating or transmitting a work, a performance, or a display of a work, in any form, or by means of any device or process to a place specified in clause 2(a)(ii)(3)(A) or to the public, regardless of whether the members of the public capable of receiving such communications can receive them in the same place or separate places and at the same time or at different times.

(iii) Each Party shall extend the protection afforded under paragraph 2(a)(ii) of this Article to authors of the other Party, whether they are natural persons or, where the other Party's domestic law so provides, companies and to their successors in title.

(iv) Each Party shall permit protected rights under paragraph 2(a)(ii) of this Article to be freely and separately exploitable and transferable. Each Party shall also permit assignees and exclusive licensees to enjoy all rights of their assignors and licensors acquired through voluntary agreements, and be entitled to enjoy and exercise their acquired exclusive rights.

(v) In cases where a Party measures the term of protection of a work from other than the life of the author, the term of protection shall be no less than 50 years from authorized publication, or, failing such authorized publication within 50 years from the making of the work, 50 years after the making.

(vi) Each Party shall confine any limitations or exceptions to the rights provided under paragraph 2(a)(ii) of this Article (including any limitations or exceptions that restrict such rights to "public" activity) to clearly and carefully defined special cases which do not impair an actual or potential market for or the value of a protected work.

(vii) Each Party shall ensure that any compulsory or non-voluntary license (or any restriction of exclusive rights to a right of remuneration) shall provide means to ensure payment and remittance of royalties at a level consistent with what would be negotiated on a voluntary basis.

(viii) Each Party shall, at a minimum, extend to producers of sound recordings the exclusive rights to do or to authorize the following:

(1) to reproduce the recording by any means or process, in whole or in part; and

(2) to exercise the importation and exclusive distribution and rental rights provided in paragraphs 2(a)(ii)(1) and (2) of this Article.

(ix) Paragraphs 2(a)(iii), 2(a)(iv) and 2(a)(vi) of this Article shall apply *mutatis mutandis* to sound recordings.

(x) Each Party shall:

(1) protect sound recordings for a term of at least 50 years from publication; and

(2) grant the right to make the first public distribution of the original or each authorized sound recording by sale, rental, or otherwise except that the first sale of the original or such sound recording shall not exhaust the rental or importation right therein (the "rental right" shall mean the right to authorize or prohibit the disposal of the possession of the original or copies for direct or indirect commercial advantage).

(xi) Parties shall not subject the acquisition and validity of intellectual property rights in sound recordings to any formalities, and protection shall arise automatically upon creation of the sound recording.

(b) Trademarks

(i) Protectable Subject Matter

(1) Trademarks shall consist of at least any sign, words, including personal names, designs, letters, numerals, colors, the shape of goods or of their packaging, provided that the mark is capable of distinguishing the goods or services of one national or company from those of other nationals or companies.

(2) The term "trademark" shall include service marks, collective and certification marks.

(ii) Acquisition of Rights

(1) A trademark right may be acquired by registration or by use. Each Party shall provide a system for the registration of trademarks. Use of a trademark may be required as a prerequisite for registration.

(2) Each Party shall publish each trademark either before it is registered or promptly after it is registered and shall afford other parties a reasonable opportunity to petition to cancel the registration. In addition, each Party may afford an opportunity for the other Party to oppose the registration of a trademark.

(3) The nature of the goods or services to which a trademark is to be applied shall in no case form an obstacle to registration of the trademark.

(iii) Rights Conferred

(1) The owner of a registered trademark shall have exclusive rights therein. He shall be entitled to prevent all third parties not having his consent from using in commerce identical or similar signs for

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goods or services which are identical or similar to those in respect of which the trademark is protected, where such use would result in a likelihood of confusion.

(2) Each Party shall refuse to register or shall cancel the registration and prohibit use of a trademark likely to cause confusion with a trademark of another which is considered to be well-known. A Party may not require that the reputation of the trademark extend beyond the sector of the public which normally deals with the relevant goods or services.

(3) The owner of a trademark shall be entitled to take action against any unauthorized use which constitutes an act of unfair competition or passing off.

(iv) Term of Protection

The registration of a trademark shall be indefinitely renewable for terms of no less than 10 years when conditions for renewal have been met. Initial registration of a trademark shall be for a term of at least 10 years.

(v) Requirement of Use

(1) If use of a registered mark is required to maintain trademark rights, the registration may be cancelled only after an uninterrupted period of at least two years of non-use, unless legitimate reasons for non-use exist. Use of the trademark with the consent of the owner shall be recognized as use of the trademark for the purpose of maintaining the registration.

(2) Legitimate reasons for non-use shall include non-use due to circumstances arising independently of the will of the trademark holder (such as import restrictions on or other government requirements for products protected by the trademark) which constitute an obstacle to the use of the mark.

(vi) Other Requirements

The use of a trademark in commerce shall not be encumbered by special requirements, such as use which reduces the function of a trademark as an indication of source or use with another trademark.

(vii) Compulsory Licensing

Compulsory licensing of trademarks shall not be permitted.

(viii) Transfer

Trademark registrations may be transferred.

(c) Patents

(i) Patentable Subject Matter

(1) Patents shall be available for all inventions, whether they concern products or processes, in all fields of technology.

(2) Parties may exclude from patentability any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon.

(ii) Rights Conferred

(1) A patent shall confer the right to prevent others not having the patent owner's consent from making, using, or selling the subject

matter of the patent. In the case of a patented process, the patent confers the right to prevent others not having consent from using that process and from using, selling, or importing at least the product obtained directly by that process.

(2) Where the subject matter of a patent is a process for obtaining a product, each Party shall provide that the burden of establishing that an alleged infringing product was not made by the process shall be on the alleged infringer at least in one of the following situations:

(A) the product is new, or

(B) a substantial likelihood exists that the product was made by the process and the patent owner has been unable through reasonable efforts to determine the process actually used.

In gathering and evaluation of evidence to the contrary, the legitimate interests of the defendant in protecting his manufacturing and business secrets shall be taken into account.

(3) A patent may only be revoked on grounds that would have justified a refusal to grant the patent.

(iii) Exceptions

Each Party may provide limited exceptions to the exclusive rights conferred by a patent, such as for acts done for experimental purposes, provided that the exceptions do not significantly prejudice the economic interests of the right-holder.

(iv) Term of Protection

Each Party shall provide a term of protection of at least 20 years from the date of filing of the patent application or 17 years from the date of grant of the patent. Each Party is encouraged to extend the term of patent protection, in appropriate cases, to compensate for delays caused by regulatory approval processes.

(v) Transitional Protection

A Party shall provide transitional protection for chemical products, including pharmaceuticals and agricultural chemicals, for which it did not provide product patent protection prior to its implementation of this Agreement, provided the following conditions are satisfied:

(1) the subject matter to which the product relates will become patentable after implementation of this Agreement;

(2) the product is subject to premarket regulatory review in the territory of the other Party and a patent has been issued for the product by the other Party or an application is pending for the product with the other Party prior to the date on which the subject matter to which the product relates becomes patentable in the territory of the Party providing transitional protection; and

(3) the product has not been marketed in the territory of the Party providing such transitional protection.

The owner of a patent or of a pending application for a product satisfying the conditions set forth above shall have the right to submit a copy of the patent or provide notification of the existence of a pending application with the other Party, to the Party providing transitional protection. These submissions and notifications shall take place any

time after the implementation of the new Albanian patent law, and Albanian authorities shall accept such submissions for a period of no less than 1 year from the date of implementation of the law. In the case of a pending application, the applicant shall notify the competent Albanian authorities of the issuance of a patent based on his application within six months of the date of grant by the other Party. The Party providing transitional protection shall limit the right to make, use, or sell the product in its territory to such owner for a term to expire with that of the patent submitted. Such protection may be implemented through a confirmation patent system.

(vi) Compulsory Licenses

(1) Each Party may limit the patent owner's exclusive rights through compulsory licenses but only:

(A) to remedy an adjudicated complaint based on competition laws;

(B) to address, only during its existence, a declared national emergency; and

(C) to enable compliance with national air pollutant standards, where compulsory licenses are essential to such compliance.

(2) Where the law of a Party allows for the grant of compulsory licenses, such licenses shall be granted in a manner which minimizes distortions of trade, and the following provisions shall be respected:

(A) Compulsory licenses shall be non-exclusive and non-assignable except with that part of the enterprise or goodwill which exploits such license.

(B) The payment of remuneration to the patent owner adequate to compensate the patent owner fully for the license shall be required, except for compulsory licenses to remedy adjudicated violations of competition law.

(C) Each case involving the possible grant of a compulsory license shall be considered on its individual merits.

(D) Any compulsory license shall be revoked when the circumstances which led to its granting cease to exist, taking into account the legitimate interests of the patent owner and of the licensee. The continued existence of these circumstances shall be reviewed upon request of the patent owner.

(E) Judicial review shall be available for:

(1) decisions to grant compulsory licenses, except in the instance of a declared national emergency,

(2) decisions to continue compulsory licenses, and

(3) the compensation provided for compulsory licenses.

(d) Layout-Designs of Semiconductor Chips

(i) Subject Matter for Protection

(1) Each Party shall provide protection for original layout-designs incorporated in a semiconductor chip, however the layout-design might be fixed or encoded.

(2) Each Party may condition protection on fixation or registration of the layout-designs. If registration is required, applicants shall

be given at least two years from first commercial exploitation of the layout-design in which to apply. A Party which requires deposits of identifying material or other material related to the layout-design shall not require applicants to disclose confidential or proprietary information unless it is essential to allow identification of the layout-design.

(ii) Rights Acquired

(1) Each Party shall provide to owners of rights in integrated circuit lay-out designs of the other Party the exclusive right to do or to authorize the following:

(A) to reproduce the layout-design;

(B) to incorporate the layout-design in a semiconductor chip; and

(C) to import or distribute a semiconductor chip incorporating the layout-design and products including such chips.

(2) The conditions set out in paragraph (c)(v) of this Article shall apply, *mutatis mutandis,* to the grant of any compulsory licenses for layout-designs.

(3) Neither Party is required to extend protection to layout-designs that are commonplace in the industry at the time of their creation or to layout-designs that are exclusively dictated by the functions of the circuit to which they apply.

(4) Each Party may exempt the following from liability under its law:

(A) reproduction of a layout-design for purposes of teaching, analysis, or evaluation in the course of preparation of a layout-design that is itself original;

(B) importation and distribution of semiconductor chips, incorporating a protected layout-design, which were sold by or with the consent of the owner of the layout-design; and

(C) importation or distribution up to the point of notice of a semiconductor chip incorporating a protected layout-design and products incorporating such chips by a person who establishes that he did not know, and had no reasonable grounds to believe, that the layout-design was protected, provided that, with respect to stock on hand or purchased at the time notice is received, such person may import or distribute only such stock but is liable for a reasonable royalty on the sale of each item after notice is received.

(iii) Term of Protection

The term of protection for the lay-out design shall extend for at least ten years from the date of first commercial exploitation or the date of registration of the design, if required, whichever is earlier.

(e) Acts Contrary to Honest Commercial Practices and the Protection of Trade Secrets

(i) In the course of ensuring effective protection against unfair competition as provided for in Article 10 bis of the Paris Convention, each Party shall provide in its domestic law and practice the legal means for nationals and companies to prevent trade secrets from being disclosed to, acquired by, or used by others without the consent of the

trade secret owner in a manner contrary to honest commercial practices insofar as such information:

(1) is not, as a body or in the precise configuration and assembly of its components, generally known or readily ascertainable;

(2) has actual or potential commercial value because it is not generally known or readily ascertainable; and

(3) has been subject to reasonable steps under the circumstances to keep it secret.

(ii) Neither Party shall limit the duration of protection for trade secrets so long as the conditions in paragraph 2(e)(i) of this Article exist.

(iii) Licensing

Neither Party shall discourage or impede voluntary licensing of trade secrets by imposing excessive or discriminatory conditions so such licenses or conditions which dilute the value of trade secrets.

(iv) Government Use

(1) If a Party requires, as a condition of approving the marketing of pharmaceutical or agricultural chemical products which utilize new chemical entities, the submission of undisclosed test or other data, the origination of which involves a considerable effort, that Party shall protect such data against unfair commercial use. Further, each Party shall protect such data against disclosure except where necessary to protect the public or unless steps are taken to ensure that the data is protected against unfair commercial use.

(2) Unless the national or company submitting the information agrees, the data may not be relied upon for the approval of competing products for a reasonable period of time, taking into account the efforts involved in the origination of the data, their nature, and the expenditure involved in their preparation, and such period of time shall generally be not less than five years from the date of marketing approval.

(3) Where a Party relies upon a marketing approval granted by the other Party or a country other than the United States or Albania, the reasonable period of exclusive use of the data submitted in connection with obtaining the approval relied upon shall commence with the date of the first marketing approval relied upon.

(f) Enforcement of Intellectual Property Rights

(i) Each Party shall protect intellectual property rights covered by this Article by means of civil law, criminal law, or administrative law or a combination thereof in conformity with the provisions below. Each Party shall provide effective procedures, internally and at the border, to protect these intellectual property rights against any act of infringement, and effective remedies to stop and prevent infringements and to effectively deter further infringements. These procedures shall be applied in such a manner as to avoid the creation of obstacles to legitimate trade and provide for safeguards against abuse.

(ii) Procedures concerning the enforcement of intellectual property rights shall be fair and equitable.

(iii) Decisions on the merits of a case shall, as a general rule, be in writing and reasoned. They shall be made known at least to the parties to the dispute without undue delay.

(iv) Each Party shall provide an opportunity for judicial review of final administrative decisions on the merits of an action concerning the protection of an intellectual property right. Subject to jurisdictional provisions in national laws concerning the importance of a case, an opportunity for judicial review of the legal aspects of initial judicial decisions on the merits of a case concerning the protection of an intellectual property right shall also be provided.

(v) Remedies against a Party

Notwithstanding the other provisions of paragraph 2(f), when a Party is sued for infringement of an intellectual property right as a result of the use of that right by or for the government, the Party may limit remedies against the government to payment of full compensation to the right-holder.

3. Each Party agrees to submit for enactment no later than December 31, 1993, the legislation necessary to carry out the obligations of this Article, and to exert its best efforts to enact and implement this legislation, as well as to adhere to the Conventions mentioned in paragraph 1, by that date.

4. For purposes of this Article:

(a) "right-holder," means the right-holder himself, any other natural or legal person authorized by him who are exclusive licensees of the right, or other authorized persons, including federations and associations, having legal standing under domestic law to assert such rights; and

(b) "A manner contrary to honest commercial practice" is understood to encompass, *inter alia,* practices such as theft, bribery, breach of contract, inducement to breach, electronic and other forms of commercial espionage, and includes the acquisition of trade secrets by third parties who knew, or had reasonable grounds to know, that such practices were involved in the acquisition.

Article X—Areas for Further Economic and Technical Cooperation

1. For the purpose of further developing bilateral trade and providing for a steady increase in the exchange of products and services, both Parties shall strive to achieve mutually acceptable agreements on taxation and investment issues, including the repatriation of profits and transfer of capital.

2. The Parties shall take appropriate steps to foster economic and technical cooperation on as broad a base as possible in all fields deemed to be in their mutual interest, including with respect to statistics and standards.

3. The Parties, taking into account the growing economic significance of service industries, agree to consult on matters affecting the conduct of service business between the two countries and particular matters of mutual interest relating to individual service sectors with the objective, among others, of attaining maximum possible market access and liberalization.

Article XI—Market Disruption Safeguards

1. The Parties agree to consult promptly at the request of either Party whenever either actual or prospective imports of products originating in the territory or the other Party cause or threaten to cause or significantly contribute to market disruption. Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

2. Determination of market disruption or threat thereof by the importing Party shall be based upon a good faith application of its laws and on an affirmative finding of relevant facts and on their examination. The importing Party, in determining whether market disruption exists, may consider, among other factors: the volume of imports of the merchandise which is the subject of the inquiry; the effect of imports of the merchandise on prices in the territory of the importing Party for like or directly competitive articles; the impact of imports of such merchandise on domestic producers of like or directly competitive articles; and evidence of disruptive pricing practices or other efforts to unfairly manage trade patterns.

3. The consultations provided for in paragraph 1 of this Article shall have the objectives of (a) presenting and examining the factors relating to such imports that may be causing or threatening to cause or significantly contributing to market disruption, and (b) finding means of preventing or remedying such market disruptions. Such consultations shall be concluded within sixty days from the date of the request for such consultations, unless the Parties otherwise agree.

4. Unless a different solution is mutually agreed upon during the consultations, and notwithstanding paragraphs 1 and 2 of Article I, the importing Party may (a) impose quantitative import limitations, tariff measures or any other restrictions or measures it deems appropriate to prevent or remedy threatened or actual market disruption, and (b) take appropriate measures to ensure that imports from the territory of the other Party comply with such quantitative limitations or other restrictions. In this event, the other Party shall be free to deviate from its obligations under this Agreement with respect to substantially equivalent trade.

5. Where in the judgment of the importing Party, emergency action is necessary to prevent or remedy such market disruption, the importing Party may take such action at any time and without prior consultations provided that such consultations shall be requested immediately thereafter.

6. In the selection of measures under this Article, the Parties shall endeavor to give priority to those which cause the lease disturbance to the achievement of the goals of this Agreement.

7. Each Party shall ensure that its domestic procedures for determining market disruption are transparent and afford affected parties an opportunity to submit their views.

8. The Parties acknowledge that the elaboration of the market disruption safeguard provisions in this Article is without prejudice to the

right of either Party to apply its laws and regulations applicable to trade in textiles and textile products and its laws and regulations applicable to unfair trade, including antidumping and countervailing duty laws.

Article XII—Dispute Settlement

1. Nationals and companies of either Party shall be accorded national treatment with respect to access to all courts and administrative bodies in the territory of the other Party, as plaintiffs, defendants or otherwise. They shall not claim or enjoy immunity from suit or execution of judgment, proceedings for the recognition and enforcement of arbitral awards, or other liability in the territory of the other Party with respect to commercial transactions; they also shall not claim or enjoy immunities from taxation with respect to commercial transactions, except as may be provided in other bilateral agreements.

2. The Parties encourage the adoption of arbitration for the settlement of disputes arising out of commercial transactions concluded between nationals or companies of the United States and nationals or companies of the Republic of Albania. Such arbitration may be provided for by agreements in contracts between such nationals and companies, or in separate written agreements between them.

3. The Parties may provide for arbitration under any internationally recognized arbitration rules, including the UNCITRAL Rules of December 15, 1976 and any modifications thereto, in which case the parties should designate an Appointing Authority under said rules in a country other than the United States or the Republic of Albania.

4. Unless otherwise agreed between the parties, the parties should specify as the place of arbitration a country other than the United States or the Republic of Albania, that is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, June 10, 1958.

5. Nothing in this Article shall be construed to prevent, and the Parties shall not prohibit, the parties from agreeing upon any other form of arbitration or on the law to be applied in such arbitration, or other forms of dispute settlement which they mutually prefer and agree best suits their particular needs.

6. Each Party shall ensure that an effective means exists within its territory for the recognition and enforcement of arbitral awards.

Article XIII—National Security

The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its security interests.

Article XIV—Consultations

1. The Parties agree to set up a Joint Commercial Commission which will, subject to the terms of reference of its establishment, foster economic cooperation and the expansion of trade under this Agreement and review periodically the operation of this Agreement and make recommendations for achieving its objectives.

2. The Parties agree to consult promptly through appropriate channels at the request of either Party to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties.

Article XV—Definitions

As used in this Agreement, the terms set forth below shall have the following meaning:

(a) "company," means any kind of corporation, company, association, sole proprietorship or other organization legally constituted under the laws and regulations of a Party or a political subdivision thereof, whether or not organized for pecuniary gain or privately or governmentally owned; provided that, either Party reserves the right to deny any company the advantages of this Agreement if nationals of any third country control such a company and, in the case of a company of the other Party, that company has no substantial business activities in the territory of the other Party or is controlled by nationals of a third country with which the denying country does not maintain normal economic relations;

(b) "commercial representation," means a representation of a company of a Party;

(c) "national," means a natural person who is a national of a Party under its applicable law.

Article XVI—General Exceptions

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prohibit the adoption or enforcement by a Party of:

(a) measures necessary to secure compliance with laws or regulations which are not contrary to the purposes of this Agreement;

(b) measures for the protection of intellectual property rights and the prevention of deceptive practices as set out in Article IX of this Agreement, provided that such measures shall be related to the extent of any injury suffered or the prevention of injury; or

(c) any other measure referred to in Article XX of the GATT.

2. Nothing in this Agreement limits the application of any existing or future agreement between the Parties on trade in textiles and textile products.

Article XVII—Entry into Force, Term, Suspension and Termination

1. This Agreement (including its side letters which are an integral part of the Agreement) shall enter into force on the date of exchange of written notices of acceptance by the two governments and shall remain in force as provided in paragraphs 2 and 3 of this Article.

2. (a) The initial term of this Agreement shall be three years, subject to subparagraph (b) and (c) of this paragraph.

(b) If either Party encounters or foresees a problem concerning its domestic legal authority to carry out any of its obligations under this Agreement, such Party shall request immediate consultations with the other Party. Once consultations have been requested, the other Party shall enter into such consultations as soon as possible concerning the circumstances that have arisen with a view to finding a solution to avoid action under subparagraph (c).

(c) If either Party does not have domestic legal authority to carry out its obligations under this Agreement, either Party may suspend the application of this Agreement or, with the agreement of the other Party, any part of this Agreement. In that event, the Parties will, to the fullest extent practicable and consistent with domestic law, seek to minimize disruption to existing trade relations between the two countries.

3. This Agreement shall be extended for successive terms of three years each unless either Party has given written notice to the other Party of its intent to terminate this Agreement at least 30 days prior to the expiration of the then current term.

IN WITNESS THEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington on this 14th day of May 1992, in two original copies in the English language. An Albanian language text shall be prepared which shall be considered equally authentic upon an exchange of diplomatic notes confirming its conformity with the English language text.

FOR THE UNITED STATES AMERICA:	FOR THE REPUBLIC OF ALBANIA:
Carla A. Hills	**Naske Afezolli**

Washington, May 14, 1992.

John G. Keller, Jr.,
Under Secretary for
Travel and Tourism

Dear Mr. Secretary:

I have the honor to confirm receipt of your letter of today's date which reads as follows:

"In connection with the signing on this date of the Agreement on Trade Relations Between the Government of the United States of America and the Government of the Republic of Albania (the 'Agreement'), I have the honor to confirm the understanding reached by our Governments (the 'Parties') regarding tourism and travel-related services as follows:

1. The Parties recognize the need to encourage and promote the growth of tourism and travel-related investment and trade between the United States of America and the Republic of Albania. In this regard, the Parties recognize the desirability of exploring the possibility of negotiating a separate bilateral agreement on tourism.

2. The Parties recognize the benefits to both economies of increased tourism and travel-related investment in and trade between their two territories.

OFFICIAL TOURISM PROMOTION OFFICES

3. Each Party shall seek permission of the other Party prior to the establishment of official, governmental tourism promotion offices in the other's territory.

4. Permission to open tourism promotion offices or field offices, and the status of personnel who head and staff such offices, shall be as agreed upon by the Parties and subject to the applicable laws and regulations of the host country.

5. Tourism promotion offices opened by either Party shall be operated on a non-commercial basis. Official tourism promotion offices and the personnel assigned to them shall not function as agents or principals in commercial transactions, enter into contractual agreements on behalf of commercial organizations or engage in other commercial activities. Such offices shall not sell services to the public or otherwise compete with private sector travel agents or tour operators of the host country.

6. Official governmental tourism offices shall engage in activities related to the facilitation of development of tourism between the United States and the Republic of Albania, including:

a) providing information about the tourism facilities and attraction in their respective countries to the public, and travel trade and the media;

b) conducting meetings and workshops for representatives of the travel industry;

c) participating in trade shows;

d) distributing advertising materials such as posters, brochures and slides, and coordinating advertising campaigns; and

e) performing market research.

7. Nothing in this side letter shall obligate either Party to open such offices in the territory of the other Party.

COMMERCIAL TOURISM ENTERPRISES

8. Commercial tourism enterprises, whether privately or governmentally-owned, shall be treated as private commercial enterprises, fully subject to all applicable laws and regulations of the host country.

9. Each Party shall ensure within the scope of its legal authority and in accordance with its laws and regulations that any company owned, controlled or administered by that Party or any joint venture therewith or any private company or joint venture between private companies, which effectively controls a significant portion of the supply of any tourism or travel-related service in the territory of that Party shall provide those services to nationals and companies of the other Party on a fair and equitable basis.

Nothing in this letter or in the Agreement shall be construed to mean that tourism and travel-related services shall not receive the benefits from the Agreement as fully as all other industries and sectors.

I have the honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government."

ave the further honor to confirm that the foregoing understanding is shared by my
nment and constitutes an integral part of the Agreement.

cerely,

laske Afezolli,
eputy Minister,
linistry of Trade and
Foreign Economic Relations.

lamation 6446 of June 15, 1992

Modify Duty-Free Treatment Under the Generalized ystem of Preferences

he President of the United States of America
oclamation

ırsuant to title V of the Trade Act of 1974, as amended (the 1974 (19 U.S.C. 2461, *et seq.*), the President may designate specified ar- s provided for in the Harmonized Tariff Schedule of the United s (HTS) as eligible for preferential tariff treatment under the Gen- zed System of Preferences (GSP) when imported from designated ficiary developing countries.

ursuant to sections 501, 503(a), and 504(a) of the 1974 Act (19 C. 2461, 2463(a), and 2464(a)), in order to subdivide and amend ıomenclature of existing provisions of the HTS to modify the GSP, e determined, after taking into account information and advice re- ed under section 503(a), that the HTS should be modified to adjust original designation of eligible articles. In addition, pursuant to V of the 1974 Act, I have determined that it is appropriate to des- te certain articles provided for in the HTS as eligible for pref- tial tariff treatment under the GSP when imported from designated ficiary developing countries. Further, pursuant to section 504(a)(1) e 1974 Act (19 U.S.C. 2464(a)(1)) and having considered the fac- set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. and 2462(c)), I have determined that certain beneficiary countries ld not receive preferential tariff treatment under the GSP with re- t to certain articles designated as eligible for preferential tariff ment under the GSP.

ection 604 of the 1974 Act (19 U.S.C. 2483) authorizes the Presi- to embody in the HTS the substance of the provisions of that Act, f other acts affecting import treatment, and actions thereunder.

V, THEREFORE, I, GEORGE BUSH, President of the United States merica, acting under the authority vested in me by the Constitu- and the laws of the United States of America, including but not ted to title V and section 604 of the 1974 Act, do proclaim that:

) In order to designate certain articles as eligible articles for pur- s of the GSP when imported from certain designated beneficiary loping countries, the HTS is modified as provided in Annex I to proclamation.

)(a) In order to designate certain articles as eligible articles for pur- s of the GSP when imported from any designated beneficiary de-

veloping country, the Rates of Duty 1-Special subcolumn for the HTS subheadings enumerated in Annex II(a) to this proclamation is modified by inserting in the parentheses the symbol "A" as provided in such Annex.

(b) In order to designate certain articles as eligible articles for purposes of the GSP when imported from certain designated beneficiary developing countries and to provide that certain countries should not be treated as a beneficiary developing country with respect to such eligible articles, the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in Annex II(b) to this proclamation is modified by inserting the symbol "A*" as provided in such Annex.

(3) In order to provide that certain countries should not be treated as a beneficiary developing country with respect to certain eligible articles for purposes of the GSP, general note 3(c)(ii)(D) to the HTS is modified as provided in Annex III to this proclamation.

(4) In order to provide for the continuation of previously proclaimed staged reductions on Canadian goods in the HTS subheadings modified in Annex I to this proclamation, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex IV to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in Annex IV to this proclamation is modified as provided in such Annex.

(5) In order to provide for the continuation of previously proclaimed staged reductions on products of Israel in the HTS subheadings modified in Annex I to this proclamation, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex V to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn followed by the symbol "IL" in parentheses for each of the HTS subheadings enumerated in Annex V to this proclamation is modified as provided in such Annex.

(6) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(7)(a) The modifications made by Annexes I, II, and III to this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

(b) The modifications made by Annex IV(a) to this proclamation shall be effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1993.

