

104TH CONGRESS
2D SESSION

H.R. 2880

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 1996

Received

AN ACT

Making appropriations for fiscal year 1996 to make a down-
payment toward a balanced budget, and for other pur-
poses.

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

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

5 That the following sums are hereby appropriated, out of
6 any money in the Treasury not otherwise appropriated,
7 and out of applicable corporate or other revenues, receipts,
8 and funds, for the several departments, agencies, corpora-
9 tions, and other organizational units of Government for
10 the fiscal year 1996, and for other purposes, namely:

TITLE I

1
2 SEC. 101. (a) Such amounts as may be necessary
3 under the authority and conditions provided in the appli-
4 cable appropriations Act for the fiscal year 1995 including
5 the authority and conditions provided in emergency sup-
6 plemental appropriations Acts for fiscal year 1995 for con-
7 tinuing projects or activities, except for those projects and
8 activities provided for in Public Law 104–91 and Public
9 Law 104–92, including the costs of direct loans and loan
10 guarantees (not otherwise specifically provided for in this
11 Act) which were conducted in the fiscal year 1995 and
12 for which appropriations, funds, or other authority would
13 be available in the following appropriations Act as passed
14 each House, excluding conference reports:

15 The Department of the Interior and Related
16 Agencies Appropriations Act, 1996; and

17 The Departments of Labor, Health and Human
18 Services, and Education, and Related Agencies Ap-
19 propriations Act, 1996:

20 *Provided*, That whenever the amount which would be made
21 available or the authority which would be granted in these
22 Acts is greater than that which would be available or
23 granted under current operations, the pertinent project or
24 activity shall be continued at a rate for operations not ex-
25 ceeding the current rate.

1 (b) Whenever the amount which would be made avail-
2 able or the authority which would be granted under an
3 Act listed in this section as passed by the House as of
4 the date of enactment of this Act, is different from that
5 which would be available or granted under such Act as
6 passed by the Senate as of the date of enactment of this
7 Act, the pertinent project or activity shall be continued
8 at a rate for operations not exceeding the current rate or
9 the rate permitted by the action of the House or the Sen-
10 ate, whichever is lower, under the authority and conditions
11 provided in the applicable appropriations Act for the fiscal
12 year 1995: *Provided*, That where an item is not included
13 in either version or where an item is included in only one
14 version of the Act as passed by both Houses as of the
15 date of enactment of this Act, the pertinent project or ac-
16 tivity shall not be continued except as provided for in sec-
17 tion 111 under the appropriation, fund, or authority
18 granted by the applicable appropriations Act for the fiscal
19 year 1995 and under the authority and conditions pro-
20 vided in the applicable appropriations Act for the fiscal
21 year 1995.

22 (c) Whenever an Act listed in this section has been
23 passed by only the House or only the Senate as of the
24 date of enactment of this Act, the pertinent project or ac-
25 tivity shall be continued under the appropriation, fund, or

1 authority granted by the one House at a rate for oper-
2 ations not exceeding the current rate or the rate permitted
3 by the action of the one House, whichever is lower, and
4 under the authority and conditions provided in the appli-
5 cable appropriations Act for the fiscal year 1995: *Pro-*
6 *vided*, That where an item is funded in the applicable ap-
7 propriations Act for the fiscal year 1995 and not included
8 in the version passed by the one House as of the date
9 of enactment of this Act, the pertinent project or activity
10 shall not be continued except as provided for in section
11 111 under the appropriation, fund, or authority granted
12 by the applicable appropriations Act for the fiscal year
13 1995 and under the authority and conditions provided in
14 the applicable appropriations Act for the fiscal year 1995.

15 SEC. 102. Appropriations made by section 101 shall
16 be available to the extent and in the manner which would
17 be provided by the pertinent appropriations Act.

18 SEC. 103. No appropriations or funds made available
19 or authority granted pursuant to section 101 shall be used
20 to initiate or resume any project or activity for which ap-
21 propriations, funds, or other authority were not available
22 during the fiscal year 1995.

23 SEC. 104. No provision which is included in an appro-
24 priations Act enumerated in section 101 but which was
25 not included in the applicable appropriations Act for fiscal

1 year 1995 and which by its terms is applicable to more
2 than one appropriation, fund, or authority shall be appli-
3 cable to any appropriation, fund, or authority provided in
4 this title of this Act.

5 SEC. 105. Appropriations made and authority grant-
6 ed pursuant to this title of this Act shall cover all obliga-
7 tions or expenditures incurred for any program, project,
8 or activity during the period for which funds or authority
9 for such project or activity are available under this Act.

10 SEC. 106. Unless otherwise provided for in this title
11 of this Act or in the applicable appropriations Act, appro-
12 priations and funds made available and authority granted
13 pursuant to this title of this Act shall be available until
14 (a) enactment into law of an appropriation for any project
15 or activity provided for in this title of this Act, or (b) the
16 enactment into law of the applicable appropriations Act
17 without any provision for such project or activity, or (c)
18 March 15, 1996, whichever first occurs.

19 SEC. 107. This title of this Act shall be implemented
20 so that only the most limited funding action of that per-
21 mitted in title of this Act shall be taken in order to provide
22 for continuation of projects and activities.

23 SEC. 108. Expenditures made pursuant to this title
24 of this Act shall be charged to the applicable appropria-
25 tion, fund, or authorization whenever a bill in which such

1 applicable appropriation, fund, or authorization is con-
2 tained is enacted into law.

3 SEC. 109. No provision in the appropriations Act for
4 the fiscal year 1996 referred to in section 101 of this Act
5 that makes the availability of any appropriation provided
6 therein dependent upon the enactment of additional au-
7 thorizing or other legislation shall be effective before the
8 date set forth in section 106(c) of this Act.

9 SEC. 110. Appropriations and funds made available
10 by or authority granted pursuant to this title of this Act
11 may be used without regard to the time limitations for
12 submission and approval of apportionments set forth in
13 section 1513 of title 31, United States Code, but nothing
14 herein shall be construed to waive any other provision of
15 law governing the apportionment of funds.

16 SEC. 111. Notwithstanding any other provision of
17 this title of this Act, except section 106, whenever an Act
18 listed in section 101 as passed by both the House and
19 the Senate as of the date of enactment of this Act, does
20 not include funding for an ongoing project or activity for
21 which there is a budget request, or whenever an Act listed
22 in section 101 has been passed by only the House or