(c) The modifications made by Annex IV(b) to this proclamation shall be effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates indicated in Annex IV(b).

(d) The amendments made by Annex V to this proclamation shall be effective with respect to products of Israel which are entered, or

thdrawn from warehouse for consumption, on or after January 1, 95.

WITNESS WHEREOF, I have hereunto set my hand this fifteenth y of June, in the year of our Lord nineteen hundred and ninety-two, d of the Independence of the United States of America the two hun- ed and sixteenth.

GEORGE BUSH

NEX I

DDIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TS)

e HTS is modified as provided below, with bracketed matter included to assist in the derstanding of proclaimed modifications. The following supersedes matter now in the S. The subheadings and superior text are set forth in columnar format, and material in h columns is inserted in the columns of the HTS designated "Heading/Subheading", rticle Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of ty 2", respectively.

ective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) en- ed, or withdrawn from warehouse for consumption, on or after 15 days after the date publication of this proclamation in the Federal Register.

Subheading 2204.21.40 is superseded by:

	[Wine of fresh grapes,...:]			
	[Other wine;...:]			
	[In containers holding 2 liters...:]			
	[Other:]			
	"Of an alcoholic strength by volume not over 14 percent vol.:			
2204.21.30	If entitled under regulations of the United States Internal Revenue Service to a type designation which includes the name "Tokay" and if so designated on the approved label	9.9¢/liter	Free (A,E,IL) 5.9¢/liter (CA)	33¢/liter
2204.21.50	Other	9.9¢/liter	Free (E,IL) 5.9¢/liter (CA)	33¢/liter"

Subheading 2902.90.50 is superseded by:

	[Cyclic hydrocarbons:]			
	[Other:]			
2902.90.40	Anthracene; and 1,4-Di-(2-methylstyryl) benzene	10.4%	Free (A*,E,IL) 2% (CA)	15.4¢/kg + 68.5%
2902.90.80	Other	10.4%	Free (E,IL) 2% (CA)	15.4¢/kg + 68.5%"

nforming change: The article description for HTS heading 9902.29.02 is modified by de- ng "2902.90.50" and inserting "2902.90.80" in lieu thereof.

Subheadings 2904.10.20 and 2904.10.30 are superseded and the following subheadings serted in numerical sequence in lieu thereof:

	[Sulfonated, nitrated...:]			
	[Derivatives containing only sulfo...:]			
2904.10.04	2-Anthracenesulfonic acid	13.5%	Free (A*,E,IL) 2.7% (CA)	15.4¢/kg + 51%

2904.10.08	Benzenesulfonyl chloride	3.7¢/kg + 15.9%	Free (A*,E,IL) 0.7¢/kg + 3.1% (CA)	15.4¢/kg + 51%"
	[Other:] [Aromatic:]			
"2904.10.32	Products described in additional U.S. note 3 to section VI	13.5%	Free (E,IL) 2.7% (CA)	15.4¢/kg + 51%
2904.10.37	Other	3.7¢/kg + 15.9%	Free (E,IL) 0.7¢/kg + 3.1% (CA)	15.4¢/kg + 51%"

4. Subheading 2907.15.50 is superseded by:

	[Phenols;...:] [Monophenols:] [Naphthols...:]			
"2907.15.30	2-Naphthol (β-Naphthol)	20%	Free (A*,CA,E,IL)	15.4¢/kg + 73%
2907.15.60	Other	20%	Free (E,IL) 4% (CA)	15.4¢/kg + 73%"

Conforming changes:

a) The article description for HTS heading 9902.29.08 is modified by deleting "2907.15.50" and inserting "2907.15.30" in lieu thereof.

b) HTS subheading 9905.29.04 is deleted.

5. Subheadings 2908.20.10 and 2908.20.50 are superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Halogenated, sulfonated,...:] [Derivatives containing only sulfo...:]			
"2908.20.04	2,5-Dihydroxybenzenesulfonic acid, potassium salt; 3,6-Dihydroxy-2,7-naphthalenedisulfonic acid; 3,6-Dihydroxy-2,7-naphthalenedisulfonic acid, sodium salt; 4-Hydroxy-1-naphthalenesulfonic acid, sodium salt; 1-Naphthol-3,6-disulfonic acid; and 2-Naphthol-3,6-disulfonic acid and its salts	6.4%	Free (E,IL) 1.2% (CA)	15.4¢/kg + 45.5%
2908.20.08	4-Hydroxy-1-naphthalenesulfonic acid (1-Naphthol-4-sulfonic acid)	6.4%	Free (A*,E,IL) 1.2% (CA)	15.4¢/kg + 45.5%
2908.20.15	1,8-Dihydroxynaphthalene-3,6-disulfonic acid and its disodium salt	1.5¢/kg + 19.4%	Free (A*,E) 0.2¢/kg + 1.9% (IL) 0.3¢/kg + 3.8% (CA)	15.4¢/kg + 62%"
	[Other:]			
"2908.20.60	Other	1.5¢/kg + 19.4%	Free (E) 0.2¢/kg + 1.9% (IL) 0.3¢/kg + 3.8% (CA)	15.4¢/kg + 62%"

Conforming changes:

a) The article description for HTS heading 9902.30.14 is modified by deleting "2908.20.10" and inserting "2908.20.04 or 2908.20.08" in lieu thereof.

b) The article descriptions for HTS headings 9902.29.10 and 9902.30.15 are modified by deleting "2908.20.50" and inserting "2908.20.60" in lieu thereof.

6. Subheading 2908.90.20 is superseded by:

	[Halogenated, sulfonated,...:]			
	[Other:]			
2908.90.24	"Dinitro-o-cresol and 4-nitro-m-cresol:			
	4,6-Dinitro-o-cresol	6%	Free (A*,E,IL) 1.2% (CA)	15.4¢/kg + 45.5%
2908.90.28	Other	6%	Free (E,IL) 1.2% (CA)	15.4¢/kg + 45.5%"

7. Subheading 2914.49.10 is superseded by:

	[Ketones...:]			
	[Ketone-alcohols...:]			
	[Other:]			
	"Aromatic:			
2914.49.20	1,2,3-Indantrione monohydrate (Ninhydrin)	11%	Free (A*,E,IL) 2.2% (CA)	15.4¢/kg + 42%
2914.49.40	Other	11%	Free (E,IL) 2.2% (CA)	15.4¢/kg + 42%"

8. Subheading 2915.90.15 is superseded by:

	[Saturated acyclic...:]			
	[Other:]			
	[Acids:]			
	"Other:			
2915.90.14	Valproic acid	4.2%	Free (A*,E,IL) 0.8% (CA)	25%
2915.90.18	Other	4.2%	Free (E,IL) 0.8% (CA)	25%"

9. Subheading 2916.39.60 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Unsaturated acyclic...:]			
	[Aromatic monocarboxylic...:]			
	[Other:]			
"2916.39.06	Cinnamic acid	3.7¢/kg + 17.9%	Free (A*,E,IL) 0.7¢/kg + 3.5% (CA)	15.4¢/kg+ 57%"
	[Other:]			
	[Other:]			
"2916.39.70	Other	3.7¢/kg + 17.9%	Free (E,IL) 0.7¢/kg + 3.5% (CA)	15.4¢/kg + 57%"

Conforming changes:

a) The article description for HTS heading 9902.29.20 is modified by deleting "2916.39.50" and inserting "2916.39.70" in lieu thereof.

b) The article description for HTS subheading 9905.29.16 is modified by deleting "2916.39.60" and inserting "2916.39.70" in lieu thereof.

10. Subheading 2918.29.50 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Carboxylic acids with...:]			
	[Carboxylic acids with phenol...:]			
	[Other:]			
"2918.29.25	3-Hydroxy-2-naphthoic acid	3.7¢/kg + 17.9%	Free (A*,CA,E,IL)	15.4¢/kg + 57%"
	[Other:]			
"2918.29.80	Other	3.7¢/kg + 17.9%	Free (CA,E,IL)	15.4¢/kg + 57%"

Conforming change: The article descriptions for HTS headings 9902.29.90 and 9902.30.25 are modified by deleting "2918.29.50" and inserting "2918.29.80" in lieu thereof.

11. Subheading 2921.42.70 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Amine-function compounds:] [Aromatic monoamines...:] [Aniline derivatives...:]			
"2921.42.15	N-Ethylaniline; and N,N-Diethylaniline	2.4¢/kg + 18.8%	Free (A*,E,IL) 0.4¢/kg + 3.7% (CA)	15.4¢/kg + 60%"
	[Other:] [Other:]			
"2921.42.75	Other	2.4¢/kg + 18.8%	Free (E,IL) 0.4¢/kg + 3.7% (CA)	15.4¢/kg + 60%"

Conforming change: The article descriptions for HTS headings 9902.30.28, 9902.30.30 and 9902.30.31 are modified by deleting "2921.42.70" and inserting "2921.42.75" in lieu thereof.

12. Subheadings 2922.30.20 and 2922.30.30 are superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Oxygen-function amino-compounds:] [Amino-aldehydes,...:] [Aromatic:]			
"2922.30.14	2-Aminoanthraquinone	13.5%	Free (A*,E,IL) 2.7% (CA)	15.4¢/kg + 50%
2922.30.18	1-Aminoanthraquinone; and Ketamine hydrochloride	3.7¢/kg + 15.6%	Free (A*,E,IL) 0.7¢/kg + 3.1% (CA)	15.4¢/kg + 50%"
	[Other:]			
"2922.30.25	Products described in additional U.S. note 3 to section VI	13.5%	Free (E,IL) 2.7% (CA)	15.4¢/kg + 50%
2922.30.35	Other	3.7¢/kg + 15.6%	Free (E,IL) 0.7¢/kg + 3.1% (CA)	15.4¢/kg + 50%"

Conforming change: The article descriptions for HTS headings 9902.29.43, 9902.29.44 and 9902.30.52 are modified by deleting "2922.30.30" and inserting "2922.30.35" in lieu thereof.

13. Subheading 2922.49.20 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Oxygen-function amino-compounds:] [Amino-acids...:] [Other:] [Aromatic:]			
"2922.49.15	Benzocaine; and Procaine hydrochloride	7%	Free (A*,E,IL) 1.4% (CA)	15.4¢/kg + 45%"
	[Other:]			
"2922.49.25	Drugs	7%	Free (E,IL) 1.4% (CA)	15.4¢/kg + 45%

14. Subheading 2922.50.15 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

[Oxygen-function amino-compounds:]
[Amino-alcohol-phenols,...:]
[Aromatic:]

"2922.50.05	α-Methyldopa	8%	Free (A*,CA,E,IL)	15.4¢/kg + 65%"
	[Other:]			
	[Drugs:]			
	[Other:]			
"2922.50.16	Cardiovascular drugs	8%	Free (CA,E,IL)	15.4¢/kg + 65%"

15. Subheadings 2924.21.20 and 2924.21.30 are superseded by:

	[Carboxyamide-function compounds;...:]			
	[Cyclic amides...:]			
	[Ureines...:]			
	[Aromatic:]			
	[Other:]			
"2924.21.18	sym-Diethyldiphenylurea	3.7¢/kg + 18.1%	Free (A*,E,IL) 0.7¢/kg + 3.6% (CA)	15.4¢/kg + 58%
	Other:			
2924.21.20	Products described in additional U.S. note 3 to section VI	13.5%	Free (E,IL) 2.7% (CA)	15.4¢/kg + 58%
2924.21.45	Other	3.7¢/kg + 18.1%	Free (E,IL) 0.7¢/kg + 3.6% (CA)	15.4¢/kg + 58%"

16. Subheading 2925.20.30 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Carboxyimide-function compounds...]			
	[Imines...:]			
	[Aromatic:]			
"2925.20.15	N,N-Diphenylguanidine	15%	Free (A*,CA,E) 1.5% (IL)	15.4¢/kg + 61%"
	[Other:]			
"2925.20.40	Other	15%	Free (E) 1.5% (IL) 3% (CA)	15.4¢/kg + 61%"

Conforming changes:

a) The article description for HTS heading 9902.29.56 is modified by deleting "2925.20.30" and inserting "2925.20.15 or 2925.20.40" in lieu thereof.

b) The article description for HTS subheading 9905.29.29 is modified by deleting "diphenylguanidine,".

17. Subheadings 2926.90.10, 2926.90.35 and 2926.90.40 are superseded and the following subheadings inserted in numerical sequence in lieu thereof:

[Nitrile-function compounds:]
[Other:]
[Aromatic:]

"2926.90.04	2-Amino-4-chlorobenzonitrile (5-Chloro-2-cyanoaniline); 2-Amino-5-chlorobenzonitrile; 4-Amino-2-chlorobenzonitrile; (Cyanoethyl) (hydroxyethyl)-m-toluidine; 2-Cyano-4-nitroaniline; p-Cyanophenyl acetate; Dichlorobenzonitrile; Phthalonitrile; and Tetrachloro-3-cyanobenzoic acid, methyl ester	6.8%	Free (E,IL) 1.3% (CA)	15.4¢/kg + 41%
2926.90.08	Benzonitrile	6.8%	Free (A*,E,IL) 1.3% (CA)	15.4¢/kg + 41%
2926.90.14	p-Chlorobenzonitrile; and Verapamil hydrochloride	13.5%	Free (A*,E,IL) 2.7% (CA)	15.4¢/kg + 65.5%
2926.90.17	o-Chlorobenzonitrile	20%	Free (A*,E,IL) 4% (CA)	15.4¢/kg + 65.5%"
	[Other:]			
	[Other:]			
"2926.90.44	Products described in additional U.S. note 3 to section VI	13.5%	Free (E,IL) 2.7% (CA)	15.4¢/kg + 65.5%
2926.90.48	Other	20%	Free (E,IL) 4% (CA)	15.4¢/kg + 65.5%"

Conforming changes:

a) The article description for HTS heading 9902.30.69 is modified by deleting "2926.90.10" and inserting "2926.90.04" in lieu thereof.

b) The article description for HTS heading 9902.29.57 is modified by deleting "2926.90.40" and inserting "2926.90.48" in lieu thereof.

18. Subheading 2930.90.20 is superseded by:

	[Organo-sulfur compounds:]			
	[Other:]			
	[Aromatic:]			
	"Other:			
2930.90.24	N-Cyclohexyl-thiophthalimide	6.7%	Free (A*,E,IL) 1.3% (CA)	15.4¢/kg + 40.5%
2930.90.28	Other	6.7%	Free (E,IL) 1.3% (CA)	15.4¢/kg + 40.5%"

Conforming change: The article descriptions for HTS headings 9902.29.61, 9902.30.74 and 9902.30.75 and HTS subheading 9905.29.31 are modified by deleting "2930.90.20" and inserting "2930.90.28" in lieu thereof.

19. Subheadings 2932.29.30 and 2932.29.40 are superseded by:

	[Heterocyclic compounds with oxygen...:]			
	[Lactones:]			
	[Other lactones:]			
	[Aromatic:]			
	[Other:]			
"2932.29.25	4-Hydroxycoumarin	3.7¢/kg + 16.2%	Free (A*,CA,E,IL)	15.4¢/kg + 52%
	Other:			

2932.29.30	Products described in additional U.S. note 3 to section VI	13.5%	Free (CA,E,IL)	15.4¢/kg + 53.5%
2932.29.45	Other	3.7¢/kg + 16.2%	Free (CA,E,IL)	15.4¢/kg + 52%"

20. Subheading 2933.39.35 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Heterocyclic compounds with nitrogen...:]			
	[Compounds containing an unfused pyridine...:]			
	[Other:]			
"2933.39.15	Cyproheptadine hydrochloride	8%	Free (A*,E,IL) 1.6% (CA)	15.4¢/kg + 65%"
	[Other:]			
	[Drugs:]			
"2933.39.37	Other	8%	Free (E,IL) 1.6% (CA)	15.4¢/kg + 65%"

Conforming change: The article descriptions for HTS headings 9902.29.70, 9902.29.99 and 9902.30.81 and HTS subheading 9905.29.32 are modified by deleting "2933.39.35" and inserting "2933.39.37" in lieu thereof.

21. Subheadings 2933.40.25 and 2933.40.50 are superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Heterocyclic compounds with nitrogen...:]			
	[Compounds containing a quinoline...:]			
"2933.40.04	Chloroquine diphosphate	8.1%	Free (A*,E,IL) 1.6% (CA)	15.4¢/kg + 67.5%
2933.40.08	4,7-Dichloroquinoline	3.7¢/kg+ 16.2%	Free (A*,E,IL) 0.7¢/kg + 3.2% (CA)	15.4¢/kg + 52%"
	[Other:]			
	[Drugs:]			
"2933.40.27	Other	8.1%	Free (E,IL) 1.6% (CA)	15.4¢/kg + 67.5%"
	[Other:]			
"2933.40.70	Other	3.7¢/kg + 16.2%	Free (E,IL) 0.7¢/kg + 3.2% (CA)	15.4¢/kg + 52%"

22. Subheading 2933.51.50 is superseded by:

	[Heterocyclic compounds with nitrogen...:]			
	[Compounds containing a pyrimidine...:]			
	[Malonylurea...:]			
"2933.51.30	Phenobarbital	3.7%	Free (A*,E,IL) 0.7% (CA)	50%
2933.51.60	Other	3.7%	Free (E,IL) 0.7% (CA)	50%"

23. Subheading 2933.59.26 is superseded by:

[Heterocyclic compounds with nitrogen...:]
[Compounds containing a pyrimidine...:]
[Other:]
[Drugs:]
[Aromatic or modified...:]
[Anti-ineffective agents:]

"2933.59.31	Nicarbazin	6.7%	Free (CA,E,IL)	15.4¢/kg + 46%
2933.59.32	Trimethoprim	6.7%	Free (A*,CA,E,IL)	15.4¢/kg + 46%"

Conforming changes:

a) HTS subheadings 2933.59.27, 2933.59.28, 2933,59.29, 2933.59.30, 2933.59.35, 2933.59.40 and 2933.59.50 are renumbered as 2933.59.36, 2933.59.45 2933.59.55, 2933.59.59, 2933.59.70, 2933.59.80 and 2933.59.90, respectively.

b) The article descriptions for HTS headings 9902.30.82 and 9902.30.85 are modified by deleting "2933.59.27" and inserting "2933.59.36" in lieu thereof.

c) The article description for HTS heading 9902.30.86 is modified by deleting "2933.59.50" and inserting "2933.59.90" in lieu thereof.

24. Subheadings 2933.90.27 and 2933.90.32 are superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Heterocyclic compounds with nitrogen...:]			
	[Other:]			
	[Aromatic or modified aromatic:]			
	[Other:]			
	[Drugs:]			
	[Anti-infective agents:]			
"2933.90.41	Acriflavine; Acriflavine hydrochloride; and Pyrazinamide	6.7%	Free (E,IL) 1.3% (CA)	15.4¢/kg + 46%
2933.90.44	Carbadox	6.7%	Free (A*,E,IL) 1.3% (CA)	15.4¢/kg + 46%"
	[Drugs primarily...:]			
"2933.90.57				
2933.90.59				

Conforming changes:

a) HTS subheadings 2933.90.28, 2933.90.29, 2933.90.30, 2933.90.31, 2933.90.33, 2933.90.34, 2933.90.35, 2933.90.36, 2933.90.37, 2933.90.39, 2933.90.40, 2933.90.47, 2933.90.48 and 2933.90.50 are renumbered as 2933.90.46, 2933.90.51, 2933.90.53, 2933.90.55, 2933.90.61, 2933.90.65, 2933.90.70, 2933.90.75, 2933.90.80, 2933.90.83, 2933.90.85, 2933.90.87, 2933.90.90 and 2933.90.95, respectively.

b) General note 3(c)(ii)(D) to the HTS is modified by deleting "2933.90.47" and inserting "2933.90.87" in lieu thereof.

c) The article description for HTS heading 9902.30.00 is modified by deleting "2933.90.33" and inserting "2933.90.61" in lieu thereof.

d) The article description for HTS heading 9902.30.88 is modified by deleting "2933.90.36" and inserting "2933.90.75" in lieu thereof.

e) The article description for HTS heading 9902.30.53 is modified by deleting "2933.90.37" and inserting "2933.90.80" in lieu thereof.

f) The article description for HTS heading 9902.30.89 is modified by deleting "2933.90.39" and inserting "2933.90.83" in lieu thereof.

g) The article description for HTS headings 9902.30.53 and 9902.30.90 are modified by deleting "2933.90.50" and inserting "2933,90.95" in lieu thereof.

25. Subheadings 2934.30.10 and 2934.30.20 are superseded and the following subheadings inserted in numerical sequence in lieu thereof:

[Other heterocyclic compounds:]
[Compounds containing a phenothiazine...:]

"2934.30.04	Butaperazine maleate; Chloropromazine; Etymemazine chlorhydrate; Fluphenazine decanoate; Fluphenazine enanthate; Mesoridazine besylate; Piperacetazine; Promazine hydrochloride; 2-(Trifluoromethyl)phenothiazine; and Trifluoperazine hydrochloride	6.6%	Free (E,IL) 1.3% (CA)	15.4¢/kg + 45%
2934.30.08	Prochlorperazine maleate; and Promethazine hydrochloride	6.6%	Free (A*,E,IL) 1.3% (CA)	15.4¢/kg + 45%
2934.30.15	Chlorpromazine hydrochloride	16.6%	Free (A*,E,IL) 3.3% (CA)	15.4¢/kg + 149.5%"
	[Other:]			
	[Drugs:]			
"2934.30.25	Antidepressants, tranquilizers and other psychotherapeutic agents	16.6%	Free (E,IL) 3.3% (CA)	15.4¢/kg + 149.5%"

26. Subheading 2934.90.45 is superseded and the following subheadings inserted in numerical sequence in lieu thereof:

	[Other heterocyclic compounds:]			
	[Other:]			
	[Aromatic or modified aromatic:]			
"2934.90.08	2,5-Diphenyloxazole	3.7¢/kg + 16.2%	Free (A*,E,IL) 0.7¢/kg + 3.2% (CA)	15.4¢/kg + 52%"
	[Other:]			
	[Other:]			
"2934.90.44	Other	3.7¢/kg + 16.2%	Free (E,IL) 0.7¢/kg + 3.2% (CA)	15.4¢/kg + 52%"

27. Subheading 2935.00.46 is superseded by:

	[Sulfonamides:]			
	[Other:]			
	[Drugs:]			
	[Other:]			
"2935.00.53	Glyburide; and Furosemide	6.9%	Free (A*,CA,E,IL)	15.4¢/kg + 45%
2935.00.57	Other	6.9%	Free (CA,E,IL)	15.4¢/kg + 45%"

Conforming changes:

a) HTS subheadings 2935.00.47 and 2935.00.50 are renumbered as 2935.00.70, and 2935.00.90, respectively.

b) The article descriptions for HTS headings 9902.29.87, 9902.30.98 and 9902.30.99 are modified by deleting "2935.00.47" and inserting "2935.00.70" in lieu thereof.

c) The article description for HTS heading 9902.29.86 is modified by deleting "2935.00.50" and inserting "2935.00.90 in lieu thereof.

28. Subheading 2937.92.30 is superseded by:

[Hormones, natural or...:]
[Other hormones...:]
[Estrogens...:]

	[Other:]			
"2937.92.40	Ethynodiol decanoate; D-Norgestrel; and DL-Norgestrel	8.7%	Free (A*,E,IL) 1.7% (CA)	15.4¢/kg + 78.5%
2937.92.80	Other	8.7%	Free (E,IL) 1.7% (CA)	15.4¢/kg + 78.5%"

29. Subheadings 2937.99.10 and 2937.99.50 are superseded by:

	[Hormones, natural or...:] [Other hormones...:] [Other:]			
"2937.99.20	Desonide; Epinephrine; Epinephrine hydrochloride; and l-Thyroxine (Levothyroxine), sodium	6.9%	Free (E,IL) 1.3% (CA)	15.4¢/kg + 49%
2937.99.40	Nandrolone decanoate; and Pipecuronium bromide	3.2%	Free (A*,E,IL) 0.6% (CA)	25%
2937.99.60	Nandrolone phenpropionate	6.9%	Free (A*,E,IL) 1.3% (CA)	15.4¢/kg + 49%
2937.99.80	Other	3.2%	Free (E,IL) 0.6% (CA)	25%"

30. Subheading 5404.10.20 is superseded by:

	[Synthetic monofilament—67 decitex...:] [Monofilament:] "Other:			
5404.10.40	Of polypropylene, not over 254 mm in length	7.8%	Free (A,E) 0.8% (IL) 4.6% (CA)	50%
5404.10.80	Other	7.8%	0.8 (IL) 4.6% (CA)	50%"

Conforming changes: HTS subheading 9905.54.11 is modified by deleting "5404.10.20" and inserting "5404.10.80" in lieu thereof.

ANNEX II

Modification in the HTS of an Article's Preferential Tariff Treatment under the GSP

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the Federal Register.

(a) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A," in alphabetical order:

0210.12.00	2204.21.80	7318.15.80	8482.80.00
1210.10.00	2401.10.40	8112.91.10	9404.30.80
1210.20.00	6912.00.35	8482.30.00	9609.10.00
1602.49.40	6912.00.48	8482.40.00	
2204.10.00	7013.31.30	8482.50.00	

(b) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A*," in alphabetical order.

1602.50.20	2918.21.50	2941.40.00	3822.00.50
2904.90.35	2921.59.20	3204.20.10	9105.19.10
2907.23.00	2936.26.00	3204.20.50	9105.19.40
2914.61.00	2939.40.10	3812.10.10	
2917.19.10	2939.40.50	3812.30.40	

ANNEX III

Modifications to General Note 3(c)(ii)(D) of the HTS

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the Federal Register.

General note 3(c)(ii)(D) is modified by adding, in numerical sequence, the following HTS subheadings and countries set opposite them:

1602.50.20	Argentina
2902.90.40	India
2904.10.04	India
2904.10.08	India
2904.90.35	India
2907.15.30	India
2907.23.00	India
2908.20.08	India
2908.20.15	India
2908.90.24	India
2914.49.20	India
2914.61.00	India
2915.90.14	India
2916.39.06	India
2917.19.10	India
2918.21.50	India
2918.29.25	India
2921.42.15	India
2921.59.20	India
2922.30.14	India
2922.30.18	India
2922.49.15	India
2922.50.05	India
2924.21.18	India
2925.20.15	India
2926.90.08	India
2926.90.14	India
2926.90.17	India
2930.90.24	India
2932.29.25	India
2933.39.15	India
2933.40.04	India
2933.40.08	India
2933.51.30	India
2933.59.32	India
2933.90.44	India
2933.90.59	India
2934.30.08	India
2934.30.15	India
2934.90.08	India
2935.00.53	India
2936.26.00	India
2937.92.40	India
2937.99.40	India
2937.99.60	India
2939.40.10	India
2939.40.50	India
2941.40.00	India
3204.20.10	India
3204.20.50	India
3812.10.10	India
3812.30.40	India
3822.00.50	India
9105.19.10	Brazil
9105.19.40	Brazil

ANNEX IV

Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

(a) For each of the following subheadings created by Annex I to this proclamation, on or after January 1, 1993, in the Rates of Duty 1-Special subcolumn of the HTS, delete the symbol "(CA)" and the duty rate preceding it, and insert in the parentheses following the "Free" rate the symbol "CA," in alphabetical order:

2902.90.40
2902.90.80
2904.10.04
2904.10.08
2904.10.32
2904.10.37
2907.15.60
2908.20.04
2908.20.08
2908.20.15
2908.20.60
2908.90.24
2908.90.28
2914.49.20
2914.49.40
2915.90.14
2915.90.18
2916.39.06
2916.39.70
2921.42.15
2921.42.75
2922.30.14
2922.30.18
2922.30.25
2922.30.35
2922.49.15
2922.49.25
2924.21.18
2924.21.20
2924.21.45
2925.20.40
2926.90.04
2926.90.08
2926.90.14
2926.90.17
2926.90.44
2926.90.48
2930.90.24
2930.90.28
2933.39.15
2933.39.37
2933.40.04
2933.40.08
2933.40.27
2933.40.70
2933.51.30
2933.51.60
2933.90.41
2933.90.44
2933.90.46
2933.90.51
2933.90.53
2933.90.55
2933.90.57
2933.90.59
2933.90.61
2933.90.65
2933.90.70
2933.90.75
2933.90.80
2933.90.83
2933.90.85
2933.90.87
2933.90.90
2933.90.95
2934.30.04
2934.30.08
2934.30.15
2934.30.25
2934.90.08
2934.90.44
2935.00.70
2937.92.40
2937.92.80
2937.99.20
2937.99.40
2937.99.60
2937.99.80

(b) For each of the following subheadings created by Annex I to this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1993	1994	1995	1996	1997	1998
2204.21.30	4.9¢/liter	3.9¢/liter	2.9¢/liter	1.9¢/liter	0.9¢/liter	Free
2204.21.50	4.9¢/liter	3.9¢/liter	2.9¢/liter	1.9¢/liter	0.9¢/liter	Free

HTS Subheading	1993	1994	1995	1996	1997	1998
5404.10.40	3.9%	3.1%	2.3%	1.5%	0.7%	Free
5404.10.80	3.9%	3.1%	2.3%	1.5%	0.7%	Free

ANNEX V

Effective with respect to products of Israel which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1995.

For each of the following subheadings created by Annex I to this proclamation, in the Rates of Duty 1-Special subcolumn of the HTS, delete the symbol "(IL)" and the duty rate preceding it, and insert in the parentheses following the "Free" rate the symbol "IL" in alphabetical order:

2908.20.15	2925.20.15	5404.10.40
2908.20.60	2925.20.40	5404.10.80

Proclamation 6447 of June 15, 1992

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America
A Proclamation

1. Pursuant to title V of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461, *et seq.*), the President may designate specified articles provided for in the Harmonized Tariff Schedule of the United States (HTS) as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries.

2. Pursuant to section 504(c) of the 1974 Act (19 U.S.C. 2464(c)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries pursuant to section 504(c)(6) of the 1974 Act (19 U.S.C. 2464(c)(6)), are subject to limitations on the preferential treatment afforded under the GSP. Pursuant to section 504(c)(5) of the 1974 Act (19 U.S.C. 2464(c)(5)), a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in section 504(c)(1) (after application of paragraph (c)(2)) during the preceding calendar year. Pursuant to section 504(d)(1) of the 1974 Act (19 U.S.C. 2464(d)(1)), the limitation provided for in section 504(c)(1)(B) of the 1974 Act (19 U.S.C. 2464(c)(1)(B)) shall not apply with respect to an eligible article if a like or directly competitive article was not produced in the United States on January 3, 1985. Further, pursuant to section 504(d)(2) of the 1974 Act (19 U.S.C. 2464(d)(2)), the President may disregard the limitation provided for in section 504(c)(1)(B) with respect to any eligible article if the appraised value of the total imports of such article into the United States during the preceding calendar year is not in excess of an amount which bears the same ratio to $5,000,000 as the gross national product of the United States for that calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1979.

3. Sections 502(b)(7) and 502(c)(7) of the 1974 Act (19 U.S.C. 2462(b)(7) and 2462(c)(7)) provide that a country that has not taken or is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act (19 U.S.C. 2462(a)(4)), is ineligible for designation as a beneficiary developing country for purposes of the GSP. Pursuant to section 504(a) of the 1974 Act (19 U.S.C. 2464(a)), the President may withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any article or with respect to any country upon consideration of the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)).

4. Pursuant to sections 501, 503(a), and 504(a) of the 1974 Act (19 U.S.C. 2461, 2463(a), and 2464(a)), in order to subdivide and amend the nomenclature of existing provisions of the HTS to modify the GSP, I have determined, after taking into account information and advice received under section 503(a), that the HTS should be modified to adjust the original designation of eligible articles. In addition, pursuant to title V of the 1974 Act, I have determined that it is appropriate to designate certain articles provided for in the HTS as eligible for preferential tariff treatment under the GSP when imported from designated beneficiary developing countries, and that such treatment for certain other articles should be terminated. I have also determined, pursuant to sections 504(a), (c)(1), and (c)(2) of the 1974 Act (19 U.S.C. 2464(a), (c)(1), and (c)(2)), that certain beneficiary countries should no longer receive preferential tariff treatment under the GSP with respect to certain eligible articles. Further, I have determined, pursuant to section 504(c)(5) of the 1974 Act, that certain countries should be redesignated as beneficiary developing countries with respect to certain eligible articles. These countries have been previously excluded from benefits of the GSP with respect to such eligible articles pursuant to section 504(c)(1) of the 1974 Act. Further, pursuant to section 504(d)(1) of the 1974 Act, I have determined that the limitation provided for in section 504(c)(1)(B) of the 1974 Act should not apply with respect to certain eligible articles because no like or directly competitive article was produced in the United States on January 3, 1985. Finally, I have determined that section 504(c)(1)(B) of the 1974 Act should not apply with respect to certain eligible articles pursuant to section 504(d)(2) of the 1974 Act.

5. Pursuant to sections 502(b)(7), 502(c)(7), and 504(a) of the 1974 Act, I have determined that it is appropriate to provide for the suspension of preferential treatment under the GSP for articles that are currently eligible for such treatment and that are imported from Syria. Such suspension is the result of my determination that Syria has not taken and is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act.

6. Section 503(c)(1) of the 1974 Act (19 U.S.C. 2463(c)(1)) provides that the President may not designate certain specified categories of import-sensitive articles as eligible articles under the GSP. Section 503(c)(1)(A) of the 1974 Act (19 U.S.C. 2463(c)(1)(A)) provides that textile and apparel articles that are subject to textile agreements are import-sensitive. Pursuant to section 504(a) of the 1974 Act, I am acting to modify the HTS to remove from eligibility under the GSP those articles that have become subject to textile agreements and to make certain conforming changes in the HTS.

7. In order to correct certain typographical errors in the HTS, I have determined that certain technical rectifications to the HTS are necessary and appropriate.

8. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to designate certain articles as eligible articles for purposes of the GSP when imported from certain designated beneficiary developing countries and to remove from eligibility under the GSP those articles that have become subject to textile agreements, the HTS is modified as provided in Annex I to this proclamation.

(2)(a) In order to designate certain articles as eligible articles for purposes of the GSP when imported from any designated beneficiary developing country, the Rates of Duty 1-Special subcolumn for the HTS subheadings enumerated in Annex II(a) to this proclamation is modified by inserting in the parentheses the symbol "A" as provided in such Annex.

(b) In order to restore preferential tariff treatment under the GSP to a certain country that has been excluded from the benefits of the GSP for an eligible article, the Rates of Duty 1-Special subcolumn for the HTS provision set forth in Annex II(b) to this proclamation is modified: (i) by deleting the symbol "A*" in parentheses, and (ii) by inserting the symbol "A" in lieu thereof.

(c) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to an eligible article for purposes of the GSP, the Rates of Duty 1-Special subcolumn for each of the HTS provisions enumerated in Annex II(c) to this proclamation is modified: (i) by deleting the symbol "A" in parentheses, and (ii) by inserting the symbol "A*" in lieu thereof.

(3) In order to provide for the suspension of preferential treatment under the GSP for Syria, to provide that one or more countries which have not been treated as beneficiary developing countries with respect to an eligible article should be redesignated as beneficiary developing countries with respect to such article for purposes of the GSP, and to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to an eligible article for purposes of the GSP, general note 3(c)(ii) to the HTS is modified as provided in Annex III to this proclamation.

(4) In order to provide for the continuation of previously proclaimed staged reductions on Canadian goods in the HTS provisions modified in Annex I to this proclamation, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex IV to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in Annex IV to this proclamation is modified as provided in such Annex.

(5) In order to correct certain typographical errors, the HTS is modified as set forth in Annex V to this proclamation.

(6) In order to provide for certain modifications to the GSP, the HTS is modified as set forth in Annex VI to this proclamation.

(7) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(8)(a) The amendments made by Annexes I, II, and III(a) to this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1992.

(b) The amendment made by Annex III(b) to this proclamation shall be effective on or after 60 days after the date of publication of this proclamation in the **Federal Register**.

(c) The modifications made by Annex IV(a) to this proclamation shall be effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1993.

(d) The modifications made by Annex IV(b) to this proclamation shall be effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates indicated in such Annex.

(e) The amendments made by Annex V to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of signature of this proclamation.

(f) The amendments made by Annex VI to this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after a date to be announced in the **Federal Register** by the United States Trade Representative.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

ANNEX I

The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1992.

1. Subheading 2902.90.80 is superseded by:

Heading/Subheading	Article Description	Rates of Duty 1-General	Rates of Duty 1-Special	Rates of Duty 2
	[Cyclic hydrocarbons:]			
	[Other:]			
"2902.90.60	Biphenyl (diphenyl) in flakes	10.4%	Free (A*,E,IL,J) 2% (CA)	15.4¢/kg + 68.5%
2902.90.90	Other	10.4%	Free (E,IL,J) 2% (CA)	15.4¢/kg + 68.5%"

Conforming change: The article description for HTS heading 9902.29.02 is modified by deleting "2902.90.80" and inserting "2902.90.90" in lieu thereof.

2. Subheadings 6307.90.86 and 6307.90.94 are superseded by:

	[Other made up...:]			
	[Other:]			
	[Other:]			
"6307.90.89	Surgical towels; cotton towels of pile or tufted construction; pillow shells, of cotton; shells for quilts, eiderdowns, comforters and similar articles of cotton	7%	Free (B,E*,IL,J*) 4.2% (CA)	40%
6307.90.99	Other	7%	Free (A,B,E,IL,J) 4.2% (CA)	40%"

Conforming change: HTS subheadings 9902.57.01 and 9905.63.10 are modified by striking out "6307.90.94" and inserting "6307.90.99" in lieu thereof.

3. Subheading 7320.10.00 is superseded by:

	[Springs and leaves for springs, of iron or steel:			
"7320.10	Leaf springs and leaves therefor:			
	Suitable for motor-vehicle suspension:			
7320.10.30	To be used in motor vehicles having a G.V.W. not exceeding 4 metric tons ...	4%	Free (A,B,E,IL,J) 2.4% (CA)	25%
7320.10.60	Other	4%	Free (B,E,IL,J) 2.4% (CA)	25%
7320.10.90	Other	4%	Free (A,B,E,IL,J) 2.4% (CA)	25%"

4. Subheading 8527.29.00 is superseded by:

	[Reception apparatus...:]			
	[Radiobroadcast receivers...:]			
"8527.29	Other:			
8527.29.40	FM only or AM/FM only	8%	Free (A,B,E,IL,J) 1.6% (CA)	35%
8527.29.80	Other	8%	Free (B,E,IL,J) 1.6% (CA)	35%"

ANNEX II

Modification in the HTS of an Article's Preferential Tariff Treatment under the GSP

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1992.

(a) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A," in alphabetical order:

0712.10.00	2005.70.22	7202.41.00	7318.16.00
2005.70.11	2005.70.25	7202.49.50	8483.50.80
2005.70.13	2005.70.75	7318.15.20	
2005.70.15	2008.50.20	7318.15.40	
2005.70.21	3926.20.50	7318.15.60	

(b) For HTS subheading 0710.80.70, in the Rates of Duty 1-Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof.

(c) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, delete the symbol "A" and insert an "A*" in lieu thereof:

0703.20.00	7103.99.10	8507.30.00	8713.10.00
1905.90.90	7321.11.30	8512.90.20	9018.90.80
3920.71.00	7322.90.00	8516.10.00	9026.80.60
4008.19.10	7407.21.90	8517.10.00	9032.89.60
4016.99.25	8112.91.50	8527.11.60	9403.90.60
4104.10.20	8422.90.05	8541.40.80	9613.80.20
4820.90.00	8431.42.00	8708.29.00	

ANNEX III

Modifications to General Note 3(c)(ii) of the HTS

(a) Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1992.

General note 3(c)(ii)(D) is modified:

(1) by deleting the following HTS subheading and the country set opposite such subheading:

0710.80.70 Guatemala

(2) by adding in numerical sequence, the following HTS subheadings and countries set opposite them:

0703.20.00	Mexico	7322.90.00	Mexico	8541.40.80	Mexico
1905.90.90	Mexico	7407.21.90	Brazil	8708.29.00	Mexico
2902.90.60	India	8112.91.50	Chile	8713.10.00	Mexico
3920.71.00	Mexico	8422.90.05	Mexico	9018.90.80	Dominican Republic; Mexico
4008.19.10	Malaysia	8431.42.00	Mexico	9026.80.60	Mexico
4016.99.25	Thailand	8507.30.00	Mexico	9032.89.60	Mexico
4104.10.20	Argentina	8512.90.20	Mexico	9403.90.60	Mexico
4820.90.00	Mexico	8516.10.00	Mexico	9613.80.20	Mexico
7103.99.10	Thailand	8517.10.00	Thailand		
7321.11.30	Mexico	8527.11.60	Malaysia		

(3) by deleting the following countries opposite the following HTS subheadings:

1701.11.01 Dominican Republic

2929.90.50 Bahamas

(4) by adding, in alphabetical order, the following countries opposite the following HTS subheadings:

1701.11.02 Guatemala

2905.31.00 Mexico

2915.24.00 Mexico

2934.90.14 Brazil

8521.10.00 Malaysia

(b) Effective on or after 60 days after the date of publication of this proclamation in the Federal Register.

General note 3(c)(ii)(A) is modified by deleting "Syria" from the enumeration of independent countries.

ANNEX IV

Effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after the dates set forth below.

(a) For each of the following subheadings created by Annex I to this proclamation, on or after January 1, 1993, in the Rates of Duty 1-Special subcolumn of the HTS, delete the symbol "(CA)" and the duty rate preceding it, and insert in the parentheses following the "Free" rate the symbol "CA," in alphabetical order:

2902.90.60 2902.90.90 8527.29.40 8527.29.80

(b) For each of the following subheadings created by Annex I to this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1993	1994	1995	1996	1997	1998
6307.90.89	3.5%	2.8%	2.1%	1.4%	0.7%	Free
6307.90.99	3.5%	2.8%	2.1%	1.4%	0.7%	Free
7320.10.30	2%	1.6%	1.2%	0.8%	0.4%	Free
7320.10.60	2%	1.6%	1.2%	0.8%	0.4%	Free
7320.10.90	2%	1.6%	1.2%	0.8%	0.4%	Free

ANNEX V

Effective with respect to articles which are entered, or withdrawn from warehouse for consumption, on or after the date of signature of this proclamation:

1. The article description for HTS subheading 0709.20.10 is deleted and the following is inserted in lieu thereof:

"Not reduced in size, entered during the period from September 15 to November 15, inclusive, in any year, and transported to the United States by air"

2. The article description for HTS subheading 7214.60.00 is modified by striking out "or or" and inserting "or" in lieu thereof.

3. The article description for HTS subheading 8215.99.50 is modified by striking out "parts" and inserting "parts)" in lieu thereof.

ANNEX VI

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after a date to be announced in the Federal Register by the United States Trade Representative.

1. The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Subheading 0814.00.90 is superseded by:

	[Peel of citris...:]			
"0814.00.40	Lime	2¢/kg	Free (A,CA,E,IL,J)	4.4¢/kg
0814.00.80	Other	2¢/kg	Free (CA,E,IL,J)	4.4¢/kg"

2. For HTS subheading 1604.19.25:

(a) In the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A," in alphabetical order.

(b) Pursuant to section 504(d)(1) of the 1974 Act, the limitation provided for in section 504(c)(1)(B) should not apply to articles provided for in HTS subheading 1604.19.25 because no like or directly competitive article was produced in the United States on January 3, 1985.

3. For HTS subheading 7413.00.10:

(a) General note 3(c)(ii)(D) is modified by deleting "7413.00.10 Peru".

(b) In the Rates of Duty 1-Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof.

Proclamation 6448 of June 17, 1992

Father's Day, 1992

By the President of the United States of America
A Proclamation

Father's Day not only brings due honor to the men who have dedicated themselves to one of life's highest callings but also provides the American people with an opportunity to reflect on all that fatherhood means to us as individuals and as a Nation.

A person who has been blessed with a loving, responsible, and supportive father is considered, by all accounts, to be very lucky. In some respects, he or she is. Yet, however fortunate one may feel to have a faithful and devoted father, we know that "luck" ultimately has little to do with it. It is not luck that motivates a man to protect, nurture, and provide for his children. It is not luck that keeps a man at his family's side when times are tough. No, it is not luck; rather, it is the unconditional love and lifelong commitment of a man who understands and accepts his responsibilities and is determined to endure the hard work and sacrifices that are an inevitable part of family life.

This, of course, is not to deny that some families and fathers experience a tragic share of misfortune—that some dads, no matter how hard they might try, encounter extraordinary obstacles and setbacks. However, the American who counts himself lucky on Father's Day gives thanks, not for the blind charity of fate, but for the deliberate courage of a father who always tried his best, even in the face of adversity; who always labored to provide full measures of love and discipline; and who, above all, constantly strived to instill in his children the virtues of faith, industry, personal responsibility, and concern for others. A good father may be rich or poor, worldly or simple, but in every case he is determined to look after the safety and well-being of his children, as well as their physical, emotional, and spiritual development.

A loving father makes a difference by his presence alone. Indeed, youngsters who look forward to their dad's return from work or other responsibilities are delighted by the sound of his car in the driveway or of his sure step upon the threshold. Children treasure their father's attention and affection, as well as his encouragement and guidance, and in his company they find security, reassurance, and direction. While many a dad has been called far from home, either by military duty or by some other serious obligation, a loving father remains ever close in heart—and eager to return one day. In such cases, a father's absence is redeemed as an expression of love—like that of the distant soldier who is resolved to promote a safer, more peaceful world for his children.

While a father's presence makes a profound difference in the lives of his children, most important is his active participation in the development of their character and values. Parenthood is, from its most fundamental level, oriented by nature toward partnership and union. Thus, if the family is the foundation of society, then fatherhood may well be described as a cornerstone: Just as the physical structure of a house stands with each brick supporting the other, so do the institutions of home and family life endure through the mutual support of husband and wife.

Finally, it is not surprising that we are reminded that the Fourth Commandment given to man by God is the first with a promise: Honor your father and your mother, "that it may be well with you and that you may live long on the earth." This injunction might readily apply to nations, as well as to individuals—each of us should honor not only our own moms and dads but also the divinely ordained *institutions* of motherhood and fatherhood. These are the twin pillars of strong, loving families and stable, caring communities, and the very future of our Nation begs that we offer them our respect and support.

59-194 O—93——25 : QL 3 (Pt. 6)

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972 (36 U.S.C. 142a), do hereby proclaim Sunday, June 21, as Father's Day. I urge all Americans to observe that day with appropriate activities, including prayer in their homes and places of worship, as a mark of abiding appreciation and respect for their fathers. I direct government officials to display the flag of the United States on all Federal buildings on that day, and I encourage individual citizens to display the flag at their homes and other suitable places as well.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6449 of June 22, 1992

Agreement on Trade Relations Between the United States of America and the Republic of Romania

By the President of the United States of America
A Proclamation

1. Pursuant to the authority vested in me by the Constitution and the laws of the United States, as President of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of Romania to conclude an agreement on trade relations between the United States of America and Romania.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of Romania," including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Romanian, was signed on April 3, 1992, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation.

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVI of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act of 1974, as amended, do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of Romania, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVI of said Agreement. The United States Trade Representative shall publish notice of the effective date in the **Federal Register**.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Romania".

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

AGREEMENT ON TRADE RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ROMANIA

The Government of the United States of America and the Government of Romania (hereinafter referred to collectively as "Parties" and individually as "Party"),

Affirming that the evolution of market-based economic institutions and the strengthening of the private sector will aid the development of mutually beneficial trade relations,

Acknowledging that the development of trade relations and direct contact between nationals and companies of the United States and nationals and companies of Romania will promote openness and mutual understanding,

Considering that expanded trade relations between the Parties will contribute to the general well-being of the peoples of each Party,

Recognizing that development of bilateral trade may contribute to better mutual understanding and cooperation and promote respect for internationally recognized worker rights,

Having agreed that economic ties are an important and necessary element in the strengthening of their bilateral relations,

Being convinced that an agreement on trade relations between the two Parties will best serve their mutual interests, and

Desiring to create a framework which will foster the development and expansion of commercial ties between their respective nationals and companies,

Have agreed as follows:

Article I—Application of GATT and Certain GATT Agreements

1. Both Parties reaffirm the importance of their rights and obligations under the General Agreement on Tariffs and Trade ("GATT") and reaffirm the importance of the provisions and principles of the GATT to their respective economic policies.

2. To this end, the Parties shall apply between themselves the provisions of the GATT as those provisions apply to each Party, and shall accord each other's products most-favored-nation treatment ("MFN") as provided in the GATT, provided that to the extent any provision of the GATT is inconsistent with this Agreement, the latter shall apply.

3. Both Parties reaffirm the importance of their participation in the GATT Code Agreements to which both are signatories, which presently include the Agreement on Technical Barriers to Trade ("Standards Code"), the Agreement on Implementation of Article VI ("Anti-Dumping Code"), the Agreement on Implementation of Article VII ("Customs Valuation Code"), the Agreement on Import Licensing Procedures ("Licensing Code"), the Agreement on Trade in Civil Aircraft ("Aircraft Code"), and the Arrangement Regarding Bovine Meat, and the importance of the provisions and principles contained therein to their respective economic policies.

4. Both Parties commit to participate constructively in multilateral negotiations aimed at improving existing agreements and any other multilateral negotiations under the auspices of the GATT.

5. Each Party shall accord to imports of products and services originating in the territory of the other Party most-favored-nation treatment with respect to the allocation of an access to currency to pay for such imports.

Article II—General Obligations With Respect to Trade

1. The Parties agree to maintain a satisfactory balance of market access opportunities through concessions in trade in products and services, including the satisfactory reciprocation of reductions in tariffs and nontariff barriers to trade resulting from multilateral negotiations.

2. With a view to assuring nondiscriminatory trade in products and services, such trade shall be effected by contracts between nationals and companies of either Party concluded in the exercise of their independent commercial judgment and on the basis of customary commer-

cial considerations such as price, quality, availability, delivery, and terms of payment.

3. Neither Party shall require or encourage its nationals or companies to engage in barter or countertrade transactions with nationals or companies of the other Party. Nevertheless, where nationals or companies decide to resort to barter or countertrade operations, the Parties will encourage them to furnish to each other all necessary information to facilitate the transaction.

Article III—Expansion and Promotion of Trade

1. The Parties affirm their desire to expand trade in products and services consistent with the terms of this Agreement. They shall take appropriate measures to encourage and facilitate the exchange of goods and services and to secure favorable conditions for long-term development of trade relations between their respective nationals and companies.

2. The Parties shall take appropriate measures to encourage the expansion of commercial contacts with a view to increasing trade. In this regard, the Government of Romania expects that, during the term of this Agreement, nationals and companies of Romania shall increase their orders in the United States for products and services, while the Government of the United States anticipates that the effect of this Agreement shall be to encourage increased purchases by nationals and companies of the United States of products and services from Romania. Toward this end, the Parties shall publicize this Agreement and ensure that it is made available to all interested parties.

3. Each Party shall encourage and facilitate the holding of trade promotional events such as fairs, exhibitions, missions and seminars in its territory and in the territory of the other Party. Similarly, each Party shall encourage and facilitate the participation of its respective nationals and companies in such events. Each Party shall permit participation in such events by commercial representations on nondiscriminatory terms and conditions. Subject to the laws in force within their respective territories, the Parties agree to allow the import and re-export on a duty free basis of all articles for use in such events, provided that such articles are not sold or otherwise transferred.

Article IV—Government Commercial Offices

1. In order to promote the development of trade and economic relations between the Parties, and to provide assistance to their nationals and companies engaged in commercial activities, each Party agrees to permit and facilitate the establishment and operation of Government commercial offices of the other Party on a reciprocal basis. The establishment and operation of such offices shall be in accordance with applicable laws and regulations, and subject to such terms, conditions, privileges, and immunities as may be agreed upon by the Parties.

2. Government commercial offices and their respective officers and staff members, to the extent that they enjoy diplomatic immunity, shall

not participate directly in the negotiation, execution, or fulfillment of trade transactions, or otherwise carry on trade.

3. Subject to its laws governing foreign missions, each Party shall allow government commercial offices to hire directly host-country nationals and, subject to immigration laws and procedures, third-country nationals.

4. Each Party shall ensure unhindered access of host-country nationals to government commercial offices of the other Party.

5. Each Party shall encourage the participation of its nationals and companies in the activities of their respective government commercial offices, especially with respect to events held on the premises of such commercial offices.

6. Each Party shall encourage and facilitate access of government commercial office personnel of the other Party to host-country officials, and to representatives of host-country nationals and companies.

7. This Agreement shall not derogate from obligations assumed by either Party concerning the establishment of existing government commercial offices.

Article V—Business Facilitation

1. Each Party shall afford commercial representations of the other Party fair and equitable treatment with respect to the conduct of their operations.

2. Each Party shall endeavor to ensure that governmental decisions, rulings, and findings affecting the conduct of commercial activities are made expeditiously.

3. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit the establishment within its territory of commercial representations of nationals and companies of the other Party and shall accord such representations treatment at least as favorable as that accorded to commercial representations of nationals and companies of third countries.

4. Parties shall permit employees of commercial representations and members of their immediate families to enter the territory of the other Party and to travel therein freely, in accordance with the laws relating to the entry, stay and travel of aliens. Each Party agrees to make available multiple entry visas of duration of six months or longer to such persons and to members of their immediate families.

5. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit such commercial representations established in its territory to hire directly employees who are nationals of either Party or of third countries and to compensate such employees on terms and in a currency that is mutually agreed between the parties, consistent with such Party's minimum wage laws.

6. Each Party shall permit commercial representations of the other Party to import and use in accordance with normal commercial practices, office and other equipment, such as typewriters, photocopiers,

computers and telefax machines, in connection with the conduct of their activities in the territory of such Party.

7. Each Party shall permit, on a nondiscriminatory basis and at nondiscriminatory prices (where such prices are set or controlled by the government), commercial representations of the other Party access to and use of office space and living accommodations, whether or not designated for use by foreigners. The terms and conditions of such access and use shall in no event be on a basis less favorable than that accorded to commercial representations of nationals and companies of third countries.

8. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit nationals and companies of the other Party to engage agents, consultants and distributors of either Party and of third countries on prices and terms mutually agreed between the parties.

9. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit nationals and companies of the other Party to serve as agents, consultants and distributors of nationals and companies of either Party and of third countries on prices and terms mutually agreed between the parties.

10. Each Party shall permit nationals and companies of the other Party to advertise their products and services (i) through direct agreement with the advertising media, including television, radio, print and billboard, and (ii) by direct mail, including the use of enclosed envelopes and cards preaddressed to that national or company.

11. Each Party shall encourage direct contact, and permit direct sales, between nationals and companies of the other Party and end-users and other customers of their goods and services, and with agencies whose decisions will affect potential sales.

12. Each Party shall permit nationals and companies of the other Party to conduct market studies, either directly or by contract, within its territory. To facilitate the conduct of market research, each Party shall upon request make available non-confidential, non-proprietary information within its possession to nationals and companies of the other Party.

13. Each Party shall provide nondiscriminatory access to government-provided products and services, including public utilities and telecommunications facilities, to nationals and companies of the other Party in connection with the operation of their commercial representations.

14. Each Party shall permit commercial representations to stock an adequate supply of samples and replacement parts for after-sale service on a non-commercial basis.

15. Neither Party shall impose measures which unreasonably impair contractual or property rights or other interests acquired within its territory by nationals and companies of the other Party.

16. Paragraphs 6 and 14 of this Article shall not be construed to affect the application of ordinary customs and tariff laws.

Article VI—Transparency

1. Each Party shall make available publicly on a timely basis all laws, regulations, judicial decisions, and administrative rulings related to commercial activity, including trade, investment, taxation, banking, insurance and other financial services, transport and labor.

2. Each Party shall provide nationals and companies of the other Party with access to available non-confidential, non-proprietary data and information on the national economy and individual sectors, including information on foreign trade, production figures, and other such information related to each Party's internal market.

3. Each Party shall allow the other Party, and the other Party's nationals and companies, the opportunity to comment, to the extent practicable, on the formulation of laws, regulations, standards, and administrative rulings which affect the conduct of their business activities.

Article VII—Financial Provisions Relating to Trade in Products and Services

1. Unless otherwise agreed between the parties to individual transactions, all commercial transactions between nationals and companies of the Parties shall be made in United States dollars or any other currency that may be designated by the International Monetary Fund as being a freely usable currency.

2. Neither Party shall restrict the transfer from its territory of convertible currencies or deposits, or payment instruments representative thereof, obtained in connection with trade in products and services by nationals and companies of the other Party.

3. Nationals and companies of a Party holding currency of the other Party received in an authorized manner may deposit such currency in financial institutions located in the territory of the other Party and may maintain and use such currency for local expenses.

4. Without derogation from paragraphs 2 or 3 of this Article, in connection with trade in products and services, each Party shall grant to nationals and companies of the other Party the better of most-favored-nation or national treatment with respect to:

(a) opening and maintaining accounts, in both local and foreign currency, and having access to their funds deposited, in financial institutions located in the territory of the Party;

(b) payments, remittances and transfers of convertible currencies, or financial instruments representative thereof, between the territories of the two Parties, as well as between the territory of that Party and that of any third country;

(c) rates of exchange and related matters, including access to freely usable currencies, such as through currency auctions; and

(d) the receipt and use of local currency.

1. Each Party shall provide adequate and effective protection and enforcement for patents, trademarks, copyrights, trade secrets, and integrated circuit layout designs as set forth in the text of the attached side letter on intellectual property.

Article IX—Areas for Further Cooperation

1. For the purpose of further developing bilateral trade and promoting a steady increase in the exchange of products and services, both Parties shall strive to achieve a mutually acceptable agreement on investment issues, including the repatriation of profits and transfer of capital.

2. The Parties shall take appropriate steps to foster economic and technical cooperation on as broad a base as possible in all fields deemed to be in their mutual interest, including cooperation with respect to statistics and standards, as well as production figures.

3. The Parties, taking into account the increasing economic significance of service industries, agree to consult on matters affecting service businesses in the two countries and particular matters of mutual interest relating to individual service sectors with the objective, among others, of attaining maximum possible market access and liberalization.

Article X—Import Relief Safeguards

1. The Parties agree to consult promptly at the request of either Party whenever actual or prospective imports of products originating in the territory of the other Party cause, threaten to cause, or significantly contribute to market disruption. Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by a domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to the domestic industry.

2. The consultations provided for in paragraph 1 of this Article shall have the objectives of (i) presenting and examining the factors relating to such imports that may be causing or threatening to cause or significantly contributing to market disruption, and (ii) finding means of preventing or remedying such market disruptions. Such consultations shall be concluded within sixty days from the date of the request for such consultation, unless the Parties otherwise agree.

3. Unless a different solution is mutually agreed upon during the consultations, the importing Party may (i) impose quantitative import limitations, tariff measures or any other restrictions or measures to such extent and for such time as it deems appropriate to prevent or remedy threatened or actual market disruption, and (ii) take appropriate measures to ensure that imports from the territory of the other Party comply with such quantitative limitations or other restrictions. In this event, the other Party shall be free to deviate from its obligations under this Agreement with respect to substantially equivalent trade.

4. Where in the judgment of the importing Party, emergency action is necessary to prevent or remedy such market disruption, the importing Party may take such action at any time and without prior consultations provided that consultations shall be requested immediately thereafter.

5. Each Party shall ensure that its domestic procedures for determining market disruption are transparent and afford affected parties an opportunity to submit their views.

6. In the selection of measures under this Article, the Parties shall give priority to those measures which cause the least disturbance to the goals and provisions of this Agreement.

7. The Parties acknowledge that the elaboration of the market disruption safeguard provisions in this Article is without prejudice to the right of either Party to apply its own unfair trade laws and regulations, including antidumping and countervailing duty laws and those laws applicable to trade in textiles and textile products.

Article XI—Dispute Settlement

1. Nationals and companies of either Party shall be accorded national treatment with respect to access to all courts and administrative bodies in the territory of the other Party, as plaintiffs, defendants or otherwise. They shall not claim or enjoy immunity from suit or execution of judgment, proceedings for the recognition and enforcement of arbitral awards, or other liability in the territory of the other Party with respect to commercial transactions; they also shall not claim or enjoy immunities from taxation with respect to commercial transactions, except as may be provided in other bilateral agreements.

2. The Parties encourage the adoption of arbitration for the settlement of disputes arising out of commercial transactions concluded between nationals or companies of the United States and nationals or companies of Romania. Such arbitration may be provided for by agreements in contracts between such nationals and companies, or in separate written agreements between them.

3. The parties may provide for arbitration under any internationally recognized arbitration rules, such as the arbitration rules of the International Chamber of Commerce or the UNCITRAL Rules. If the parties elect the UNCITRAL Rules, the parties should designate an Appointing Authority under said rules in a country other than the United States or Romania.

4. Unless otherwise agreed between the parties, the parties should specify as the place of arbitration a country other than the United States or Romania that is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 1958.

5. Nothing in this Article shall be construed to prevent, and the Parties shall not prohibit, the parties from agreeing upon any other form of arbitration or dispute settlement which suits their particular needs.

6. Each Party shall ensure that an effective means exists within its territory for the recognition and enforcement of arbitral awards.

Article XII—National Security

1. The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its security interests.

Article XIII—Consultations

1. The Joint American-Romanian Economic Commission, established on December 5, 1973, shall periodically review the operation of this Agreement and make recommendations for achieving its objectives. The Commission shall operate pursuant to its existing Terms of Reference and Rules of Procedure, as the same may be modified from time to time by the Parties.

2. At the request of either Party, the Parties agree to consult promptly through appropriate channels to discuss any matter concerning the interpretation or implementation of this Agreement or other relevant aspects of relations between the Parties.

Article XIV—Definitions

1. As used in this Agreement, the terms set forth below shall have the following meaning:

(a) "company" means any kind of corporation, company, association, sole proprietorship, or other organization legally constituted under the laws and regulations of a Party or a political subdivision thereof, whether or not organized for pecuniary gain, and whether or not privately or government owned.

(b) "commercial representation" means a representation of a company of a Party.

(c) "national" means a natural person who is a national of a Party under the Party's applicable laws.

Article XV—General Exceptions

1. Nothing in this Agreement shall be construed to prohibit any action by either Party which is required or permitted by the GATT.

2. So long as the measure does not constitute either an arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, nothing in this Agreement shall be construed to prohibit:

(a) measures for the protection of intellectual property rights and for the prevention of deceptive practices, as set out in Article VIII and the side letters to this Agreement, provided that such measures shall be related to the extent of an injury suffered or to prevent such an injury's occurrence;

(b) measures for reasons contemplated by Article XX of the GATT, provided that the term "Agreement" in GATT Article XX, paragraph (d) shall be construed to refer to this Agreement.

3. Trade in products or services between the Parties which is subject to existing or subsequent bilateral or multilateral agreements on specific sectoral trade, such as existing agreements on textiles and civil aircraft, shall be subject to the terms of any such agreement.

4. Each Party reserves the right to deny the advantages of this Agreement to any company if either (i) nationals of a third country control the company and the company has no substantial business activities in the territory of the other Party, or (ii) the company is controlled by nationals of a third country with which the Party does not maintain normal economic relations.

Article XVI—Entry into Force, Term, Suspension and Termination

1. This Agreement (including its side letters, which are an integral part of the Agreement) shall enter into force upon an exchange of diplomatic notes in which the Parties notify each other that all necessary legal requirements for entry into force have been fulfilled, and shall remain in force as provided in paragraphs 3 and 4 of this Article.

2. This Agreement shall, upon entry into force, supercede in all respects the Agreement on Trade Relations Between the United States of America and the Socialist Republic of Romania, done on April 2, 1975, and the Agreement Suspending Mutual Application of Most Favored Nation Tariff Treatment Under the Trade Agreement of April 2, 1975, done on June 22, 1988, which agreements shall have no further force or effect.

3. (a) The initial term of this Agreement shall be three years, subject to subparagraph (b) and (c) of this paragraph.

(b) If either Party encounters or foresees a problem concerning its domestic legal authority to carry out any of its obligations under this Agreement, such Party shall request immediate consultations with the other Party. Once consultations have been requested, the other Party shall enter into such consultations as soon as possible concerning the circumstances that have arisen with a view to finding a solution to avoid action under subparagraph (c).

(c) If either Party does not have domestic legal authority to carry out its obligations under this Agreement, either Party may suspend the application of this Agreement or, with the agreement of the other Party, any part of this Agreement. In that event, the Parties will, to the fullest extent practicable and consistent with domestic law, seek to minimize disruption to existing trade relations between the two countries.

4. This Agreement shall be extended for successive terms of three years each unless either Party has given written notice to the other Party of its intent to terminate this Agreement at least 30 days prior to the expiration of the then current term.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

DONE at Bucharest on this 3rd day of April 1992, in duplicate, in the English and the Romanian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:	FOR THE GOVERNMENT OF ROMANIA:
John R. Davis, Jr.	**Constantin Fota**

Bucharest, April 3, 1992.

The Honorable Constantin Fota,
Minister of Commerce and Tourism
Romania

Dear Mr. Minister,

I have the honor to confirm receipt of your letter that reads as follows:

Dear Mr. Ambassador:

In connection with the signing on this date of the Agreement on Trade Relations Between the Government of the United States of America and the Government of Romania (the "Agreement"), I have the honor to confirm the understanding reached by our Governments as follows:

In order to foster increased commercial activities and economic cooperation, the Government of Romania and the Government of the United States of America (the "Parties") agree to undertake the following activities:

1. To encourage their respective nationals and companies to develop, publish, and provide directly, directories of nationals and companies involved in foreign trade and their officers, as well as other information useful in contacting and evaluating potential business partners, and lists of government agencies and officers involved in foreign trade policy and regulation; and

2. To create favorable conditions for access to nonproprietary and nonconfidential commercial information useful in evaluating potential business partners, such as their financial reports, profit and loss statements, and experiences in foreign trade.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

John R. Davis, Jr.,
U.S. Ambassador to Romania

Bucharest, April 3, 1992.

The Honorable Constantin Fota,
Minister of Commerce and Tourism
Romania

Dear Mr. Minister,

I have the honor to confirm receipt of your letter that reads as follows:

Dear Mr. Ambassador:

In connection with the signing on this date of the Agreement on Trade Relations Between the United States of America and Romania (the "Agreement"), I have the honor to

confirm the understanding reached by our Governments (the "Parties") regarding cooperation in the field of tourism services as follows:

GOAL

1. Both Parties shall facilitate the expansion of tourism between the United States and Romania and encourage the adoption of measures by tourist companies of both countries to satisfy the desire of tourists to learn about the lifestyles, achievements, history and culture of each country.

OFFICIAL TOURISM PROMOTION

1. Each Party shall seek permission of the other Party prior to the establishment of official, governmental tourism promotion offices in the other's territory.

2. Permission to open tourism promotion offices or field offices and the status of personnel at those offices shall be subject to the agreement of the Parties and subject to the laws and regulations of the host country.

3. Tourism promotion offices opened by either Party shall be operated on a non-commercial basis. Official tourism promotion offices and the personnel assigned to them shall not function as agents or principals in commercial transactions, enter into contractual agreements on behalf of commercial organizations, or engage in any other commercial activities. Such offices shall not sell services to the public or otherwise compete with travel agents or tour operators of either country.

4. Official governmental tourism offices shall conduct activities related to the promotion and facilitation of tourism between the United States and Romania, including:

(a) providing information about the tourist facilities and attractions in their respective countries to the public, the travel industry, and the media;

(b) holding meetings and workshops for representatives of the travel industry, as appropriate;

(c) participating in trade shows;

(d) distributing advertising and promotional materials such as posters, brochures, and photographs to the public, the travel industry, and the media;

(e) performing tourism market research.

5. Nothing in this letter shall obligate either Party to open an official governmental tourism office in the territory of the other.

COMMERCIAL TOURISM COMPANIES

1. Commercial tourism companies, whether privately or governmentally owned, or branches thereof, shall be treated as private commercial companies, fully subject to all applicable laws and regulations of the host country.

2. Each Party shall ensure within the scope of its legal authority and in accordance with its laws and regulations that any company owned, controlled, or administered by that Party or any joint venture therewith, or any private company or joint venture between private companies, which effectively controls a significant proportion of the tourism and travel-related services in the territory of that Party shall provide those services to nationals and companies of the other Party on a fair and equitable basis.

Nothing in this letter or in the Agreement shall be construed to mean that tourism and travel-related services shall not receive the benefits from the Agreement as fully as all other industries and sectors.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

John R. Davis, Jr.

Bucharest, April 3, 1992.

The Honorable Constantin Fota,
Minister of Commerce and Tourism
Romania

Dear Mr. Minister,

I have the honor to confirm receipt of your letter that reads as follows:

Dear Mr. Ambassador:

In connection with the signing on this date of the Agreement on Trade Relations between the Government of the United States and the Government of Romania (the "Agreement"), I have the honor to confirm the understanding reached by our Governments as follows:

The Parties agree to provide adequate and effective protection and enforcement of intellectual property rights in patents, trademarks, copyrights, trade secrets, and layout designs for integrated circuits. Each Party reaffirms its commitments to those international agreements relating to intellectual property to which both Parties are signatories. Specifically, each Party reaffirms the commitments made with respect to the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967) and the Berne Convention for the Protection of Literary and Artistic Works.

1. Each Party shall provide no less favorable treatment to the right holders of the other Party than it provides to its own right holders with respect to laws, regulations and practices implementing the provisions of this letter.

2. To provide adequate and effective protection and enforcement of intellectual property rights, each Party shall continue to adhere to the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967) (Paris Convention), and shall adhere to the Berne Convention for the protection of Literary and Artistic Works (Paris 1971) (Berne Convention), and the Geneva Convention for the Protection of Producers of Phonograms (Geneva Convention) and shall also observe, *inter alia*, the following:

(a) *Copyright and Related Rights*

(i) Each Party shall protect the works listed in Article 2 of the Berne Convention and any other works now known or later developed, that embody original expression within the meaning of the Berne Convention, including:

(1) all types of computer programs (including application programs and operating systems) expressed in any language, whether in source or object form which shall be protected as literary works; and,

(2) collections or compilations of protected or unprotected material or data whether in print, machine readable or any other medium, including data bases, which shall be protected in so far as they constitute an intellectual creation by reason of the selection, coordination, or arrangement of their contents.

(ii) Each Party shall ensure that the rights provided to authors in works protected pursuant to paragraph 2(a)(i) of this letter shall include, the following:

(1) the exclusive right to import or authorize the importation into the territory of the Party of lawfully made copies of the work;

(2) the exclusive right to prevent the importation into the territory of the Party of copies of the work made without the authorization of the right-holder;

(3) the exclusive right to make the first public distribution of the original or each authorized copy of a work by sale, rental, or otherwise;

(4) in respect of at least computer programs, the exclusive right to authorize or prohibit the rental of the original or copies of their copyrighted works. Each Party may exclude from the rental right programs that are fixed as part of a machine or are fixed in a medium that is not susceptible to copying. Putting the originals or copies of computer programs on the market with the consent of the right-holder shall not exhaust the rental right; and

(5) the exclusive right to publicly communicate a work except for a sound recording (*e.g.*, to perform, display, project, exhibit, broadcast, transmit, or retransmit a work); the term "public" shall include:

(A) communicating a work in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or

(B) communicating or transmitting a work, a performance, or a display of a work, in any form, or by means of any device or process to a place specified in clause 2(ii)(5)(A) or to the public, regardless of whether the members of the public capable of receiving such communications can receive them in the same place or separate places and at the same time or at different times.

(iii) Parties shall extend the protection afforded under paragraph 2(a)(i) and 2(a)(ii) of this letter to authors of the other Party, whether they are natural persons or, where the domestic law of the Party seeking protection so provides, juridical entities, and to their successors in title.

(iv) Each Party shall provide that the exclusive rights protected under paragraph 2(a)(ii) of this letter are freely and separately exploitable and transferable. Each Party also shall provide that assignees and exclusive licensees may enjoy all rights of their assignors and licensors acquired through voluntary agreements, and ensure that they are entitled to enjoy and exercise their acquired exclusive rights in their own names.

(v) In cases where a Party calculates the term of protection of a work on a basis other than the life of a natural person, the term of protection shall be no less than 50 years from the first authorized publication or, failing such authorized publication within 50 years from the making of the work, 50 years after the making.

(vi) Each Party shall confine any limitations upon and exceptions to the exclusive rights provided under paragraph 2(a)(ii) of this letter (including any limitations or exceptions that restrict such rights to "public" activity) to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder.

(vii) Each Party shall limit resort to compulsory licensing to those works, rights and utilizations permitted under the Berne Convention; and further shall ensure that any legitimate compulsory or non-voluntary license or restriction of exclusive rights to a right of remuneration shall provide means to ensure payment and remittance of royalties at a level consistent with what would be negotiated on a voluntary basis.

(viii) Each Party shall, at a minimum, extend to producers of sound recordings the exclusive rights to do or to authorize the following:

(1) to reproduce the recording by any means or process, in whole or in part; and

(2) to exercise the importation and exclusive distribution and rental provided in paragraphs 2(a)(ii)(1) (2) (3) and (4) of this letter.

(ix) Paragraphs 2(a)(iii), (iv) and (vi) of this letter shall apply *mutatis mutandis* to sound recordings.

(x) Each Party shall:

(1) protect sound recordings first fixed or published in the territory of the other Party;

(2) protect sound recordings for a term of at least 50 years from publication; and

(3) grant the right to make the first public distribution of the original of each authorized sound recording by sale, rental, or otherwise except that the first sale of the original of such sound recording shall not exhaust the rental or importation right therein (the "rental right" shall mean the right to authorize or prohibit the disposal of the possession of the original or copies for direct or indirect commercial advantage).

(xi) Parties shall not subject the acquisition and validity of intellectual property rights in sound recordings to any formalities, and protection shall arise automatically upon creation of the sound recording.

(b) *Trademarks*

(i) Protectable Subject Matter

(1) Trademarks shall consist of at least any sign, words, including personal names, designs, letters, numerals, colors, or the shape of goods or of their packaging, provided that

the mark is capable of distinguishing the goods or services of one undertaking from those of other undertakings.

(2) The term "trademark" shall include service marks, collective and may include certification marks.

(ii) Acquisition of Rights

(1) Each Party shall provide a system for the registration of trademarks. Parties shall provide protection for trademarks based on registration and may provide protection on the basis of use.

(2) Each Party shall publish each trademark either before it is registered or promptly after it is registered and shall afford other parties a reasonable opportunity to petition to cancel the registration. In addition, each Party may afford an opportunity for the other Party to oppose the registration of a trademark.

(3) The nature of the goods or services to which a trademark is to be applied shall in no case form an obstacle to registration of the trademark.

(iii) Rights Conferred

(1) The owner of a registered trademark shall have exclusive rights therein. He shall be entitled to prevent all third parties not having his consent from using in commerce identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is protected, where such use would result in a likelihood of confusion.

(2) Each Party shall refuse to register or shall cancel the registration and prohibit use of a trademark likely to cause confusion with a trademark of another which is considered to be well-known. A Party may not require that the reputation of the trademark extend beyond the sector of the public which normally deals with the relevant goods or services.

(3) The owner of a trademark shall be entitled to take action against any unauthorized use which constitutes an act of unfair competition.

(4) The rights described in the foregoing paragraphs shall not prejudice any existing prior rights, nor shall this affect the possibility of Parties making rights available on the basis of use.

(iv) Term of Protection

Initial registration of a trademark shall be for a term of at least 10 years. The registration of a trademark shall be indefinitely renewable for terms of no less than 10 years when conditions for renewal have been met

(v) Other Requirements

The use of a trademark in commerce shall not be encumbered by special requirements, such as use which reduces the function of a trademark as an indication of source or use with another trademark.

(vi) Compulsory Licensing

Compulsory licensing of trademarks shall not be permitted.

(vii) Transfer

Trademark registrations may be transferred.

(c) *Patents*

(i) Patentable Subject Matter

Patents shall be available for all inventions, whether products or processes, in all fields of technology, except that a Party may exclude from patentability any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon.

(ii) Rights Conferred

(1) A patent shall confer the right to prevent others not having the patent owner's consent from making, using, or selling the subject matter of the patent. In the case of a

patented process, the patent confers the right to prevent others not having consent from using that process and from using, selling, or importing at least the product obtained directly by that process.

(2) Where the subject matter of a patent is a process for obtaining a product, each Party shall provide that the burden of establishing that an alleged infringing product was not made by the process shall be on the alleged infringer if the patent owner presents evidence that a substantial likelihood exists that the product was made by the process and the patent owner has been unable through reasonable efforts to determine the process actually used. In the gathering and evaluation of evidence to the contrary, the legitimate interests of the defendant in protecting his trade secrets shall be taken into account.

(3) A patent may be revoked only on grounds that would have justified a refusal to grant the patent.

(iii) Exceptions

Each Party may provide limited exceptions to the exclusive rights conferred by a patent, such as for acts done for experimental purposes, provided that the exceptions do not significantly prejudice the economic interests of the right-holder, taking account of the legitimate interests of third parties.

(iv) Term of Protection

Each Party shall provide a term of protection of at least 20 years from the date of filing of the patent application or 17 years from the date of grant of the patent. Each Party is encouraged to extend the term of patent protection, in appropriate cases, to compensate for delays caused by regulatory approval processes.

(v) Transitional Protection

A Party shall provide transitional protection for products embodying subject matter deemed to be unpatentable under its patent law prior to its implementation of the provisions of this letter, where the following conditions are satisfied:

(1) the subject matter to which the product relates will become patentable after implementation of the provisions of this letter; and

(2) a patent has been issued for the product by the other Party prior to the entry into force of the Agreement; and

(3) the product has not been marketed in the territory of the Party providing such transitional protection.

The owner of a patent for a product satisfying the conditions set forth above shall have the right to submit a copy of the patent to the competent authority of the Party providing transitional protection. Such Party shall limit the right to make, use, or sell the product in its territory to such owner for a term to expire with that of the patent submitted.

(vi) Compulsory Licenses

Each Party may limit the patent owner's exclusive rights through compulsory licenses but only (1) to remedy an adjudicated violation of competition laws, (2) to address, only during its existence, a declared national emergency, and (3) to enable compliance with national air pollutant standards, where compulsory licenses are essential to such compliance.

Where the law of a Party allows for the grant of compulsory licenses, the following provisions shall be respected:

(1) Compulsory licenses shall be non-exclusive and non-assignable except with that part of the enterprise which exploits such license.

(2) The payment of remuneration to the patent owner adequate to compensate the patent owner fully for the license shall be required, except for compulsory licenses to remedy adjudicated violations of competition law.

(3) Each case involving the possible grant of a compulsory license shall be considered on its individual merits except that such consideration may be waived in cases of a declared national emergency.

(4) Any compulsory license shall be revoked when the circumstances which led to its granting cease to exist, taking into account the legitimate interests of the patent owner

l of the licensee. The continued existence of these circumstances shall be reviewed upon uest of the patent owner.

(5) Judicial review shall be available for:

(a) Decisions to grant compulsory licenses, except in the instance of a declared ional emergency,

(b) decisions to continue compulsory licenses, and

(c) decisions concerning the amount of compensation provided for compulsory enses.

(d) *Layout-Designs of Semiconductor Integrated Circuits*

(i) Subject Matter for Protection

(1) Each Party shall provide protection for original layout-designs incorporated in emiconductor integrated circuit, however the layout-design might be fixed or encoded.

(2) Each Party may condition protection on fixation or registration of the layout-igns. If registration is required, applicants shall be given at least two years from first nmercial exploitation of the layout-design in which to apply. A Party which requires de-its of identifying material or other material related to the layout-design shall not require plicants to disclose confidential or proprietary information unless it is essential to allow ntification of the layout-design.

(ii) Rights Acquired

(1) Each Party shall provide to right-holders of lay-out designs of the other Party exclusive right to do or to authorize the following:

(A) to reproduce the layout-design;

(B) to incorporate the layout-design in a semiconductor chip; and

(C) to import or distribute a semiconductor integrated circuit incorporating the out-design and products including such integrated circuits.

(2) The conditions set out in paragraph (c)(vi) of this paragraph shall apply, *muta-mutandis*, to the grant of any compulsory licenses for layout-designs.

(3) Neither Party is required to extend protection to layout-designs that are com-nplace in the industry at the time of their creation or to layout-designs that are exclu-ely dictated by the functions of the circuit to which they apply.

(4) Each Party may exempt the following from liability under its law:

(A) reproduction of a layout-design for purposes of teaching, analysis, or evalua-n in the course of preparation of a layout-design that is itself original;

(B) importation and distribution of semiconductor chips, incorporating a pro-ted layout-design, which were sold by or with the consent of the owner of the layout-ign; and

(C) importation or distribution up to the point of notice of a semiconductor chip orporating a protected layout-design and products incorporating such chips by a person o establishes that he did not know, and had no reasonable grounds to believe, that the out-design was protected, provided that, with respect to stock on hand or purchased at time notice is received, such person may import or distribute only such stock but is ble for a reasonable royalty on the sale of each item after notice is received.

(iii) Term of Protection

The term of protection for the lay-out design shall extend for at least ten years from date of first commercial exploitation or the date of registration of the design, if required, ichever is earlier.

(e) *Acts Contrary to Honest Commercial Practices and the Protection of Trade Secrets*

(i) In the course of ensuring effective protection against unfair competition as pro-ed for in Article 10 bis of the Paris Convention for the Protection of Industrial Property,

each Party shall provide in its domestic law and practice the legal means for nationals and companies to prevent trade secrets from being disclosed to, acquired by, or used by others without the consent of the trade secret owner in a manner contrary to honest commercial practices insofar as such information:

(1) is not, as a body or in the precise configuration and assembly of its components, generally known or readily ascertainable;

(2) has actual or potential commercial value because it is not generally known or readily ascertainable; and

(3) has been subject to reasonable steps under the circumstances to keep it secret.

(ii) Neither Party shall limit the duration of protection for trade secrets so long as the conditions in paragraph 2(e)(i) of this letter exist.

(iii) Licensing

Neither Party shall discourage or impede voluntary licensing of trade secrets by imposing excessive or discriminatory conditions on such licenses or conditions which dilute the value of trade secrets.

(iv) Government Use

(1) If a Party requires, as a condition of approving the marketing of pharmaceutical or agricultural chemical products which utilize new chemical entities, the submission of undisclosed test or other data, the origination of which involves a considerable effort, that Party shall protect such data against unfair commercial use. Further, each Party shall protect such data against disclosure except where necessary to protect the public or unless steps are taken to ensure that the data is protected against unfair commercial use.

(2) Unless the person submitting the information agrees, the data may not be relied upon for the approval of competing products for a reasonable period of time, taking into account the efforts involved in the origination of the data, their nature, and the expenditure involved in their preparation, and such period of time shall generally be not less than five years from the date of marketing approval.

(3) Where a Party relies upon a marketing approval granted by another Party, the reasonable period of exclusive use of the data submitted in connection with obtaining the approval relied upon shall commence with the date of the first marketing approval relied upon.

(f) *Enforcement of Intellectual Property Rights*

(i) Each Party shall protect intellectual property rights covered by this letter by means of civil law, criminal law, or administrative law or a combination thereof in conformity with the provisions below. Each Party shall provide effective procedures, and remedies to prevent or stop, within its territory and at the border, against any act of infringement, and effective remedies to stop and prevent infringements and to effectively deter further infringements. These procedures shall be applied in such a manner as to avoid the creation of obstacles to legitimate trade and provide safeguards against abuse.

(ii) Procedures for enforcing intellectual property rights shall be fair and equitable.

(iii) Decisions on the merits of a case shall, as a general rule, be in writing and reasoned. They shall be made known at least to the parties to the dispute without undue delay.

(iv) Each Party shall provide an opportunity for judicial review of final administrative decisions on the merits of an action concerning the protection of an intellectual property right. Subject to jurisdictional provisions in each Party's laws concerning the importance of a case, an opportunity for judicial review of the legal aspects of initial judicial decisions on the merits of a case concerning the protection of an intellectual property right shall also be provided.

(v) Notwithstanding the other provisions of paragraph 2(f), when a Party to this Agreement is sued with respect to infringement of an intellectual property right as a result of the use of that right by or for the government, the Party may limit remedies against the government to payment of full compensation to the right-holder.

3. For purposes of this Agreement:

(a) "right-holder," includes the right-holder himself, any other natural or legal person authorized by him who are exclusive licensees of the right, or other authorized persons, including federations and associations, having legal standing under domestic law to assert such rights;

(b) "A manner contrary to honest commercial practice" is understood to encompass, *inter alia*, practices such as theft, bribery, breach of contract, inducement to breach, electronic and other forms of commercial espionage, and includes the acquisition, use or disclosure of trade secrets by third parties who knew, or had reasonable grounds to know, that such practices were involved in their acquisition of such information.

(c) "Integrated circuit" means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function.

4. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this letter shall be construed to prohibit the adoption or enforcement by a Party of measures necessary to secure compliance with laws or regulations relating to the protection and enforcement of intellectual property rights and the prevention of deceptive practices as set out in this letter.

5. Each Party agrees to submit for enactment no later than December 31, 1993 the legislation necessary to carry out the obligations of this letter and to exert its best efforts to enact and implement this legislation by that date.

6. The Parties acknowledge that, under the existing Romanian law, it is not possible to fully implement the provisions of this letter. Accordingly, the Government of Romania has undertaken the obligation set forth in paragraph 5 of the side letter to submit and exert best efforts to enact and implement amendments to existing laws or enact new laws. Pending the enactment of such amendments or new laws which fully implement the provisions of the exchange of letters, if it is brought to the attention of the Romanian Government by the Government of the United States that existing laws are being applied in a manner inconsistent with this side letter, the Government of Romanian shall promptly take appropriate steps to rectify the inconsistency, including accelerating the introduction and implementation of such amendments and new laws.

I have the further honor to propose this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that the understanding is shared by your Government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

John R. Davis, Jr.

Proclamation 6450 of June 23, 1992

Year of Reconciliation Between American Indians and Non-Indians, 1992

By the President of the United States of America

A Proclamation

By observing 1992 as the Year of the American Indian, we celebrate the rich heritage of each of this country's native peoples, as well as the unique government-to-government relationship that has evolved between Indian tribes and the Federal Government of the United States. At a time when we are working hard to strengthen a relationship based on mutual trust and cooperation—one in which the tribes of the Nation stand shoulder to shoulder with the other governmental units that form

our Republic—it is fitting that we also designate 1992 as a "Year of Reconciliation Between American Indians and Non-Indians."

Because reconciliation begins with mutual understanding and acceptance, this observance is aimed at encouraging cultural education and exchange among American Indians and non-Indians. This year schools, business associations, and the media, as well as religious organizations and civic groups, are invited to join in honoring America's indigenous peoples and in helping non-Indians to learn more about each tribe's unique history, customs, and traditions. Through education, we can overcome age-old myths and stereotypes and heal divisions that hinder progress toward our shared goals of equal opportunity and justice.

Over the years, efforts to increase tribal self-governance have brought a renewed sense of pride and empowerment to this country's native peoples. By continuing to seek full reconciliation among American Indians and non-Indians, we will strengthen and enrich the entire Nation.

The Congress, by Public Law 102–279, has designated 1992 as a "Year of Reconciliation Between American Indians and Non-Indians," and has requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim 1992 as a Year of Reconciliation Between American Indians and Non-Indians. I invite all Americans to observe this year with appropriate programs and activities in honor of this country's native peoples and in recognition of the importance of promoting increased understanding among all the inhabitants of this great and blessed land.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6451 of June 23, 1992

National Scleroderma Awareness Month, 1992

By the President of the United States of America

A Proclamation

Scleroderma is a painful, disfiguring, and sometimes life-threatening disease that can strike individuals of any age or background, although it occurs predominantly among women in the prime of life. Individuals who have this disease experience hardening of the skin caused by excessive accumulation of the structural protein collagen. Scleroderma also affects the blood vessels and immune system and can impair the function of the kidneys, lungs, heart, or gastrointestinal tract.

Although the cause of the disease remains a mystery, scientists and physicians are gaining a better understanding of scleroderma. For example, researchers have found that the activity of endothelin, a newly discovered proteinaceous substance produced by blood vessels, ap-

ars to link two important and otherwise distinct features of :leroderma: constriction of small blood vessels and overproduction of ollagen. Blood vessels of patients with scleroderma commonly con- act for extended periods of time, thereby reducing the flow of oxygen vital body parts and damaging their ability to function normally. his finding and others offer new opportunities to develop more effec- e treatments for scleroderma. Today, many dedicated men and omen are working together through governmental, scientific, and vol- ntary health organizations to seize such opportunities. Their efforts e grounds for hope.

order to enhance public understanding of scleroderma and to em- hasize the need for continuing research, the Congress, by House Joint esolution 445, has designated June 1992 as "National Scleroderma wareness Month" and requested the President to issue a proclamation observance of this month.

OW, THEREFORE, I, GEORGE BUSH, President of the United States f America, do hereby proclaim June 1992 as National Scleroderma wareness Month. I encourage all appropriate government agencies nd the people of the United States—in particular, members of the edia and the scientific and health care communities—to observe this onth with appropriate programs and activities that will enhance pub- c awareness of scleroderma and the importance of research on this isease.

N WITNESS WHEREOF, I have hereunto set my hand this twenty- iird day of June, in the year of our Lord nineteen hundred and ninety- vo, and of the Independence of the United States of America the two ndred and sixteenth.

GEORGE BUSH

roclamation 6452 of June 30, 1992

Iational Spina Bifida Awareness Month, 1992

y the President of the United States of America

Proclamation

pproximately one of every 1,000 newborns in the United States is af- ected by spina bifida, a serious and often debilitating neurological dis- rder. Spina bifida occurs when a baby's spinal cord develops abnor- ally while he or she is still in the womb, resulting in nerve damage at can lead to muscle paralysis, loss of sensation in the lower limbs, nd bowel and bladder complications. The disorder is often accom- anied by hydrocephalus, an excessive and potentially dangerous ac- umulation of fluid within the brain. While in the past the prognosis as grim for children with spina bifida, currently some 80–90 percent affected children survive the disorder, thanks to advances in surgery nd other forms of intervention and treatment. Heartened by the rogress that we have made thus far, our nation remains firmly com- itted to the fight against spina bifida.

hrough the National Institute of Neurological Disorders and Stroke nd through the National Institute of Child Health and Human Devel- pment, the Federal Government is working to find better treatments

and, ultimately, a cure for spina bifida. Government researchers have been joined in their efforts by physicians and scientists throughout the private sector and by a number of voluntary health associations. In addition to supporting basic and clinical research, many of these associations also work to promote public awareness of spina bifida while providing assistance to patients and their families. This month, we recognize all of the dedicated professionals and volunteers who are striving to overcome spina bifida, and we reaffirm our support of their efforts.

The Congress, by House Joint Resolution 470, has designated September 1992 as "National Spina Bifida Awareness Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 1992 as National Spina Bifida Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6453 of June 30, 1992

National Awareness Week for Lifesaving Techniques, 1992

By the President of the United States of America
A Proclamation

Prompt, effective assistance can mean the difference between life and death for victims of accidents and other emergencies, which is why each of us should be prepared to respond accordingly. Citizens who have knowledge of and training in lifesaving techniques such as cardiopulmonary resuscitation (CPR) and the control of bleeding and shock can play a vital role in providing needed first aid during the critical minutes before professional help is available.

The National Center for Health Statistics reports that in 1989, the most recent year for which final figures are available, 296 out of every 100,000 deaths in the United States were caused by heart disease. More than 4,000 Americans died from drowning and submersion, and 3,578 of our citizens either suffocated or choked to death. A significant number of these tragic deaths could have been prevented if bystanders were trained in basic lifesaving techniques taught by the American Red Cross, the Young Men's and Women's Christian Associations, the American Heart Association, and other national and local organizations. Indeed, it is estimated that the help of knowledgeable bystanders could save as many as 50 percent of those injured, compared to accidents and emergencies in which care is unavailable until medical personnel arrive on the scene.

cardiopulmonary resuscitation was first introduced in the early s, instruction and learning in this and other lifesaving measures moved beyond the realm of the medical community and into the c at large. Today, Americans of all backgrounds have opportuni- o learn CPR, the abdominal thrust, the Heimlich maneuver, and rth. More and more of our citizens must take advantage of these rtunities if we are to reduce the number of preventable deaths d by accidents and heart disease.

cognition of the importance of education in first aid and other life- g techniques, the Congress, by Public Law 102–305, has des- ed the week of July 5 through July 11, 1992, as "National Aware- Week for Lifesaving Techniques" and has requested the President ue a proclamation in observance of this week.

, THEREFORE, I, GEORGE BUSH, President of the United States nerica, do hereby designate the week of July 5 through July 11, as National Awareness Week for Lifesaving Techniques. I call on and State governments, the relevant Federal agencies, and the le of the United States to observe this week with appropriate pro- s and activities.

ITNESS WHEREOF, I have hereunto set my hand this thirtieth f June, in the year of our Lord nineteen hundred and ninety-two, f the Independence of the United States of America the two hun- and sixteenth.

GEORGE BUSH

amation 6454 of July 1, 1992

onal Literacy Day, 1992

e President of the United States of America

clamation

cy not only constitutes a fundamental set of skills in a world e so much depends on the ability to read and to comprehend the en word—from city maps and children's school reports to job ap- tions and tax forms—it also provides an inexhaustible source of tunity and enrichment. Literacy gives us access to the great books o other works that contain the creative genius and acquired wis- of the ages. It also enables us to exercise more fully our rights and nsibilities as citizens, helping us to be more informed voters and effective parents and teachers of our children. More than the abil- read and write, literacy is the priceless legacy of families who a love of learning and a commitment to education in each gen- n. It is also the vital tool of a work force that must have the ledge and skills, including the technical skills, that are needed to in an increasingly competitive global environment.

is occasion, we reaffirm the importance of literacy to the social economic advancement of individuals and to the continued pro- vity and prosperity of our Nation. We also recognize all those are working to promote literacy—among adults, as well as youth. dition to thousands of dedicated teachers, this includes countless teers who serve as tutors and mentors, businesses and commu-

rticle is imported into the customs territory of the United States in accordance with the rovisions of subdivision (c)(ix)(B) of this note from a country listed in subdivision c)(ix)(A) of this note, it shall be eligible for duty-free treatment set forth in the "Special" ubcolumn, unless excluded from such treatment by subdivision (c)(ix)(D) of this note. Vhenever a rate of duty other than "Free" appears in the "Special" subcolumn followed y the symbol "J" in parentheses, articles imported into the customs territory of the United tates in accordance with the provisions of subdivision (c)(ix)(B) of this note from a coun-ry listed in subdivision (c)(ix)(A) of this note shall be eligible for such rate in lieu of the ates of duty set forth in the "General" subcolumn.

(D) Articles provided for in a provision for which a rate of duty of "Free" appears in he "Special" subcolumn followed by the symbol "J*" in parentheses shall be eligible for he duty-free treatment provided for in subdivision (c)(ix) of this note, except—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear not designated at the time of the effective date of the Andean Trade Pref-rence Act as eligible for the purposes of the generalized system of preferences under title / of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers;

(4) petroleum, or any product derived from petroleum, provided for in headings 2709 nd 2710 of the HTS;

(5) watches and watch parts (including cases, bracelets and straps), of whatever type ncluding, but not limited to, mechanical, quartz digital or quartz analog, if such watches r watch parts contain any material which the product of any country with respect to vhich the HTS column 2 rates of duty apply;

(6) articles to which reduced rates of duty apply under subdivision (c)(ix)(E) of this ıote;

(7) sugars, syrups, and molasses provided for in subheadings 1701.11.03, 1701.12.02, 701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS; or

(8) rum and tafia provided for in subheading 2208.40.00 of the HTS.

(E) Handbags, luggage, flat goods, work gloves, and leather wearing apparel, the prod-ıct of any beneficiary country, and not designated on August 5, 1983, as eligible articles or purposes of the GSP, are dutiable at the rates set forth in the "Special" subcolumn fol-owed by the symbol "J" in parentheses."

3) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, insert in he parentheses following the "Free" rate the symbol "J" in alphabetical order:

0101.20.20	0204.22.20	0210.90.20	0305.59.20
0101.20.40	0204.22.40	0210.90.40	0305.59.40
0102.90.40	0204.23.20	0302.22.00	0305.61.20
0104.20.00	0204.23.40	0302.23.00	0305.63.20
0105.11.00	0204.30.00	0302.29.00	0305.63.40
0105.19.00	0204.41.00	0302.61.00	0305.69.20
0105.91.00	0204.42.20	0302.65.00	0305.69.40
0105.99.00	0204.42.40	0302.69.10	0305.69.50
0106.00.10	0204.43.20	0302.69.40	0305.69.60
0106.00.30	0204.43.40	0302.70.20	0306.14.20
0201.10.00	0207.10.20	0303.32.00	0306.24.20
0201.20.20	0207.10.40	0303.33.00	0307.60.00
0201.20.40	0207.21.00	0303.39.00	0401.10.00
0201.20.60	0207.22.20	0303.71.00	0401.20.20
0201.30.20	0207.22.40	0303.75.00	0401.20.40
0201.30.40	0207.23.00	0303.77.00	0401.30.10
0201.30.60	0207.31.00	0303.79.40	0401.30.30
0202.10.00	0207.39.00	0303.80.20	0401.30.40
0202.20.20	0207.41.00	0304.10.10	0402.10.00
0202.20.40	0207.42.00	0304.10.30	0402.21.20
0202.20.60	0207.43.00	0304.20.30	0402.21.40
0202.30.20	0207.50.00	0304.20.50	0402.21.60
0202.30.40	0208.10.00	0304.90.90	0402.29.00
0202.30.60	0208.90.30	0305.10.40	0402.91.20
0203.12.10	0208.90.40	0305.20.20	0402.91.40
0203.19.20	0209.00.00	0305.30.20	0402.99.20
0203.22.10	0210.11.00	0305.30.40	0402.99.40
0203.29.20	0210.12.00	0305.41.00	0402.99.60
0204.10.00	0210.19.00	0305.49.20	0403.10.00
0204.21.00	0210.20.00	0305.51.00	0403.90.10

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0404.90.05
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0408.40.20
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0408.91.00
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0409.00.00
0410.00.00
0501.00.00
0502.10.00
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0505.90.00
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0603.10.80
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0704.90.20
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0705.29.00
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0709.30.40
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0709.40.40
0709.40.60
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0710.22.40
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0714.20.00
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0802.90.90
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1605.30.05
1605.40.05
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1605.90.10
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1605.90.55
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1701.11.02
1701.12.01
1701.91.21
1701.91.22
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1701.99.01
1702.10.00

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1702.60.00
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9601.90.20
9601.90.40
9601.90.80
9602.00.10
9602.00.40
9602.00.50
9603.10.10
9603.10.25
9603.10.30
9603.10.40
9603.10.50
9603.10.60
9603.10.90
9603.21.00
9603.29.40
9603.29.80
9603.30.20
9603.30.40
9603.30.60
9603.40.20
9603.40.40
9603.50.00
9603.90.40
9603.90.80
9604.00.00
9605.00.00
9606.10.40
9606.10.80
9606.21.20
9606.21.40
9606.21.60
9606.22.00
9606.29.20
9606.29.40
9606.29.60
9606.30.80
9607.11.00
9607.19.00
9607.20.00
9608.10.00
9608.20.00
9608.31.00
9608.39.00
9608.40.40
9608.40.80
9608.50.00
9608.60.00
9608.99.20
9608.99.30
9608.99.40
9608.99.60
9609.10.00
9609.20.40
9609.90.80
9610.00.00
9611.00.00
9612.10.10
9612.20.00
9613.10.00
9613.20.00
9613.30.00
9613.80.20
9613.80.40
9613.80.60
9613.80.80
9613.90.40
9613.90.80
9614.20.40
9614.20.60
9614.20.80
9614.90.40
9614.90.80
9615.11.10
9615.11.20
9615.11.30
9615.11.40
9615.11.50
9615.19.20
9615.19.40
9615.19.60
9615.90.20
9615.90.30
9615.90.40
9615.90.60
9616.10.00
9616.20.00
9617.00.10
9617.00.30
9617.00.40
9617.00.60
9618.00.00

r the following HTS provisions, in the Rates of Duty 1-Special subcolumn, insert arentheses following the "Free" rate the symbol "J*" in alphabetical order:

921.13.19
921.90.19
921.90.29
005.00.00
006.00.90
007.10.60
007.90.60
306.10.00
5306.20.00
5308.20.00
5308.90.00
5309.21.30
5309.21.40
5309.29.30
5309.29.40
5311.00.30
5311.00.40
5601.10.20
5601.29.00
5604.90.00
5606.00.00
5607.90.20
5608.90.10
5609.00.40
5701.90.10
5701.90.20
5702.10.90
5702.39.20
5702.49.20
5702.59.20
5705.00.20
5801.90.10

5801.90.20
5802.20.00
5802.30.00
5803.90.20
5803.90.40
5804.10.00
5804.29.00
5804.30.00
5805.00.40
5806.10.30
5806.20.00
5806.39.20
5806.39.30
5806.40.00
5807.10.10
5807.10.20
5807.90.10
5807.90.20
5808.10.20
5808.10.30
5808.90.00
5809.00.00
5810.10.00
5810.99.00
5811.00.40
5901.10.20
5901.90.40
5903.10.30
5903.20.30
5903.90.30
5905.00.90
5906.91.30
5906.99.30
5907.00.90
5908.00.00
5909.00.10
5909.00.20
5910.00.90
5911.10.10
5911.10.20
5911.20.10
5911.20.30
5911.31.00
5911.32.00
5911.90.00
6001.10.60
6001.29.00
6001.99.00
6002.10.80
6002.20.90
6002.30.20
6002.30.90
6002.49.00
6002.99.00
6101.90.00
6102.90.00
6103.19.40
6103.29.20
6103.39.20
6103.49.30
6104.19.20
6104.29.20
6104.39.20
6104.49.00
6104.59.20
6104.69.30
6105.90.30
6106.90.20
6106.90.30
6107.19.00
6107.29.40
6107.99.40
6108.19.00
6108.29.00
6108.39.20
6108.99.40
6109.90.20
6110.90.00
6111.90.60
6112.19.20
6112.20.20
6112.39.00
6112.49.00
6113.00.00
6114.90.00
6115.19.00
6115.20.00
6115.99.20
6116.10.90
6116.99.80
6117.10.60
6117.20.00
6117.80.00
6117.90.00
6201.19.00
6201.99.00
6202.19.00
6202.99.00
6203.19.40
6203.29.30
6203.39.40
6203.49.30
6204.19.30
6204.29.40
6204.39.80
6204.49.50
6204.59.40
6204.69.30
6204.69.90
6205.90.20
6205.90.40
6206.10.00
6206.90.00
6207.19.00
6207.29.00
6207.99.60
6208.19.40
6208.29.00
6208.99.60
6208.99.80
6209.90.40
6210.10.40
6210.20.20
6210.30.20
6210.40.20
6210.50.20
6211.11.20
6211.12.30
6211.20.10
6211.20.15
6211.20.20
6211.20.30
6211.20.40
6211.20.50
6211.20.60
6211.20.70
6211.39.00
6211.49.00
6212.10.10
6212.10.20
6212.20.00
6212.30.00
6212.90.00
6213.10.20
6213.90.20
6214.10.20
6214.90.00
6215.10.00
6215.90.00
6216.00.32
6216.00.90
6217.10.00
6217.90.00
6301.10.00
6301.90.00
6302.10.00
6302.29.00
6302.39.00
6302.40.10
6302.40.20
6302.52.10
6302.52.20
6302.59.00
6302.92.00
6302.99.20
6303.19.00
6303.99.00
6304.11.30
6304.19.30
6304.91.00
6304.99.35
6304.99.60
6305.90.00
6306.19.00
6306.29.00
6306.99.00
6307.10.20
6307.20.00
6307.90.30
6307.90.40
6307.90.50
6307.90.70
6307.90.75
6307.90.86
6308.00.00
6309.00.00
6406.10.90
6502.00.90
6504.00.90
6505.90.15
6505.90.20
6505.90.25
6505.90.90
9404.90.80
9404.90.90

(5) Additional U.S. note 1 to chapter 11 of the HTS is deleted and the following inserted in lieu thereof:

"1. Notwithstanding the rates of duty set forth in this chapter, mixtures of the products classifiable in heading 1101, 1102, 1103 or 1104 (except mixtures classified in subheading 1102.90.30) are dutiable at the rate of 20% (Except in the case of products eligible for special tariff treatment under general note 3(c) the following rates of duty shall apply: Free (E,IL,J); 12% (CA))."

(6) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, insert the rate of duty of "Free" followed by the symbols "E,J" in parentheses:

3916.90.30
3918.10.32
3918.90.20
7019.90.10

(7) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, insert the rate of duty of "Free" followed by the symbols "E*,J*" in parentheses:

3921.90.21
3921.90.25
5605.00.00
5903.20.10
6406.99.15
7019.10.60
9612.10.90

(8) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, insert in the parentheses following the "Free" rate the symbol "E" in alphabetical order:

3403.11.20	3403.19.10	9404.29.10	9404.30.80

For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, delete mbol "E*" and insert the symbol "E" in lieu thereof:

3918.10.40	4008.21.00	4015.90.00	9612.20.00
3918.90.30	4010.10.10	4304.00.00	
3926.20.50	4010.91.19	6204.39.60	
3926.90.59	4010.99.19	6204.49.10	

n (b). *Effective with respect to articles which are the product of any beneficiary coun-der the ATPA which are entered, or withdrawn from warehouse for consumption, on er the dates set forth in the following tabulation.*

ach of the following HTS subheadings, the Rates of Duty 1-Special subcolumn is ied (a) by inserting on the 15th day after the date of publication of this proclamation **Federal Register**, the rate of duty specified for such HTS subheading in the following tion for 1992, followed by the symbol "J" in parentheses, and (b) on January 1 of of the following years in the following tabulation, the duty rate followed by the sym-" in parentheses is deleted and the followed rates of duty inserted in lieu thereof.

Subheading	1992	1993	1994	1995	1996
2.11.00	7.7%	7.4%	7%	6.7%	6.4%
02.12.20	19.5%	19%	18.5%	18%	17.5%
2.12.40	6.9%	6.6%	6.3%	6%	5.8%
2.12.60	6.2%	6%	5.7%	5.5%	5.2%
2.12.80	19.5%	19%	18.5%	18%	17.5%
02.19.00	19.5%	19%	18.5%	18%	17.5%
02.21.30	5.1%	4.9%	4.7%	4.5%	4.2%
02.21.60	9.6%	9.2%	8.8%	8.4%	8%
02.21.90	8.7%	8.3%	7.9%	7.6%	7.2%
2.22.15	19.5%	19%	18.5%	18%	17.5%
02.22.40	8.1%	7.7%	7.4%	7.1%	6.7%
2.22.45	6.9%	6.6%	6.3%	6%	5.8%
2.22.60	6.2%	6%	5.7%	5.5%	5.2%
02.22.80	19.5%	19%	18.5%	18%	17.5%
2.29.00	19.5%	19%	18.5%	18%	17.5%
2.31.60	7.7%	7.4%	7%	6.7%	6.4%
02.32.40	6.9%	6.6%	6.3%	6%	5.8%
02.32.95	19.5%	19%	18.5%	18%	17.5%
02.91.00	6.5%	6.3%	6%	5.7%	5.4%
02.92.15	6.9%	6.6%	6.3%	6%	5.8%
02.92.20	6.2%	6%	5.7%	5.5%	5.2%
02.92.30	19.5%	19%	18.5%	18%	17.5%
02.92.45	19.5%	19%	18.5%	18%	17.5%
02.92.60	6.9%	6.6%	6.3%	6%	5.8%
02.92.90	19.5%	19%	18.5%	18%	17.5%
02.99.00	19.5%	19%	18.5%	18%	17.5%
03.10.40	5.8%	5.5%	5.3%	5%	4.8%
03.29.08	13.5%	13%	12.5%	12%	11.5%
03.29.18	13.5%	13%	12.5%	12%	11.5%
02.10.21	12%	11.5%	11%	10.5%	10%
02.10.22	5.6%	5.3%	5.1%	4.9%	4.6%
02.10.25	17.5%	17%	16.5%	16%	15.5%
02.10.29	5.1%	4.9%	4.7%	4.5%	4.2%
16.10.17	24.5%	24%	23.5%	23%	22.5%
16.10.45	19.3%	18.8%	18.3%	17.8%	17.3%
16.10.70	13.5%	13%	12.5%	12%	11.5%
16.92.64	24.5%	24%	23.5%	23%	22.5%
16.92.88	9.6%	9.2%	8.8%	8.4%	8%
16.93.64	33.1¢/kg + 7.1%	33.1¢/kg + 6.8%	33.1¢/kg + 6.5%	33.1¢/kg + 6.2%	33.1¢/kg + 5.9%
16.93.88	19.3%	18.8%	18.3%	17.8%	17.3%
16.99.48	19.5%	19%	18.5%	18%	17.5%
16.00.17	24.5%	24%	23.5%	23%	22.5%
16.00.18	22¢/kg + 10.6%	22¢/kg + 10.1%	22¢/kg + 9.7%	22¢/kg + 9.2%	22¢/kg + 8.8%
16.00.28	13.5%	13%	12.5%	12%	11.5%
16.00.38	24.5%	24%	23.5%	23%	22.5%

HTS Subheading	1992	1993	1994	1995	1996
6216.00.54	22¢/kg + 10.6%	22¢/kg + 10.1%	22¢/kg + 9.7%	22¢/kg + 9.2%	22¢/kg + 8.8%

Proclamation 6456 of July 2, 1992

To Designate Bolivia as a Beneficiary Country for Purposes of the Andean Trade Preference Act

By the President of the United States of America
A Proclamation

1. Sections 202 and 204 of the Andean Trade Preference Act (ATPA) (19 U.S.C. 3201 and 3203) confer authority upon the President to proclaim duty-free treatment for all eligible articles, and duty reductions for certain other articles, that are the product of any country designated as a "beneficiary country" in accordance with the provisions of section 203 of the ATPA (19 U.S.C. 3202).

2. Pursuant to section 203(b)(2) of the ATPA (19 U.S.C. 3202(b)(2)), I have notified the House of Representatives and the Senate of my intention to designate Bolivia as a beneficiary country for purposes of the ATPA, together with the considerations entering into such decision.

3. In order to make this designation under the ATPA, it is necessary to modify general note 3(c)(ix) to the Harmonized Tariff Schedule of the United States (HTS), thus incorporating the substance of this designation under the ATPA, pursuant to section 604 of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2483).

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to the ATPA and section 604 of the Trade Act, do proclaim that:

(1) General note 3(c)(ix)(A) to the HTS is modified by inserting in alphabetical sequence "Bolivia", which is hereby designated as a beneficiary country under the ATPA.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The modifications made by this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH

Proclamation 6457 of July 14, 1992

Giant Sequoia in National Forests

By the President of the United States of America
A Proclamation

For centuries, groves of the Giant Sequoia have stimulated the interest and wonder of those who behold them. The Giant Sequoia is a tree that inspires emotion like no other and has mystically entered the hearts of humanity everywhere. Ancestors of Giant Sequoia trees have existed on Earth for more than 20 million years. Naturally occurring old-growth Giant Sequoia groves located in the Sequoia, Sierra, and Tahoe National Forests in California are unique national treasures that are being managed for biodiversity, perpetuation of the species, public inspiration, and spiritual, aesthetic, recreational, ecological, and scientific value.

This Nation's Giant Sequoia groves are legacies that deserve special attention and protection for future generations. It is my hope that these natural gifts will continue to provide aesthetic value and inspiration for our children, grandchildren, and generations yet to come.

So as to promote greater appreciation and awareness of our Giant Sequoia groves, such groves in the Sequoia, Sierra, and Tahoe National Forests should continue to be managed by the Secretary of Agriculture as unique objects of beauty and antiquity for the benefit and inspiration of all people.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim that naturally occurring old-growth Giant Sequoia groves within the Sequoia, Sierra, and Tahoe National Forests in the State of California shall be managed, protected, and restored by the Secretary of Agriculture, acting through the Forest Service, to assure the perpetuation of the groves for the benefit and enjoyment of present and future generations. The Secretary of Agriculture is directed to delineate the location of such Giant Sequoia groves, as set forth in the Sequoia National Forest Mediated Settlement Agreement, and subsequently to provide the Secretary of the Interior with a list of the designated groves and with a description of the boundaries of each of the groves. The Secretary of the Interior is hereby directed, to the maximum extent permitted by law, to segregate immediately and subsequently to withdraw the designated groves from all forms of location and entry under the general mining laws, and from any disposition under the mineral and geothermal leasing laws and laws pertaining to the disposal of mineral material, subject to valid existing rights.

The designated Giant Sequoia groves shall not be managed for timber production and shall not be included in the land base used to establish the allowable sale quantities for the affected national forests. The designated Giant Sequoia groves shall be protected as natural areas with minimal development. Consistent with the best scientific information available, the Secretary of Agriculture shall assure that any proposed development shall provide for aesthetic, recreational, ecological, and scientific value. Notwithstanding the foregoing, the Converse Basin Grove shall be managed as set forth in the Sequoia National Forest Mediated Settlement Agreement.

This proclamation is not intended to create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of July, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6458 of July 15, 1992

Captive Nations Week, 1992

By the President of the United States of America
A Proclamation

When Americans first observed Captive Nations Week in 1959, repressive communist regimes had overtaken nations from Central and Eastern Europe to mainland China and overshadowed many others with the very real threat of expansionism. Three years earlier, forces of the Soviet Union had brutally suppressed a popular movement for freedom in Hungary; some 16 years before that, the Soviets had invaded Poland and achieved the forcible annexation of Lithuania, Latvia, and Estonia. In 1959, the United Nations had only recently ended its efforts to thwart communist expansionism below the 38th parallel in Korea, and a communist-led insurgency had already begun to threaten South Vietnam. At a time when millions of people were enslaved by Soviet domination or subjugated by proxy, at a time when countless others were terrorized by the threat of communist aggression and subversion, Americans paused during Captive Nations Week to reaffirm our commitment to liberty and self-government and to express our solidarity with all those peoples seeking freedom, independence, and security.

Today, 33 years after our first observance of Captive Nations Week, millions of people who suffered under Soviet domination and communist rule are free. The Iron Curtain and its most despised symbol, the Berlin Wall, have fallen—toppled by courageous individuals who would no longer stand the denial of their fundamental human rights. Today we celebrate the existence of a free and unified Germany, as well as the independence of the Baltic States, Central European countries, and 12 new states that replaced the U.S.S.R. In Afghanistan and Angola, where bloody civil war against Soviet-supported, Marxist-Leninist regimes left thousands dead and millions of others homeless, chances of achieving lasting peace have reached their highest level in years.

As we celebrate the hope of peace and freedom in these and other once-captive nations, we also remember the many courageous, freedom-loving men and women who resisted tyranny and oppression—often at great personal cost. These include the thousands of dissenters who risked imprisonment, exile, and death in order to demand rights that we Americans enjoy: freedom of religion, speech, and assembly,

as well as the right to a fair trial and to protection against unreasonable searches and seizures. They include prisoners of the gulag who remained devoted to liberty despite suffering hunger, torture, and long periods of solitary confinement; and they include selfless religious leaders such as Father Jerzy Popieluszko of Poland, Cardinal Josef Mindszenty of Hungary, and Cardinal Josyf Slipyj of Ukraine, who inspired countless others by their unshakeable belief in the God-given rights and dignity of the human person. From broadcasters at the Voice of America and Radio Free Europe/Radio Liberty, who pierced the Iron Curtain with words of hope and truth, to freedom-fighters in Nicaragua and other Latin American countries who led popular resistance to local despots and to political and military interference from Cuba and the Soviet Union—the men and women whom we remember this week never lost their faith in freedom and in the inevitable triumph of liberty and justice.

As we recall all those who labored and sacrificed to hasten the demise of imperial communism and to liberate the world's captive nations, we must also remember those peoples who remain subject to regimes that continue to deny basic human rights in stark violation of both the letter and the spirit of international human rights agreements, as well as fundamental standards of morality. The United States will continue to speak out against egregious human rights violations in Cuba and elsewhere, and we shall continue to warn the world's newly emerging democracies against another kind of subjugation: the tyranny of ethnic hatred and nationalist rivalries. History has shown how these evils can produce their own form of captivity: a vicious cycle of violence, political repression, and economic stagnation and loss. As this observance of Captive Nations Week reminds us, freedom and peace are precious blessings that require the faith, the will, and the wherewithal to preserve and strengthen them.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week in July of each year as "Captive Nations Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning July 12, 1992, as Captive Nations Week. I call on all Americans to observe this week with appropriate ceremonies and activities in celebration of the growth of liberty and democracy around the world and in recognition of the need for continued vigilance and resolve in the defense of human rights.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6459 of July 20, 1992

Lyme Disease Awareness Week, 1992

By the President of the United States of America
A Proclamation

At a time when millions of Americans are taking advantage of warm summer weather to enjoy hiking, gardening in the backyard, and other outdoor activities, it is fitting that we remind ourselves of the health threat posed by Lyme disease. Discovered in 1975 by a rheumatologist who noted a high incidence of arthritis among patients living in wooded areas in and near Lyme, Connecticut, Lyme disease is a potentially debilitating bacterial infection that is transmitted to humans by the bite of a very small tick. These ticks feed primarily on deer and mice—although they may also be found on cats, dogs, and birds—and individuals who work or play in wooded, brushy areas are prime targets for tick bites.

While it is most prevalent in the coastal Northeast and in Wisconsin, Minnesota, northern California, and Oregon, Lyme disease has been reported in almost every State. Hence, all Americans should be aware of the importance of prevention and early detection.

Persons who spend time in wooded areas are advised to take precautions against being bitten by the tick that carries Lyme disease. These measures include using tick repellents, avoiding long grass or brush, covering up well with light-colored slacks and long-sleeved shirts, and carefully examining oneself for ticks after returning from the out-of-doors.

Early symptoms of Lyme disease may include a red, bull's-eye-shaped rash at the site of a tick bite, headache, low-grade fever, joint pain, and fatigue. Fortunately, when the disease is detected early, most persons respond well to treatment with antibiotics. If left undetected, however, Lyme disease can lead to chronic arthritis and to serious problems of the nervous system and heart. Therefore, persons who are at risk of contracting Lyme disease and who exhibit symptoms are urged to consult their physician.

Federal agencies such as the National Institutes of Health and the Centers for Disease Control, along with numerous physicians and scientists in the private sector, are continuing the fight against Lyme disease. Researchers are developing more reliable diagnostic laboratory tests, as well as new therapies for the disease. They are also making progress toward a vaccine while studying new ways to eradicate the tick-borne bacterium that causes Lyme disease.

In support of these efforts, the Congress, by Public Law 102–319, has designated the week beginning July 26, 1992, as "Lyme Disease Awareness Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning July 26, 1992, as Lyme Disease Awareness Week. I encourage all Americans to observe this week with appropriate programs and activities in order to enhance their understanding of Lyme disease.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of July, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6460 of July 21, 1992

Minority Enterprise Development Week, 1992

By the President of the United States of America
A Proclamation

Adherence to the principles of independent entrepreneurship and free enterprise has long formed the bedrock of America's economic strength. By guaranteeing the freedom of individuals to engage in private industry and commerce and by permitting them to reap the fruits of their labor, the United States has provided a model of growth and progress for the world. The creative energy and genius of the American people, unfettered by excessive government intervention in the marketplace, have enabled our Nation to achieve unparalleled levels of productivity and strength.

At a time when dramatic changes in the global marketplace are presenting new challenges and opportunities for American business and industry, our Nation's continued economic progress calls for the full participation and support of all citizens, regardless of gender, race, or ethnic background. During this 10th annual observance of Minority Enterprise Development Week, we recognize that our Nation's minority business community, which includes more than 1 million minority entrepreneurs, must be part of the United States strategy to remain a leader in the increasingly competitive world economy.

Minority Americans have long recognized that freedom and equality also require economic opportunity and independence. By making the most of every opportunity and by achieving economic advancement through determination and hard work, minority business men and women have set wonderful examples for others. Such a drive to succeed offers inspiration as we strengthen our Nation's commitment to producing high quality products and services that are competitive in the global marketplace. A similar commitment to excellence underlies America 2000, our national campaign to promote learning and achievement and to ensure that every American has the knowledge and skills that are necessary to lead a full, productive life in an increasingly technological workplace.

The spirit that we celebrate during Minority Enterprise Development Week is the spirit that will lead the United States to even greater heights of prosperity and progress in the next century. It is the spirit of individuals who avail themselves of every opportunity to fulfill the American dream and who help to extend opportunities to others, thereby enriching themselves, their communities, and our country.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of Septem-

ber 27 through October 3, 1992, as Minority Enterprise Development Week. I encourage all Americans to observe this week with appropriate programs and activities in celebration of the achievements of minority business men and women and in recognition of the successful public-private partnerships that are leading to greater educational and economic opportunities for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of July, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6461 of July 24, 1992

Buffalo Soldiers Day, 1992

By the President of the United States of America

A Proclamation

On July 28, 1866, recognizing the contributions of the more than 180,000 black Americans who fought to preserve the Union during the Civil War, the United States Congress established six regular Army regiments of black enlisted soldiers. Of those six units, the 9th and 10th Cavalry regiments eventually became two of the most highly decorated units in American military history. Despite suffering the discrimination and the injustice that plagued all black Americans during the days of segregation, the members of the 9th and 10th Cavalry regiments served with pride and distinction. On this occasion, we celebrate their outstanding legacy of service.

Organized at Greenville, Louisiana, and at Fort Leavenworth, Kansas, respectively, the 9th and 10th Cavalry regiments played key roles in the development of the western United States. In addition to protecting settlers as they crossed the frontier via wagon trains and railroads, these skilled horsemen and soldiers assisted in the construction of roads and forts and in the pursuit of cattle thieves and other outlaws. During a battle in 1867 near Fort Hays, Kansas, Cheyenne warriors remarked that the black American soldiers fought as fiercely and with as much strength as buffaloes. Hence, members of the 9th and 10th Cavalries proudly adopted the name "Buffalo Soldiers" as a badge of honor.

While the Buffalo Soldiers blazed many significant trails in the history of the American frontier, their achievements were not limited to the western United States. Members of the 9th and 10th Cavalry regiments also served in Virginia, Vermont, and New York, and answered the call to duty in places as far-flung as Cuba, Mexico, and the Philippines. They served alongside Theodore Roosevelt and his legendary Rough Riders at San Juan Hill, and they continued to prove their courage and mettle through two world wars and the conflict in Korea. By the time of their integration in 1952, the Buffalo Soldiers had earned well over a dozen Congressional Medals of Honor, as well as numerous campaign and unit citations. From their ranks emerged several famed military leaders, including General Benjamin O. Davis, Sr., Colonel Charles

Young, and Lieutenant Henry Flipper, the first black graduate of West Point.

Although they often received the worst food and equipment and labored without the respect and recognition that were their due, the Buffalo Soldiers served proudly and with a standard of bravery and skill worthy of the United States Army. Their achievements in the face of adversity not only helped to open doors for younger black Americans, in the military and in society as a whole, but also set a timeless example for all those who wear our Nation's uniform. Today, we celebrate the great legacy of the Buffalo Soldiers and acknowledge their special place of honor in the history of the United States.

The Congress, by Senate Joint Resolution 92, has designated July 28, 1992, as "Buffalo Soldiers Day" and has requested the President to issue a proclamation in observance of that occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim July 28, 1992, as Buffalo Soldiers Day. I urge all Americans to observe this day with appropriate programs and activities in honor of the black Americans who served our Nation as members of the 9th and 10th Cavalry regiments.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6462 of July 28, 1992

Helsinki Human Rights Day, 1992

By the President of the United States of America

A Proclamation

Less than two decades ago, on August 1, 1975, the United States and Canada joined 33 European nations in adopting the Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE). Affirming the "close link between peace and security in Europe and in the world as a whole," signatories to the declaration agreed to respect human rights and fundamental freedoms, "including freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language or religion." Participating states recognized respect for human rights as "an essential factor" for the attainment of peace, justice, and cooperation among nations and agreed to settle disputes among themselves peacefully and on the basis of international law. This year the CSCE Summit, the first held in Helsinki since 1975, offered an historic setting to renew United States support for a strong Euro-Atlantic partnership based on shared goals and values.

Since its inception, the CSCE has championed human rights and democratic values. Originally set forth at Helsinki in 1975, these standards have been strengthened and reaffirmed by the Copenhagen, Geneva, and Moscow CSCE documents and by the 1990 Charter of Paris for a New Europe, through which members added to existing CSCE prin-

ciples new and sweeping commitments to political pluralism and the rule of law. The Charter of Paris also established new CSCE institutions, such as the Conflict Prevention Center in Vienna, to strengthen the ability of the Conference to promote the peaceful resolution of disputes and the development of stable, democratic governments.

During the past two years, the Conference has evolved further to assist in the task of managing the dramatic changes that have been brought about in the CSCE community by the collapse of communism and the end of the Cold War. In addition to expanding its activities and institutions, as well as its mechanisms for fostering international dialogue and cooperation, the CSCE has welcomed new members from among the emerging states of Central and Eastern Europe and the 12 states that replaced the Soviet Union. We welcome these new CSCE participants and the commitment to human rights that their membership signifies.

While great advances have been made overall in promoting human rights, especially since the democratic revolutions that swept Europe in 1989, today some states are making only minimal progress while others are sliding backward into the mire of ethnic conflicts. Thus, this year's Helsinki Summit emphasized that political stability and lasting freedom can be based only on genuine respect for human rights, which forms the basis of the CSCE concept of international security and cooperation. At Helsinki, participating states broke new ground in enhancing the CSCE's ability to promote human rights, to manage change, and to prevent conflicts. In addition to establishing the office of a CSCE High Commissioner on National Minorities, which will assist in the investigation and prevention of conflicts arising from ethnic or minority tensions, the 1992 Helsinki document provides for an expanded Office of Democratic Institutions and Human Rights in Warsaw. To promote the nonviolent resolution of disputes, the document also envisages formal peacekeeping operations in support of political solutions, either by CSCE countries directly or with the support of other international organizations such as NATO and the Western European Union (WEU).

Today the Euro-Atlantic community continues to be challenged by the legacy of the Cold War. The peoples of Europe's emerging states face many difficulties as they strive to overcome deeply rooted political and economic problems imposed by decades of Soviet repression and communist rule. Yet, during this period of great change, the principles set forth in the 1975 Helsinki Final Act and reaffirmed at follow-on meetings of the CSCE continue to offer a steady guide to peaceful, cooperative relations among states and to the just and democratic conduct of governments.

In recognition of the contributions of the CSCE toward the expansion of human rights and toward the development of a strong Euro-Atlantic partnership for freedom, the Congress, by Senate Joint Resolution 310, has designated August 1, 1992, as "Helsinki Human Rights Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim August 1, 1992, as Helsinki Human Rights Day and reaffirm the United States commitment to upholding human dignity and freedom— principles that are enshrined in the Hel-

sinki Final Act. As we Americans observe this day with appropriate programs and activities, let us remember all those courageous individuals and groups of individuals who have made tremendous sacrifices to secure the freedoms that we enjoy. The God-given and inalienable rights affirmed in our Declaration of Independence and guaranteed by our Constitution are rights that many people in the world still struggle to obtain. Building on the foundation that was laid at Helsinki 17 years ago and that was fortified there last month, let us recommit ourselves to making peace and liberty the common heritage of all.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of July, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6463 of August 10, 1992

Women's Equality Day, 1992

By the President of the United States of America
A Proclamation

"I believe in woman's suffrage, because I believe in democracy." With these words, Congressman M. Clyde Kelly of Pennsylvania summarized the convictions of countless Americans who supported the adoption of the 19th Amendment to our Constitution. This Amendment, which was passed by the Congress in June 1919, ratified by the Tennessee legislature on August 20, 1920, and officially declared part of our Constitution six days later, guaranteed for women the right to vote.

The adoption of the 19th Amendment marked a long-awaited triumph for members of the woman's suffrage movement and the beginning of ever greater participation by women in the day-to-day process of government. By the time the proposed Amendment was presented to the States for ratification—some 40 years after it had been introduced in the Congress—women had won equal suffrage in 15 States and in the Alaska Territory. Women could vote in Presidential elections in 12 other States and in primary elections in two States. Yet, after years of hard work at the grassroots level, suffragettes and their supporters knew that full, effective recognition of women's right to vote depended on action at the Federal level. To allow the question to be resolved arbitrarily, by the individual States, would refute the idea of women as coheirs to the God-given and unalienable rights enshrined in our Nation's Declaration of Independence and guaranteed by our Constitution.

Proponents of the 19th Amendment understood that, as long as women were disenfranchised in any State, our Nation deviated from the principles on which it was founded—including the belief that governments derive their just powers from the consent of the governed. Explaining the link between woman's suffrage and the preservation of democracy, Representative Kelly said:

> When officials are chosen without the consent of all, then those who had no voice in their selection are subjects, not citizens. Women are citizens, they are part of the people, and they have a right to help elect those who shall represent them and to help make the laws under which they shall live and to which they must render obedience.

By extending the franchise, the United States took an important step toward fulfilling its promise of liberty and justice for all—one that would be followed by other legal milestones such as the 1964 Civil Rights Act, the Voting Rights Act of 1965, and, more recently, the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991.

Although women have always made vital contributions to the social, cultural, and economic development of the United States, it was not until adoption of the 19th Amendment that they became full participants in our system of self-government. No longer excluded from the voting booth, women began to play increasingly influential roles in public life, overcoming legal and attitudinal barriers to their advancement and sharing their talents and ideas in virtually every field.

As we commemorate the ratification of the 19th Amendment nearly three-quarters of a century ago, we recall the many contributions and achievements of women, as well as our obligation to promote equal opportunities for all Americans. This year, let us also reflect on the importance of having the right to vote and of faithfully exercising that right.

NOW, THEREFORE, I, GEORGE BUSH, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 26, 1992, as Women's Equality Day. I invite all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of August, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6464 of August 12, 1992

82nd Airborne Division 50th Anniversary Recognition Day, 1992

By the President of the United States of America

A Proclamation

Members of the United States Armed Forces have proved, time and again, that they are the most highly prepared and thoroughly effective defense forces in the world. On this occasion, as we celebrate the 50th anniversary of the Army's 82nd Airborne Division, we salute an elite group of military personnel who stand among the best of the best.

Emerging from the ranks of the first "All Americans," an infantry unit that participated in three major campaigns during World War I and

saw more consecutive days on the front lines than any other unit, the 82nd was reactivated just a few months after the United States entered World War II. The unit was designated as the Army's first airborne division on August 15, 1942.

The first such infantry unit of its kind, the 82nd Airborne quickly established its reputation as a leader in courage and achievement as well. From its initial parachute and glider assaults into Sicily and Salerno, through its participation at the Battle of the Bulge—where it helped to inflict the blows that led to the final collapse of the Nazi war machine—the 82nd proved to be a fearsome weapon in the Allied struggle against tyranny. "Those devils in the baggy pants," as an exhausted enemy soldier once described them, found no sacrifice too great, no counter-fire too fierce as they stormed from the skies in defense of freedom. By the end of World War II, more than 3,000 members of the 82nd had been killed or were missing in action. Another 12,604 had been wounded. Today we know that their extraordinary selflessness and daring not only hastened the day of victory but also offered enduring evidence of America's resolve to preserve liberty and democracy.

Members of the 82nd Airborne Division have maintained its tradition of excellence well beyond the events of a half-century ago, and on this occasion, we also recall their more recent heroism in the Dominican Republic, Vietnam, Grenada, and Central America. Just a few years ago, more than 2,000 Division paratroopers took part in Operation Just Cause, which liberated the people of Panama from a ruthless dictator. During the successful international effort to free Kuwait from the sinister aggression of Iraq's Saddam Hussein, members of the 82nd proved, once again, why they are the United States' premier rapid deployment force.

Ready at all times to deploy anywhere in the world, and with just 18 hours' notice, the 82nd Airborne Division is a leader among leaders, a special object of pride among the strong and the brave. Thus, while all of America's service members and veterans deserve our respect and thanks, on this 50th anniversary of the 82nd Airborne, we raise a special salute to "America's Guard of Honor."

The Congress, by Senate Joint Resolution 270, has designated August 15, 1992, as "82nd Airborne Division 50th Anniversary Recognition Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby encourage all Americans to join in celebrating the 50th anniversary of the activation of the 82nd Airborne Division. Let us honor with appropriate ceremonies and activities the courageous individuals who have served in the 82nd over the years, and let us remember through public and private prayer all those who have died in the line of duty.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of August, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

59-194 O—93——27 : QL 3 (Pt. 6)

Proclamation 6465 of August 25, 1992

To Amend the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to sections 501 and 502 of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461 and 2462), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate each of the former republics of the Socialist Federal Republic of Yugoslavia, other than Serbia and Montenegro, under the first sentence of section 502(a)(1) for purposes of the Generalized System of Preferences (GSP).

2. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS, is modified by inserting "Each of the former republics of the Socialist Federal Republic of Yugoslavia other than Serbia and Montenegro" after "Zimbabwe" in the list contained therein.

(2) General note 3(c)(ii)(D) to the HTS is modified by:

(a) deleting the following:

"9401.30.40 Yugoslavia"
"9401.61.40 Yugoslavia"
"9401.69.60 Yugoslavia"
"9401.90.40 Yugoslavia"

(b) inserting, in numerical sequence, the following:

"9401.30.40 Croatia; Slovenia"
"9401.61.40 Croatia; Slovenia"
"9401.69.60 Croatia; Slovenia"
"9401.90.40 Croatia; Slovenia"

(3) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(4) The amendment made by this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord nineteen hundred and ninety-

/o, and of the Independence of the United States of America the two
ındred and seventeenth.

GEORGE BUSH

'oclamation 6466 of August 26, 1992

ational D.A.R.E. Day, 1992

/ the President of the United States of America
Proclamation

illions of young Americans who have wisely decided to stay off
ugs, out of gangs, and in school are living testimony to the effective-
ess of Drug Abuse Resistance Education (Project D.A.R.E.). Together
th their parents, teachers, and teams of dedicated law enforcement
ersonnel, these children are taking a firm stand against illicit drug use
hile also demonstrating their determination to make the most of their
od-given talent and potential. At the same time, by setting examples
personal responsibility and respect for authority, graduates of
oject D.A.R.E. are making an important contribution to the success
our National Drug Control Strategy.

ed by experienced law enforcement officers, Project D.A.R.E. equips
udents with basic facts about drugs and alcohol and about the dev-
tating effects that these substances can have on the mind and body.
order that children might avoid the dangers of trying drugs and alco-
ol, D.A.R.E. also equips participants with practical decision-making
ills, helping them to recognize that actions have consequences and
at personal accountability and self-control are signs of strong moral
aracter and maturity.

/ befriending students and by helping them to grow in self-con-
dence, the law enforcement officers who conduct the D.A.R.E. pro-
am build strong bonds of mutual understanding and trust between
emselves and young people in their communities. Yet the success of
oject D.A.R.E. also depends on the cooperation of parents, who are
ıcouraged to talk with, and to listen to, their children—and to set
ositive examples for them. This partnership among parents, children,
w enforcement officers, and educators continues to change lives for
e better in all 50 States and at Department of Defense Dependent
:hools around the world.

ırough innovative public-private partnerships such as Project
A.R.E., our Nation has made significant progress in reducing the de-
nd for drugs—a priority of our National Drug Control Strategy. Since
e launched this strategy in 1989, overall drug use in the United
ates has dropped by more than 10 percent. Statistics cited by the
ırtnership for a Drug-Free America show a decline of 48 to 56 percent
drug use by juveniles between the ages of 13 and 17, and three sepa-
e studies indicate that adolescent use of cocaine dropped even more
amatically—by 63 percent—between 1988 and 1991. These trends
e encouraging, and they offer reason to believe that our National
ug Control Strategy will continue to bear fruit.

Because Project D.A.R.E. brings drug abuse prevention to the classroom, it not only meets a key objective of our National Drug Control Strategy but also complements America 2000, our national strategy to achieve excellence in our schools. One of the six National Education Goals that form the basis of America 2000 calls for every school in the United States to be free of drugs and violence. If we are to achieve that goal, all Americans must work together to create safe, drug-free communities where learning can happen. Reaching an estimated 25 million young Americans every year, Project D.A.R.E. provides an outstanding example of cooperation among parents, educators, law enforcement personnel, business owners, and civic and religious leaders. On this occasion, we celebrate their efforts and congratulate each of the young Americans who have chosen to say "No!" to drugs and "Yes!" to opportunity through education.

The Congress, by Senate Joint Resolution 295, has designated September 10, 1992, as "National D.A.R.E. Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 10, 1992, as National D.A.R.E. Day. I encourage all Americans to observe this day with appropriate programs and activities in celebration of Drug Abuse Resistance Education and in honor of the many dedicated professionals and volunteers who have made it possible. I also invite Americans to observe this occasion by joining in community-based partnerships in support of America 2000 and our National Drug Control Strategy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6467 of September 1, 1992

National Rehabilitation Week, 1992

By the President of the United States of America

A Proclamation

With the adoption of the Americans with Disabilities Act of 1990 (ADA), the United States emphatically reaffirmed its commitment to equal opportunity for every citizen. By eliminating barriers to employment, public accommodations, and government services, this historic legislation will enable millions of persons with disabilities to participate more fully in our Nation's social and economic mainstream. The ADA not only provides a model for the world but also portends a bright future for the United States as we look forward to the increasing contributions of talented, hardworking men and women who happen to have a disability.

Today millions of Americans with disabilities are already making outstanding contributions to our communities and country. For some, these achievements would not have been possible without rehabilitation. The field of rehabilitation includes a wide range of professionals

and volunteers—from researchers and health care providers to teachers, therapists, and engineers. Utilizing state-of-the-art technologies and techniques, these professionals and volunteers are helping determined individuals to achieve their dreams of greater freedom and independence—including productive, satisfying jobs and careers. Thus, while the ADA opens doors of opportunity for persons with disabilities, rehabilitation offers the means by which many will be able to pass through them.

Because rehabilitation cultivates one's potential for personal and economic autonomy and advancement, it not only enriches the lives of Americans with disabilities but also enables our entire Nation to benefit from their knowledge, creativity, and skills. Thanks, in large part, to rehabilitative programs and services, persons with disabilities are attaining positions of leadership and responsibility throughout American society: in government and business, in science and education—wherever there is an opportunity or a need. The accomplishments of Americans who have benefitted from rehabilitation are the catalyst for continuing efforts to develop a wider array of rehabilitative services and to promote improved coordination among human services agencies in both the public and private sectors.

In honor of Americans with disabilities who are achieving their goals through rehabilitation and in recognition of the professionals and volunteers who serve in this important field, the Congress, by Public Law 102–362, has designated the week of September 13 through September 19, 1992, as "National Rehabilitation Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of September 13 through September 19, 1992, as National Rehabilitation Week. I encourage all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6468 of September 2, 1992

National Hispanic Heritage Month, 1992

By the President of the United States of America

A Proclamation

Our Nation's Hispanic heritage is celebrated with an especially deep sense of pride during this 500th anniversary year of Christopher Columbus' first journey to the Americas. Today we celebrate a rich, diverse heritage that traces back to places as far-flung as Mexico and Peru. The Columbus Quincentenary thus provides a fitting historical perspective as we set aside this month in honor of the many outstanding contributions that persons of Spanish and Latin American descent have made to the United States.

While our Nation's history bears ample evidence of our Hispanic heritage, we cannot view that great heritage solely in terms of the past. Rather, it is a living legacy. Over the years Hispanic Americans have continued to take part in the social and economic development of the United States and in the defense of the ideals that unite all of our citizens. In this century alone, thousands of Hispanic Americans have answered the call to duty in places such as Bataan, Da Nang, and the Persian Gulf. Today persons of Spanish and Latin American descent are also demonstrating their love of freedom by reaping the rewards of opportunity and hard work. In the past decade, the number of Hispanic-owned businesses has increased by more than 80 percent. As always, Hispanic Americans are also contributing to our Nation through its very foundation: the family. Together with the support of their churches and communities, millions of Hispanic American families are preserving the traditional values on which our great Republic rests: values of faith, duty, devotion to friends and relatives, and respect and concern for others. As the 20-million-strong Hispanic American community continues to grow, these and other contributions to our country are sure to increase as well.

Because many Hispanic Americans maintain strong personal ties to the nations of Latin America and the Caribbean, this month we also celebrate the United States' growing partnership with our neighbors in the region. The expansion of democratic ideals in this hemisphere has enhanced cooperation and security throughout the Americas, and U.S. exports to Latin American countries have more than tripled since 1983, creating thousands of jobs and opportunities for our citizens. Through the Enterprise for the Americas Initiative, the United States is working with our Latin American and Caribbean neighbors to promote mutually beneficial progress in the areas of trade and investment. The achievement of a North American Free Trade Agreement, which Hispanic American organizations across the country are helping accomplish, will mark a major milestone in our efforts to expand markets for U.S. goods and services. As Hispanic Americans well know, by creating in this hemisphere a thriving market of some 360,000,000 consumers, we will generate hundreds of thousands of new jobs and opportunities.

Just as they have contributed so much to our Nation in the past, Hispanic Americans are now helping to lead the United States toward a bright future—one marked by opportunity and prosperity for every citizen here at home and by increasing cooperation and freedom throughout the hemisphere.

The Congress, by Joint Resolution approved September 17, 1968, as amended by Public Law 100–402, has authorized and requested the President to issue annually a proclamation designating the month beginning September 15 and ending October 15 as "National Hispanic Heritage Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month beginning September 15, 1992, and ending October 15, 1992, as National Hispanic Heritage Month. I invite all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of September, in the year of our Lord nineteen hundred and ninety-

two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6469 of September 3, 1992

Childhood Cancer Month, 1992

By the President of the United States of America
A Proclamation

This year nearly 8,000 American children will be diagnosed as having cancer. Such a diagnosis affects not only the young patient but also his or her entire family. Parents experience tremendous anguish knowing that their child is ailing or in pain. Brothers and sisters often share in that heartache, as well as in fears of the unknown. Daily life may be turned upside down for many months; for some, it may never be the same. As an expression of our concern for young cancer patients and their families, we set aside this month to reaffirm our support of continuing research and education.

Thanks to the many advances that have been made in cancer research, the majority of children who are diagnosed with cancer today will be alive and healthy 5 years from now. Indeed, the number of deaths from childhood cancers continues to drop as improved diagnostic and prognostic techniques, along with important breakthroughs in treatment, give hope to young people with leukemia, Wilm's tumor, Hodgkin's disease, and other cancers.

Such progress is testimony to the vitality of American science and to the contributions of the brave young patients who participate in clinical studies of new anti-cancer treatments. In recent years doctors have learned that bone marrow transplantation, which enables a child to receive very high doses of anti-cancer drugs, is an effective way of treating some types of leukemia. With this and other new techniques, nearly three-fourths of all children who are diagnosed as having leukemia can look forward to a complete cure. The treatment of Hodgkin's disease is yet another example of progress: today some 87 percent of children who are diagnosed as having this cancer of the lymphatic system can expect to be cured.

While these and other scientific advances are encouraging, they are but a part of the story of our increasing success in the fight against childhood cancer. This month, as we recognize the outstanding physicians and scientists who conduct pediatric cancer research in both the public and private sectors, we also honor the dedicated oncology nurses and social workers who comfort and assist young patients, the teachers and therapists who foster their intellectual and physical potential, and the many volunteers who provide family support groups, special camping and recreation facilities, and other helpful programs and services. Inspired by the extraordinary courage and optimism of young cancer patients, all of these Americans are making important contributions to the fight against childhood cancer. Their efforts merit our admiration and support.

The Congress, by House Joint Resolution 492, has designated September 1992 as "Childhood Cancer Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 1992 as Childhood Cancer Month. I invite the Governors of the 50 States and the appropriate officials of all other areas under the jurisdiction of the United States to issue similar proclamations. I also encourage the American people to join with public health agencies, private voluntary associations, and other concerned organizations in observing this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6470 of September 4, 1992

National Consumers Week, 1992

By the President of the United States of America
A Proclamation

American consumers enjoy access to a marketplace of goods and services that is unparalleled in terms of variety and quality. This thriving marketplace has been made possible by our Nation's free enterprise system, which provides opportunities and incentives for businesses to improve productivity and performance while generating the competition and accountability that lead to greater options for consumers. During National Consumers Week, we recognize that the decisions that consumers make help to encourage innovation and technological progress, thereby spurring our Nation's economy.

The theme of this year's observance, "Operation Wise Buy," underscores the fact that educated, informed, and responsible consumers have an important role to play in ensuring the success of our free enterprise system. Education, of course, begins at home: where we choose safe, healthy foods and products, where we teach our children the value of saving and investing for the future, and where we help them develop the knowledge and skills that are necessary to perform basic tasks such as reading labels and following written instructions, comparing costs and balancing a checkbook, and protecting themselves against fraud. By instruction and example, we can help our children to become wise, responsible consumers.

Recognizing the rights and interests of consumers as well as the impact that their choices have on the marketplace, the United States has been working to empower consumers of all social and economic backgrounds through education. By supporting consumer education and basic economic instruction in schools and other institutions, and by encouraging the dissemination of consumer-related news and information through government agencies, civic organizations, business, and

the media, we are giving consumers the tools they need to navigate successfully through the increasingly complex global marketplace.

Here in the United States, we have traditionally relied on consumers and private industry to balance each other's needs and interests in the marketplace, with government intervening only when it is required to ensure fairness and the safety of goods and services. As history shows, the strongest economies are those marked not by excessive government regulation, but by a philosophy of government, businesses, and consumers working together to build a brighter future for all.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 25, 1992, as National Consumers Week. I encourage all Americans—particularly business owners, educators, public officials, consumer advocates and members of the media—to observe this week with appropriate programs and activities that emphasize the role that consumers play in keeping our markets open, competitive, and fair. I also urge them to highlight the importance of education in helping citizens to become responsible consumers.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6471 of September 12, 1992

Commodore John Barry Day, 1992

By the President of the United States of America

A Proclamation

The members of the United States Navy continue a long and distinguished tradition of service to our country that began more than 200 years ago during our Nation's War for Independence, when a small yet tenacious American fleet achieved several key victories against powerful British forces. Those victories were made possible, in large part, by the extraordinary courage and seamanship of leaders such as Commodore John Barry, whose legacy we celebrate today.

As one of the first and most successful captains of the Continental Navy, John Barry set standards of bravery and selflessness that generations of U.S. naval personnel have since strived to emulate. Under his command in April 1776, the crew of the brig LEXINGTON achieved the first capture in battle of a British vessel by a regularly commissioned American warship. Captain Barry continued to serve with distinction throughout the long war at sea, taking part in the last American naval victory of the Revolution when he led the frigate ALLIANCE against the HMS SYBILLE in March 1783. During that 7-year period, which included action as an Army artillery officer at the Battle of Trenton, Captain Barry earned the respect of General George Washington, who commended his "gallantry and address." Ironically, perhaps, Captain Barry also earned the admiration of the enemy, which, through

General Lord Howe, sought to entice the Irish-born Barry away from the American cause. Captain Barry erased any doubts about his patriotism and devotion to freedom when he rebuked Howe's offer, declaring: "Not the value and command of the whole British fleet can lure me from the cause of my country."

So devoted to our country's cause was Captain Barry that he continued to champion the ideals of freedom and democracy long after the end of the Revolutionary War. Active in Pennsylvania politics, he became a strong advocate of our Constitution, which was ratified by the State Assembly on December 12, 1787. In 1794, President George Washington personally conferred upon Captain Barry "Commission No. 1," entrusting him with the command of the new frigate USS UNITED STATES, one of six that were built as part of a permanent American naval armament. Until his death on September 13, 1803, Commodore Barry continued to shape the young United States Navy.

The Congress, by House Joint Resolution 413, has designated Sunday, September 13, 1992, as "Commodore John Barry Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 13, 1992, as Commodore John Barry Day. I invite all Americans to observe this day with appropriate ceremonies and activities in honor of the courageous individuals, past and present, who have served in the United States Navy.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6472 of September 16, 1992

National Breast Cancer Awareness Month, 1992

By the President of the United States of America
A Proclamation

As we Americans once again observe National Breast Cancer Awareness Month, we can be heartened by the progress that we have made in fighting this disease. In recent years, our knowledge of breast cancer has increased significantly. Researchers continue to develop new and better means of treatment, and expanded access to breast cancer screening is enabling more and more women to benefit from early detection and intervention.

While such trends are encouraging, the National Cancer Institute reports that as many as 180,000 American women will be diagnosed as having breast cancer this year. Although most women who are treated for breast cancer in its early stages can be cured, this disease remains the second leading cause of death by cancer among American women. Hence, this month we recognize the importance of ensuring that every

woman is informed about breast cancer and about the importance of screening, early detection, and treatment.

Women can take an active role against breast cancer through monthly self-examination and through clinical examinations and mammography as recommended by their physicians. Mammography is invaluable: many breast cancers can be seen on a mammogram up to 2 years before they could be otherwise detected by a woman or her physician.

Because access to such screening is vital for all women, I am pleased to report that third-party reimbursement for mammography is increasing, allowing more women to benefit from this potentially lifesaving procedure. Through Medicare, the Department of Health and Human Services helps to cover the cost of screening mammography for women age 65 and older. Private insurers offer coverage for this procedure, and a major effort is underway to inform employers how businesses can provide screening mammography.

In addition to encouraging employers, insurers, and health care providers to voluntarily develop policies that expand access to affordable mammography, the Federal Government is also helping to lead the way in research against breast cancer. In a program that has the potential to save many lives in the future, women who are at high risk for breast cancer are participating in the first large-scale study to prevent the disease. We look forward to significant results from the Women's Health Initiative, the largest-ever research effort directed specifically at women. This comprehensive program will target the major causes of illness and death in older women, including breast cancer. In addition, the President's Cancer Panel this year established a Special Commission on Breast Cancer to undertake a comprehensive review of all aspects of the breast cancer problem and to make recommendations on how to accelerate progress against this disease.

Together with the Federal Government, private researchers, health care providers, members of breast cancer support groups, and other concerned Americans are working hard to ensure that women and their physicians are aware of each important advance in breast cancer research. This joint effort is saving lives, and during National Breast Cancer Awareness Month, we reaffirm our commitment to ensuring that it continues.

The Congress, by Senate Joint Resolution 303, has designated October 1992 as "National Breast Cancer Awareness Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1992 as National Breast Cancer Awareness Month. I invite the Governors of the States and the appropriate officials of all other areas under the jurisdiction of the United States to issue similar proclamations. I also encourage health care providers and other interested organizations and individuals to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6473 of September 16, 1992

Citizenship Day and Constitution Week, 1992

By the President of the United States of America

A Proclamation

On September 17, 1787, after 4 months of rigorous debate, study, compromise, and decision, delegates to the Federal Convention in Philadelphia signed our Constitution and submitted it to the States for ratification. Their hopes and prayers for a successful Convention had been answered. Today, more than 200 years later, we Americans continue to enjoy the blessings of liberty and self-government guaranteed by our Constitution.

When our Nation's Founders convened during the long, hot summer of 1787, leaving behind their farms and other personal interests in order to preserve our fragile Confederation of States, America looked very different from today. The United States has grown from a population of about 3,500,000 people who lived primarily along the Atlantic coast to a population of some 250,000,000 that now extends from the Great Lakes to the Gulf of Mexico, as well as to Alaska and Hawaii. In 1787 the primary means of transportation was the horse. The Constitution itself was carried from Philadelphia to the Confederation Congress in New York by stagecoach, on a journey that took Major William Jackson 2 days. Today, by contrast, one can travel the same distance within hours.

Despite such dramatic changes, our Constitution remains the guiding charter of American government. This great document is, therefore, both a tribute to the wisdom and foresight of its Framers and a symbol of our abiding commitment to liberty under law.

The Framers of our Constitution were well aware of the lasting significance of their actions, and James Madison expressed a commonly held sense of destiny when he suggested that the outcome of the Federal Convention would "decide forever the fate of republican government." Our Constitution thus codifies in law the timeless truths that were first set forth in our Declaration of Independence: "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Generations of Americans have cherished our Constitution, and hundreds of thousands have given their lives to defend the principles it enshrines. We must continue to promote knowledge of, and reverence for, our Constitution if we are to preserve this great experiment in self-government and achieve further progress for America in the generations to come. As President Calvin Coolidge said: "If we wish to build new structures, we must have a definite knowledge of the old foundations. . . . We must frequently take our bearings from the fixed stars of our political firmament if we expect to hold a true course."

To become naturalized citizens, immigrants to the United States must pass an examination on the guiding tenets and basic institutions of American government, including those set forth in our Constitution. Yet the responsibilities of citizenship belong to each of us, native-born and naturalized Americans alike. We fulfill those duties when we

study our Nation's history and strive to maintain the great moral and spiritual heritage that inspired our Founders' vision for America. Indeed, good citizenship goes hand in hand with traditional values of faith and devotion to family, honesty and hard work, personal responsibility, and respect and concern for others. We also fulfill our obligations as a free people when we take advantage of our many opportunities to participate in the democratic process, including the consistent and prudent exercise of our right to vote.

In commemoration of the signing of our Constitution and in recognition of the importance of informed, responsible citizenship in our system of self-government, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 153), designated September 17 as "Citizenship Day." Also, by joint resolution of August 2, 1956 (36 U.S.C. 159), the Congress designated the week beginning September 17 and ending September 23 of each year as "Constitution Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 17, 1992, as Citizenship Day and call for the display of the flag of the United States on all government buildings on that day. I also proclaim the week of September 17 through September 23, 1992, as Constitution Week and urge all Americans to join in observing these occasions with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6474 of September 16, 1992

National POW/MIA Recognition Day, 1992

By the President of the United States of America

A Proclamation

As we Americans celebrate the collapse of imperial communism and the expansion of democracy around the world, we are especially grateful to the courageous United States military personnel who defended the cause of freedom in war. Yet, while we welcome improved prospects for international cooperation and peace, we also remember our fellow Americans who continue to suffer the uncertainties of wartime: the families of American service members and civilians who are still listed as missing and for whom the fullest possible accounting has not yet been made.

As a sign of our Nation's commitment to obtaining the answers that these families seek, on September 18, 1992, the flag of the National League of POW/MIA Families will be flown over the White House, the U.S. Departments of State, Defense, and Veterans Affairs, the Selective Service System headquarters, and the Vietnam Veterans Memorial. This black and white emblem will continue to symbolize America's clear, unequivocal resolve to keep faith with those who so faithfully served and defended us.

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Through the eyewitness testimony of former American prisoners of war, we know that many were subjected to extreme deprivation and torture, in violation of fundamental standards of morality and in stark contravention of international agreements governing treatment of war prisoners. Their experiences have not only underscored our debt to those who risked their lives and liberty for our sake but also strengthened our resolve to secure the return of any Americans who may still be held against their will. Doing so remains a matter of highest national priority, as do our efforts to obtain the fullest possible accounting for the missing and the repatriation of all recoverable remains of those who died as a result of their service to our Nation. On this occasion, we renew our pledge to obtain the answers that the families of these Americans deserve, in order that they may gain the peace of certainty and share more fully in the celebration of freedom's expansion around the globe.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 18, 1992, as National POW/MIA Recognition Day. I urge all Americans to join in honoring former American POWs as well as those service members and civilians who are still missing and unaccounted for as a result of serving our Nation. I also encourage all Americans to join in saluting the families of these individuals for their dedication to the truth and for their perseverance in seeking answers. Finally, I call on State and local government officials, as well as private organizations, to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6475 of September 23, 1992

Gold Star Mother's Day, 1992

By the President of the United States of America
A Proclamation

Now that Marxist-Leninist regimes around the world have crumbled, now that dictators from Baghdad to Havana have found themselves isolated in a world that is growing freer by the day, one of the greatest risks we face as a Nation is that of forgetfulness. While we rightly celebrate improved prospects for international cooperation and peace, we must not forget that the preservation of freedom requires eternal vigilance and resolve. Only by remembering the lessons of the past can we ensure our liberty and security in the future; only by honoring the memory of those who fought and died for our country can we fully appreciate our way of life. One group of Americans who will never forget the price that has been paid for our freedom is the Gold Star Mothers, women whose sons and daughters have died in service to our country.

There is little that we can offer in consolation to America's Gold Star Mothers. Yet, while it is beyond our earthly power to alleviate their

great loss, we can show these women that their children's sacrifices are remembered and appreciated, not only on occasions such as Memorial Day, but also throughout the year.

Every time we cast our ballot at the voting booth, every time we join in prayer at our place of worship, we Americans enjoy the liberty and self-government that have been preserved for us by the courage and sacrifices of others. Every time we say good night to our children and grandchildren, knowing that they need no longer fear the nightmare of global nuclear conflict, we enjoy the peace and security that have been attained by the blood of American patriots. So much that we cherish in our daily lives has been made possible by our fallen service members—truly, we cannot express our respect and gratitude often enough.

It is fitting that, in addition to honoring the memory of our fallen military personnel, we also salute the women who nurtured them. Through their children, our Nation's Gold Star Mothers have made a profound contribution to the United States and, yes, to the freedom of millions of people around the world. Today many Gold Star Mothers continue to serve our Nation through generous volunteer work in behalf of veterans, through efforts to promote civic education and patriotism among youth, and through countless other means of community service. On this occasion, we proudly acknowledge their courage and example and reaffirm America's commitment to promoting democracy and respect for human rights, which are the only sure foundation for lasting freedom, justice, and peace among nations.

The Congress, by Senate Joint Resolution 115 (June 23, 1936), designated the last Sunday in September as "Gold Star Mother's Day" and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 27, 1992, as Gold Star Mother's Day. I call on all government officials to display the United States flag on government buildings on this day. I also urge the American people to display the flag and to hold appropriate meetings in their homes, places of worship, or other suitable places, as a public expression of the sympathy and the respect that our Nation has for its Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6476 of September 23, 1992

National Disability Employment Awareness Month, 1992

By the President of the United States of America

A Proclamation

The United States has long been the world's leading champion of the rights of individuals, and it is only natural that we now serve in the

forefront of efforts to promote equal opportunity for persons with disabilities. Since I signed the Americans with Disabilities Act (ADA) on July 26, 1990, scores of other nations have been motivated to reexamine the challenges faced by their citizens with disabilities. The ADA, which prohibits discrimination in employment, public accommodations, transportation, and communications, provides a model for people everywhere as it affirms our commitment to ensuring that Americans with disabilities are not excluded from our Nation's cultural and economic mainstream.

Ensuring equal opportunities for persons with disabilities is not only a serious moral and legal obligation, it is also good business sense. As we work to expand markets for U.S. goods and services and to strengthen America's competitiveness in an increasingly technological world, we must fully utilize our Nation's wealth of human capital. One-third of all Americans with disabilities who are of working age are currently employed. The other two-thirds constitute a vast, untapped source of knowledge, skills, and talent. In addition to being costly—today Americans spend more than $200 billion annually to support potentially productive people—such a waste of human ability stands in stark contrast to the American traditions of individual dignity and self-reliance and empowerment through opportunity and hard work. There are some 43 million Americans with disabilities in the United States, and the vast number of these individuals want very much to lead full, independent, and productive lives. To employ these determined candidates is to make a wise investment in our Nation's future.

As we work to achieve harmonious implementation of the Americans with Disabilities Act, we will open doors of opportunity for millions of people—thereby expanding the ranks of workers and consumers, which, in turn, generates productivity and profits for business while enabling individuals and families to pursue the American Dream. I congratulate the business and industry leaders and community leaders from all walks of life who are working together to implement the ADA, and I pledge the total cooperation of the Federal Government. Our continuing progress is testimony both to the fundamental vitality and fairness of our free enterprise system and to our abiding commitment to liberty and justice for all.

The Congress, by joint resolution approved August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of October of each year as "National Disability Employment Awareness Month." This month is a special time for all Americans to recognize the tremendous potential of persons with disabilities and to renew our commitment to equal opportunity for them, as for every citizen.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1992 as National Disability Employment Awareness Month. I call on all Americans to observe this month with appropriate programs and activities that affirm our determination to fulfill both the letter and the spirit of the 1990 Americans with Disabilities Act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord nineteen hundred and

nety-two, and of the Independence of the United States of America e two hundred and seventeenth.

GEORGE BUSH

·oclamation 6477 of September 23, 1992

ational Farm-City Week, 1992

/ the President of the United States of America
Proclamation

ıe tremendous productivity of America's farms has been a great bless- g to this Nation and to millions of people around the world. As our ding industry, agriculture has fueled America's strength and ·ogress while, at the same time, making the United States the world's rgest exporter of food products and its most generous provider of d aid. The week that ends on Thanksgiving is, therefore, a fitting ne to salute our farmers and all those Americans who work in part- ership with them to bring the Lord's bounty from the fields to our milies' tables.

'hile the United States enjoys a wealth of God-given resources, from ɔspitable climates to rich, fertile soils, the key to our agricultural pro- ıctivity is the ingenuity and skill of our farmers and the fundamental ficiency and fairness of our free enterprise system. On average, one merican farmer currently produces food and fiber for 129 people—a ımber that continues to increase. One of every three acres planted in is country produces crops for export. As a result of such efficiency ıd productivity, we in the United States can purchase our food with smaller percentage of our disposable income than citizens of any her country. This enables us to use the remainder of our income to ırchase other goods and services and to save and invest for the fu- re. Together, these factors help the United States to maintain the ghest standard of living in the world.

merica's farmers are joined in their efforts by millions of other men ıd women who have, in a sense, put their hands to the plow in a ɔmpetitive, market-based system that provides farmers with produc- ɔn supplies and related services, then processes, packages, and trans- ɔrts agricultural goods to retail markets across the United States and ound the world. This system includes researchers in our Land Grant ıiversities and private companies, who are developing ever-safer and ore effective fertilizers, technologies, and pest control methods. It o includes specialists who ensure crop quality and manufacturers o transform raw materials into usable products, from breakfast cere- s to grain-based alternative fuels. From wholesalers and distributors local retailers, a vast network of men and women completes the ırtnership that begins in our rural communities and extends to our gest urban areas. For nearly 40 years now, we Americans have ob- ɪrved National Farm-City Week in celebration of this partnership and grateful recognition of the more than 20 million Americans who ake it work so well for all of us.

OW, THEREFORE, I, GEORGE BUSH, President of the United States ' America, by virtue of the authority vested in me by the Constitution

and laws of the United States, do hereby proclaim the week of November 20 through November 26, 1992, as National Farm-City Week. I encourage all Americans, in rural and urban communities alike, to join in recognizing the accomplishments of our farmers and all those hardworking individuals who cooperate in producing the abundance of agricultural goods that strengthen and enrich the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6478 of September 26, 1992

Child Health Day, 1992

By the President of the United States of America
A Proclamation

On Child Health Day, we pause as a Nation to assess our children's state of health and to reaffirm our commitment to providing every young American with the best possible start in life, beginning with high quality prenatal care throughout pregnancy for expectant mothers and extending through each child's formative years.

When we examine history, one area of child health that has been marked by remarkable improvement is that of communicable childhood diseases. Over the years scientists and physicians have developed the means to protect children from diseases that, in the past, killed or disabled thousands of boys and girls. Through the practice of childhood immunization, the United States helped to lead the way in eliminating smallpox worldwide by 1980. Heartened by such progress, we aimed to rid the United States of another contagious and potentially devastating disease, measles, by 1990. Unfortunately, however, we remain short of that goal.

Despite the existence of effective childhood vaccines for measles and eight other contagious diseases, more than 50,000 cases of measles were reported in the United States from 1989 to 1991. Out of these cases, 160 persons died.

Such a tragic toll is all the more intolerable because it is preventable. Through a series of vaccinations beginning as early as birth, children can be protected against not only measles but also mumps, rubella, polio, diphtheria, pertussis (whooping cough), tetanus, hepatitis B, and *Haemophilus influenzae* Type B. While as many as 5 in 10 infants and toddlers are receiving all of their recommended childhood immunizations on time, thousands of other children remain at risk of contracting life-threatening or disabling illnesses.

To encourage parents to fulfill their responsibility to have their children immunized and to expand access to vaccinations, the Department of Health and Human Services is moving forward with a concerted immunization initiative. Building on several local pilot programs that were developed in 1991, this initiative will increase the number of vac-

cinated preschoolers through education programs aimed at parents, through the integration of services, and through the enlistment of teachers, local health clinics, and other concerned individuals and organizations.

All of us who care about children—especially parents and grandparents but also educators, public officials, and health care providers—must renew our commitment to ensuring that every American preschooler is protected through age-appropriate immunizations. Doing so is vital to the well-being of our children and to the future of our Nation.

The Congress, by joint resolution approved May 18, 1928, as amended (36 U.S.C. 143), has called for the designation of the first Monday in October as "Child Health Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Monday, October 5, 1992, as Child Health Day. I urge all Americans to join me in renewing our commitment to protecting the lives of this Nation's youngest citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6479 of September 26, 1992

Leif Erikson Day, 1992

By the President of the United States of America
A Proclamation

When we Americans commemorate the voyages of Leif Erikson, the daring Norse navigator who explored the North American coast some 1,000 years ago, we celebrate the enduring spirit of discovery—a spirit that is leading us to ever new frontiers in learning and commerce. As we remember "Leif the Lucky," the brave son of Iceland and grandson of Norway, we also celebrate the close, cordial ties that exist between the United States and the Nordic countries. Those ties have been strengthened and enriched over the years by the outstanding contributions of Nordic-Americans, who take special interest in this annual observance of Leif Erikson Day.

Last year descendants of early Norse explorers reenacted the voyages of Leif Erikson by sailing replicas of Viking ships from Norway to Iceland, Greenland, and North America. The success of this tribute to "1,000 Years of Discovery" rekindled feelings of friendship on both sides of the Atlantic and reaffirmed our admiration for all those who continue to chart new realms of knowledge and human endeavor—from pioneers in science and technology to the courageous peoples who, for the first time in decades or perhaps for the first time ever, are beginning to reap the rewards of democracy and free enterprise.

At a time when relations between Europe and America are being renewed and strengthened in light of the new, post-Cold War era, the Nordic countries have an important role to play in fostering continued transatlantic cooperation, including an open trading system and mutual support of democratic reform. Likewise, Americans who trace their roots to the Nordic countries—Denmark, Finland, Iceland, Norway, and Sweden—provide a living link between continents, much as their ancestors did nearly a millennium ago.

In recognition of the legendary achievements of Leif Erikson and in honor of our Nordic-American heritage, the Congress, by joint resolution approved on September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), designated October 9 of each year as "Leif Erikson Day" and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 9, 1992, as Leif Erikson Day. I invite all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6480 of September 26, 1992

Fire Prevention Week, 1992

By the President of the United States of America

A Proclamation

Despite all that we have learned about fire prevention and safety, residential fires remain our Nation's number one fire problem. Fires in the home account for four out of every five fire-related deaths, three out of every four fire-related injuries, and almost half of all fire-related property losses.

The vast majority of fire-related deaths occur in homes that do not have a working smoke detector. Because the early warning provided by such a device can dramatically increase one's chances of surviving a fire, it is imperative that homeowners not only install but also maintain smoke detectors in recommended areas of the home. During the past quarter-century, home fire protection has improved dramatically with the installation of at least one smoke detector in most homes. Yet, more Americans must avail themselves of this lifesaving technology, and those in homes with smoke detectors must be sure to test and service them regularly.

To convey that message nationwide, the United States Fire Administration and the National Fire Protection Association have dedicated this year's Fire Prevention Week activities to the theme, "Test Your Detector—It's Sound Advice!" I urge Americans to pay heed to fire safety throughout the year and especially during this first week of October. Homeowners should walk through their homes and be certain that

iere are enough smoke detectors—one on each level, including the
isement, and one outside each sleeping area. Smoke detectors should
e tested often to ensure that they are working properly, and batteries
iould be replaced at least once a year.

s we observe Fire Prevention Week, let us also recognize the mem-
ers of the public and private organizations that are working toward
ur shared goal of fire safety, including the American Burn Associa-
on, the Congressional Fire Services Institute, the Fire Marshals Asso-
ation of North America, the International Association of Arson Inves-
gators, the International Association of Black Professional Fire Fight-
s, the International Association of Fire Chiefs, the International Asso-
ation of Fire Fighters, the International Association of Fire Service In-
ructors, the National Association of State Fire Marshals, and the Na-
nal Volunteer Fire Council.

lost important, let us offer special thanks to our Nation's volunteer
nd career fire fighters. These brave men and women put their lives
n the line every day in order to protect the lives and property of their
llow citizens. Last year alone, 105 fire fighters made the ultimate sac-
fice in the line of duty. Our Nation will honor them on Sunday, Octo-
er 11, 1992, during the National Fallen Fire Fighters Memorial Service
: the National Fire Academy in Emmitsburg, Maryland. All Americans
e invited to join in praying for these heroic individuals and their be-
eaved families and friends.

OW, THEREFORE, I, GEORGE BUSH, President of the United States
f America, by virtue of the authority vested in me by the Constitution
nd laws of the United States, do hereby proclaim the week of October
through October 10, 1992, as Fire Prevention Week. I urge all Ameri-
ans to participate in fire prevention activities in their homes, schools,
nd places of work—this week and throughout the year.

N WITNESS WHEREOF, I have hereunto set my hand this twenty-
xth day of September, in the year of our Lord nineteen hundred and
nety-two, and of the Independence of the United States of America
ie two hundred and seventeenth.

GEORGE BUSH

roclamation 6481 of September 27, 1992

Vhite Cane Safety Day, 1992

y the President of the United States of America

Proclamation

he white cane is a simple yet very useful device that enables persons
ith visual impairments to enjoy greater mobility and independence in
ieir daily lives. This tool also has great symbolic value, for it is a tan-
ible reminder of the courage, determination, and achievements of per-
ons with disabilities.

s we recognize the accomplishments of Americans who use the white
ane, it is fitting that we also recognize the importance of promoting
ieir safety. For Americans who are not blind or visually impaired, this

means taking responsibility as careful, courteous drivers and pedestrians.

Americans who use the white cane deserve not only the respect and courtesy of others but also the right to equal opportunity. The Americans with Disabilities Act (ADA) that I signed 2 years ago affirmed the rights of persons with disabilities and strengthened our Nation's commitment to eliminating the physical and attitudinal barriers that, in the past, prevented these individuals from participating fully in the mainstream of American life. Today the United States is providing a model for the world as we work toward full and harmonious implementation of the ADA.

In order to ensure that every American is prepared for the opportunities that life offers, we are also working through the AMERICA 2000 program to promote lifelong learning and achievement. The many Americans who have obtained training in use of the white cane have demonstrated their appreciation of the value of learning far beyond the traditional classroom, and their efforts should challenge and inspire others.

Recognizing the importance of the white cane to Americans with visual impairments, the Congress, in 1964, by Public Law 88–628, designated October 15 of each year as "White Cane Safety Day" and requested the President to issue annually a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 15, 1992, as White Cane Safety Day. I encourage all Americans to observe this day with appropriate programs and activities in recognition of the interests and achievements of persons who use the white cane.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6482 of October 1, 1992

Mental Illness Awareness Week, 1992

By the President of the United States of America
A Proclamation

Advances in biomedical research and the behavioral sciences have dramatically improved our ability to prevent, diagnose, and treat mental illness—a public health problem that continues to call for greater public awareness and understanding.

Once clouded by mystery and shame, mental illness actually refers to a range of diseases, such as schizophrenia and depression, that may affect individuals of any age, race, or walk of life. In fact, it is estimated that as many as one-fourth of all Americans will suffer from a mental disorder at some point in their lives. The price to our Nation in terms of lost productivity, health care expenses, and other costs may total as

much as $300 billion a year, according to the Department of Health and Human Services.

The suffering experienced by persons with mental illness is tremendous, as their conditions may deprive them of the ability to lead full, independent, and productive lives. Far too many of these individuals suffer from stigmatization by others as well, leading to a sense of rejection and alienation.

In order to dispel myths and misconceptions about mental illness and to help individuals and families who are affected by it, researchers in both the public and private sectors are working hard to unlock the secrets of the human mind. In recognition of their efforts and as a sign of our Nation's commitment to further progress in neuroscience, I proclaimed the 1990s the "Decade of the Brain." This is a time of unprecedented opportunity and hope as we work to promote the mental health and the overall well-being of all Americans.

The National Institute of Mental Health, the Federal Government agency that funds most of the mental health research in the United States, is making a major effort to inform Americans about mental disorders and their treatment. In addition, under the ADAMHA Reorganization Act that I signed in July, the Federal Government will concentrate its services for persons who suffer from, or are vulnerable to, mental illness and addictive disorders. By integrating into the National Institutes of Health the National Institute of Mental Health, the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism, we will bring research on mental illness and addictive disorders into the mainstream of biomedical and behavioral research.

The Federal Government is, of course, joined in its efforts by many private researchers and voluntary organizations, including organizations that have been established by persons who have overcome mental illness. These individuals are helping to promote new scientific and medical breakthroughs while also educating the public about the prevention, diagnosis, and treatment of mental illness. This week, we salute all of these volunteers and professionals and reaffirm our support of their noble work.

The Congress, by Senate Joint Resolution 287, has designated the week of October 4 through October 10, 1992, as "Mental Illness Awareness Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of October 4 through October 10, 1992, as Mental Illness Awareness Week. I invite all Americans to join with members of the health care community in observing this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6483 of October 1, 1992

National School Lunch Week, 1992

By the President of the United States of America
A Proclamation

When the National School Lunch Act was adopted in 1946, the United States affirmed its commitment "as a measure of National security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food." Over the years the National School Lunch Program has brought nutritious meals to millions of school-age children, thereby fostering their physical and intellectual development. By helping to ensure that every student enters the classroom ready to learn, today's School Lunch Program contributes to a key aim of AMERICA 2000, our national strategy to achieve excellence in education.

The National School Lunch Program currently provides wholesome, well-balanced meals to more than 24 million children daily. These lunches promote learning and achievement by giving children the energy and stamina that they need to pay attention and to participate in the classroom. School lunches also provide children with an opportunity to develop healthy eating habits for a lifetime.

Many improvements have been made in the School Lunch Program over the years, and Federal food assistance in our schools now includes a School Breakfast Program as well. Parents, principals, and teachers have joined with school food service personnel and Federal, State, and local officials in improving the quality, appearance, and nutritional value of school meals. Students have also become more aware of the importance of good nutrition and have become involved in nutrition advisory committees. This week, we recognize all of the professionals and volunteers who help to ensure the success of the School Lunch Program in more than 92,000 schools and residential child care institutions across the country.

In recognition of the contributions of the School Lunch Program to the health and well-being of children, the Congress, by joint resolution approved October 9, 1962 (Public Law 87–780), designated the week beginning on the second Sunday of October of each year as "National School Lunch Week" and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 11, 1992, as National School Lunch Week. I encourage all Americans to recognize the dedicated and hardworking individuals who contribute to the success of the School Lunch Program.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6484 of October 1, 1992

Columbus Day, 1992

By the President of the United States of America
A Proclamation

A half-millennium ago, one man who dared to defy the pessimists and naysayers of his day made an epic journey that changed the course of history. That man was Christopher Columbus, and the account of his first voyage to the Americas provides us with timeless lessons about faith and courage in the face of the unknown, about the power of individuals to make a difference, and about the rewards of cultural and commercial exchange among nations.

Behind the larger-than-life legends that have evolved around Columbus is an ordinary, fallible man who achieved extraordinary, unforgettable things—and through qualities that any of us might well emulate today.

As with all progress, Columbus' great journey began with learning and hard work. Before he became a master mariner, Columbus was first a diligent student and deckhand who gained his knowledge and skills in Lisbon, then Europe's leading center of overseas exploration. Thus it was with both a strong foundation and a profound sense of higher purpose that Christopher Columbus set sail toward the horizon. If we are to continue to cross new frontiers today, we must not only cherish knowledge and learning, as did the peoples of the Renaissance, but also have faith and courage in the face of the unknown.

Although Columbus was slow to shrink from ridicule and adversity, he was quick to seize an opportunity; and when the Spanish monarchs Ferdinand V and Isabella I agreed to support his daring enterprise, this brave son of Genoa quickly readied the *Nina*, the *Pinta*, and the *Santa Maria* for their long ocean voyage. The story of Columbus is, therefore, a fitting prologue to our American narrative, for the history of the United States is filled with accounts of individuals who made a difference because they had the freedom, the opportunities, and the wherewithal to do so.

Columbus' first voyage to the Americas took just 33 days, yet it refuted centuries-old myths and transformed the lives of generations to come. The great encounter that was made possible by Columbus and his crew linked peoples on both sides of the Atlantic in a long and fruitful exchange of knowledge, resources, and ideas that continues to this day. Hence, on Columbus Day we celebrate both the rich heritage of America's native peoples and the development of the United States as a Nation of immigrants.

Finally, I am pleased to note that in many schools, teachers and students are planning to observe this Columbus Day with a special celebration of the 100th anniversary of our Pledge of Allegiance to the flag. Written in honor of Columbus Day a century ago, the Pledge has inspired generations of Americans to a greater love of country. As we celebrate the legacy of Columbus and the diverse cultural heritage of the United States, it is fitting that we also recall our many blessings—and responsibilities—as "one Nation, under God, indivisible, with liberty and justice for all."

The Congress, by joint resolution of April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as "Columbus Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 12, 1992, as Columbus Day. I encourage all Americans to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6485 of October 8, 1992

National Customer Service Week, 1992

By the President of the United States of America

A Proclamation

In a thriving free enterprise system such as ours, which provides consumers with a wide range of goods and services from which to choose, the most successful businesses are those that display a strong commitment to customer satisfaction. Today foreign competition as well as consumer demands are requiring greater corporate efficiency and productivity. If the United States is to remain a leader in the changing global economy, highest quality customer service must be a personal goal of every employee in business and industry.

A business built on customer service understands and anticipates the customer's needs. It designs goods and services to meet those needs and builds products that perform to customer expectations. It then packages them carefully, labels them correctly, sells them at a fair price, delivers them as scheduled, and follows up, as necessary, to satisfy the customer. This kind of commitment to service leads to customer loyalty and to genuine improvements at the bottom line.

A business will do a better job of providing high quality goods and services by listening to its employees and by empowering them with opportunities to make a difference. Customer service professionals work in the front lines where a firm meets its customers; where supply meets demand. With responsive policies and procedures and with simple courtesy, customer service professionals can go a long way toward ensuring customer satisfaction and eliciting the next round of orders and purchases.

The Congress, by Senate Joint Resolution 166, has designated the week of October 4 through October 10, 1992, as "National Customer Service Week" and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of October 4 through October

10, 1992, as National Customer Service Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6486 of October 8, 1992

General Pulaski Memorial Day, 1992

By the President of the United States of America
A Proclamation

Each October 11, when our Nation honors the memory of General Casimir Pulaski, the great Revolutionary War hero who died on this date in 1779, we also celebrate the deep and abiding friendship that exists between the Polish and American peoples. That friendship has been rooted in a shared love of liberty and democratic government, and as we proudly reflect on the past, we also look forward to continuing cooperation between our two countries in this new, post-Cold War era.

Before he came to the United States more than 200 years ago, Casimir Pulaski had fought in the struggle to free his native Poland from foreign domination and repressive rule. By the time the young Count was forced into exile, he was, as Benjamin Franklin noted, "famous throughout Europe for his bravery and conduct in the defense of the liberties of his country." Although Count Pulaski would not live to see the liberation of his beloved homeland, no amount of adversity could deter him from a cause as universally important as that of freedom. This skilled horseman and fighter thus adopted our ancestors' struggle as his own, volunteering for service in the Continental Army, where he was named a General and eventually granted command of his own cavalry unit.

General Pulaski and his troops fought with great tenacity in a number of major campaigns, including at Brandywine and Trenton. Impressed by Pulaski's fearlessness and persistence, General George Washington later wrote to the Congress that "the Count's valor and active zeal on all occasions have done him great honor."

It was such zeal for the cause of liberty that inspired General Pulaski to lead a bold yet dangerous charge during the seige of Savannah on October 9, 1779. He was mortally wounded in the attempt and died 2 days later.

General Pulaski and other martyrs in America's War for Independence did not die in vain, however, and today we know that their hard-won victory helped to ignite the continuing expansion of freedom around the globe. On this occasion we remember, especially, the generations of courageous Poles who have shared in the epic struggle for liberty and self-determination. From our own Savannah, Georgia, to places such as Westerplatte, the Katyn Forest, and the Gdansk shipyards,

brave Poles have made heroic, and sometimes costly, stands for freedom. Their courage and resolve should remain an inspiration to us all.

Having triumphed over decades of communist rule, not with musket and bayonet, but with voices and votes, petitions and prayers, the people of a free and independent Poland are now working to complete the challenging transition to democracy and to a thriving, market-oriented economy. The United States is proud to cooperate in this effort through a wide range of trade, investment, and technical assistance programs, including the Polish-American Enterprise Fund.

Americans of Polish ancestry continue to play an important role in promoting stronger political, cultural, and economic ties between the United States and Poland, and as we join these citizens in remembering General Casimir Pulaski, we also give thanks for the contributions that they are making to our common future.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 11, 1992, as General Pulaski Memorial Day. I direct the appropriate government officials to display the flag of the United States on all government buildings on that day, and I invite all Americans to observe the occasion with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6487 of October 8, 1992

Veterans Day, 1992

By the President of the United States of America
A Proclamation

"The soldier, above all other people, prays for peace," said General Douglas MacArthur, "for he must suffer and bear the deepest wounds and scars of war." It is fitting that we pause on the anniversary of Armistice Day, a day dedicated to peace, to honor those Americans who answered our Nation's call to duty when the United States had no choice but to fight for the principles we cherish.

As we Americans go about our day-to-day activities, from a busy shift at work to a quiet evening with family and friends, we seldom think of the individuals who walked in the very shadow of death in order to preserve our way of life. Yet were it not for our veterans, who endured the terrifying scream of bombs and sirens and the haunting sight of bodies broken in battle, we might well not enjoy the liberty and security we share today—blessings we all too often take for granted. Our comfort has come at the cost of many a veteran's youth and health; our freedom, through the sacrifices of those who faced capture, imprisonment, and even torture, in the defense of freedom. From the victors of World War I and survivors of the infamous Bataan Death March to the

service members who returned from a hundred lesser-known trials during and since World War II, America's veterans have earned all of the respect and gratitude that we express on this occasion. These Americans do not seek glory, any more than they sought the hellish test of war; however, they do ask—rightly—that their great cause be honored and remembered.

While Veterans Day is dedicated to all those who have served in our country's uniform, including veterans of more recent conflicts in Southeast Asia, Panama, and the Persian Gulf, during this 50th anniversary of World War II we remember especially those who helped to defeat the expansionist aims of Nazi Germany and Imperial Japan. Before time deprives us of their living history forever, we do well to learn from these veterans and from their eyewitness accounts of the Allied struggle against tyranny and aggression. World War II veterans know firsthand of the importance of a strong, united America, and their lifelong patriotism should remain an inspiration for generations to come. While the events of a half-century ago may seem remote today, they in fact hold lessons of eternal value: the first of which is that our Nation is only as great as the character and convictions of her people; our freedom, only as certain as our moral and military capacity to preserve it.

Today many veterans are helping to maintain a strong America by supporting our present-day Armed Forces, by promoting civic education and patriotism among youth, and by helping them to recognize the difference between liberty and license, between just, democratic peace and the mere absence of war. By demonstrating the virtues of discipline, selflessness, and courage far beyond the field of battle, America's veterans continue to provide outstanding service to the cause of freedom.

On this occasion, let us offer a heartfelt salute to each and every U.S. veteran, especially those who are ill or hospitalized. Let us renew our pledge to obtain the fullest possible accounting for our POWs and MIAs and convey our respect to the brave families of those still missing. Finally, let us remember throughout the year that our freedom—and that of millions of people around the globe—would not be possible without our veterans' service and sacrifice.

In order that we may pay due tribute to those who have served in our Armed Forces, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Wednesday, November 11, 1992, as Veterans Day. I urge all Americans to honor our veterans through appropriate public ceremonies and private prayers. I also call on Federal, State and local government officials to display the flag of the United States and to encourage and participate in patriotic activities in their communities. I urge civic and fraternal organizations, churches, schools, businesses, unions, and the media to support this national observance with suitable programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-two,

and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6488 of October 9, 1992

In Celebration of the 200th Anniversary of the White House

By the President of the United States of America
A Proclamation

The home of our Nation's Presidents is a house that truly belongs to the American people, and as we commemorate the 200th anniversary of the laying of the White House cornerstone, we also celebrate the great system of democratic government that this historic building symbolizes to our Nation and the world.

Although the White House cornerstone was dedicated on October 13, 1792, the story of the famous home at 1600 Pennsylvania Avenue actually begins with the framing of our Constitution several years earlier. In Article 1, Section 8, of that great document, our Nation's Founders provided for the establishment of a special district to serve "as the Seat of the Government of the United States." Under the direction of President George Washington, a site was selected for the Federal City in January 1791, and the district eventually began to take shape according to the grand vision of Major Pierre Charles L'Enfant, who submitted his plans to the Congress in December of that year. In early 1792, the Commissioners for the District of Columbia advertised a nationwide competition for the design of the President's house. They chose the entry of Irish-born architect James Hoban, perhaps mindful of President Washington's recommendation that "for the President's house, I would design a building that should also look forward, but execute no more of it at present than might suit the circumstances of this country, when it shall be first wanted."

President Washington never inhabited the White House, but when it was occupied by President John Adams and his family in 1800, Abigail Adams wrote to her sister that the stately yet unfinished "castle of a house" appeared "built for ages to come." In its beauty and elegance, the White House looked forward with all the exuberance and optimism of our young Republic. At the same time, however, its simple balance of form and function reflected an unpretentious spirit befitting our system of limited government and representative democracy.

The White House underwent a number of changes and additions in succeeding years, with President Thomas Jefferson and architect Benjamin Henry Latrobe designing its terraces and interior, respectively. In 1814, the building was nearly destroyed by fire when British forces invaded the city of Washington, and today Dolley Madison's rescue of Gilbert Stuart's famous portrait of George Washington, along with her husband's papers, is a celebrated part of White House history and folklore. Sadly, the exterior sandstone walls and interior brickwork were all that remained of the White House when James Hoban was asked to begin its reconstruction. Not until the Presidency of Andrew Jackson

some 40 years after the laying of the cornerstone was the White House truly completed with the building of the north portico.

Since that time, the White House has experienced two major renovations—one in 1902 and another from 1948–1952. During the latter renovation, James Hoban's wood structure was entirely rebuilt, yet within its original sandstone and brick walls, and today the White House con-inues to appear much as it did during the days of John Adams and Thomas Jefferson. Engineers and historians have worked hard to honor original schemes for the design and decoration of the White House, and succeeding Administrations have taken an increasing interest in the preservation of this historic home. In recent years the White House Historical Association, which was chartered in 1961, has played a leading role in funding the conservation of the priceless antiques and aintings that furnish the White House, and this year restoration of its exterior features will be complete.

Our Nation's Founders would be proud of the enduring beauty of "the resident's house," just as they would be delighted by the continuing success of their great experiment in self-government. Because the White House represents such an important part of our American heritage, it has been included as a unit of our National Park System since 1933. More than 1 million people tour this magnificent home each year, in addition to the countless visitors who pause nearby to view its grounds and to reflect on its storied past. Much of our Nation's history has passed through these walls, and it is here that much of our future will be shaped as well.

On this 200th anniversary of the White House, as we celebrate the past and look forward—as did our ancestors—to the ages to come, we do well to repeat the timeless prayer of President John Adams, the first resident of this important home:

> I pray Heaven to bestow the best of blessings
> on this house and all that shall hereafter
> inhabit it. May none but honest and wise
> men ever rule under this roof.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby encourage all Americans to join in celebrating the 200th anniversary of the laying of the White House cornerstone on October 13, 1992.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6489 of October 9, 1992

Energy Awareness Month, 1992

By the President of the United States of America

A Proclamation

From the cars we drive to the utilities that heat and illuminate our homes, schools, and hospitals, we Americans depend on safe, reliable sources of energy for our personal mobility and comfort. At the same time, because it is vital to keeping our farms, factories, and defense systems functioning smoothly, we also depend on secure, reasonably priced energy for our economic productivity and national security.

Nearly 2 years ago, as part of our comprehensive efforts to ensure America's competitiveness and strength, we set forth our National Energy Strategy. Developed over more than one and a half years of public recommendations and government study, this strategy constitutes a blueprint for action to increase the United States' energy security, to promote economic growth and jobs, and to protect the environment. In addition to calling for the prudent development of all of our Nation's energy resources, including oil, natural gas, and nuclear energy, this plan also calls for increased use of alternative fuels such as compressed natural gas, ethanol, and methanol. It provides incentives for the development of new technology for oil and gas exploration, and it encourages the development and use of renewable sources of energy such as geothermal, solar, and hydroelectric power. Recognizing the imperative to balance our economic and energy security needs with our responsibility to protect the environment, our National Energy Strategy also calls for more efficient energy production and vigorous conservation efforts. Significant progress has been made in implementing the broad range of initiatives proposed in the Strategy, including a number requiring new legislation.

The United States is blessed with vast energy resources and with the skill to use them wisely. The public and private investments that we make in research and development oriented toward new energy technology will pay tremendous dividends for American consumers by providing access to the safe, reliable energy we need—and at a fraction of the cost paid by consumers in other parts of the world. Hence, the focus of this year's Energy Awareness Month is "Energy Technology for a Competitive America." This theme accentuates the need to mobilize American know-how and common sense toward the goal of better energy production, transportation, and use.

Earlier this year, we launched the National Technology Initiative, a program to stimulate research and development and to facilitate the transfer of exciting new technologies from our government laboratories to the private sector. As part of this initiative, the Federal Government has entered into a number of partnerships with industry to accelerate the pace of development of technology that will reduce America's dependence on insecure supplies of energy and limit the impact of energy production and use on our air, land, and water.

Clearly, we can implement the sound energy policies and practices that are vital to our Nation's security and competitiveness—if we continue to enlist the cooperation of business and industry leaders, energy providers, consumers, educators, and public officials at the Federal, State,

and local levels of government. Toward that end, the United States Department of Energy will be working this month to increase public awareness of America's energy needs, as well as the energy options that are available to us.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 1992 as Energy Awareness Month. I urge all Americans to observe this month with appropriate educational programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6490 of October 9, 1992

National Children's Day, 1992

By the President of the United States of America
A Proclamation

Every child is a tremendous blessing in his or her own right, a person of unlimited worth and unique potential. Together, however, America's children constitute our most precious national resource. Their future and the future of the United States depend on our efforts to ensure that every child receives the material, emotional, and spiritual support that he or she needs to become a healthy, well-adjusted, and responsible adult. On National Children's Day, as we honor America's youngest citizens, we renew our commitment to providing the best possible care and protection for each of them.

Clearly, the most important contribution that we can make to the well-being of America's children is to preserve and strengthen the family. Problems such as drug and alcohol abuse, violence, crime, and adolescent promiscuity—all can be traced, in large part, to a breakdown in traditional family life and values. Statistics on poverty likewise bear tragic evidence of the impact of broken homes on children: today the poverty rate among families headed by married couples is 5.7 percent; among families where fathers are absent, the poverty rate is 33.4 percent—more than five times higher. Such facts underscore the urgency of restoring traditional values in the United States and the stable, loving family life that they help foster.

While government must not and cannot fulfill the primary responsibility of parents in caring for their children, it can assist them in their vital task. During the past year, we have strengthened Federal child support enforcement efforts, achieving more than $6 billion in additional collections of support owed. With the help of Federal waivers, a number of States have launched reforms of welfare programs that are designed to promote parental responsibility and to help keep families intact. There exist numerous programs at the Federal, State, and local levels to assist dysfunctional families and families that are struggling through periods of unemployment, illness, and other challenges. Yet,

we also know that millions of American families seek only the freedom and opportunities to thrive—freedom from onerous tax burdens, freedom from cultural forces that undermine or belittle their most cherished beliefs, and opportunities to make real choices about education, child care, and housing.

Just as government must recognize and reinforce the family as the primary source of love and support that every child needs, each of us has a duty to address the challenges faced by youth and families today. Religious congregations, schools, and community organizations all have a role in maintaining an environment in which families can thrive and in which young people can enjoy the security of childhood while also learning about the meaning of love and responsibility—and the difference between liberty and license. By working together in support of children and parents, we can strengthen and enrich our larger human family.

In honor of children and in recognition of the importance of their well-being to our communities and Nation, the Congress, by Senate Joint Resolution 319, has designated the second Sunday in October of 1992 as "National Children's Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Sunday, October 11, 1992, as National Children's Day. I call on all Americans to observe this day with appropriate programs and activities in honor of children and in recognition of the importance of promoting their well-being through stable, loving family life.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

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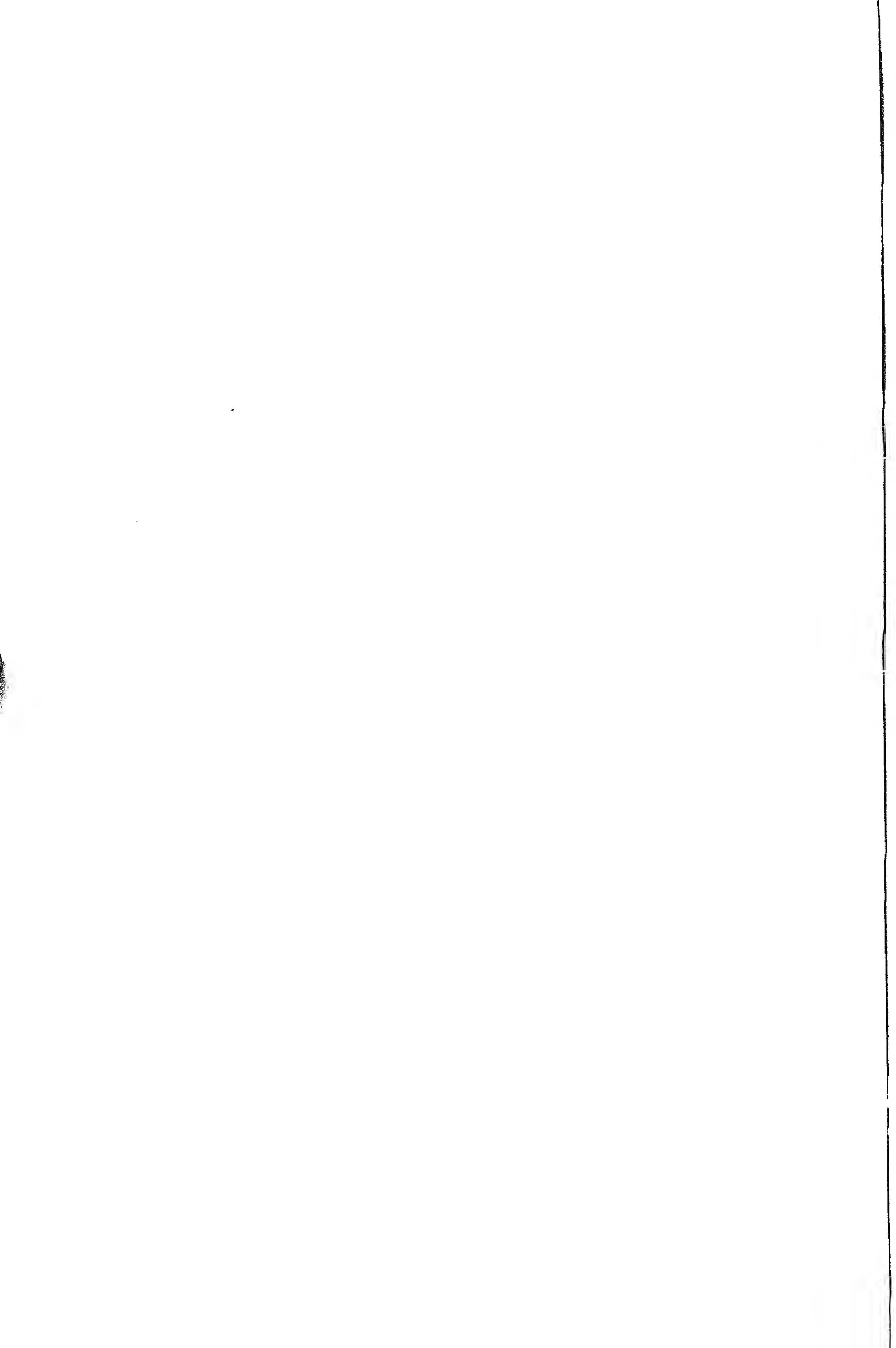

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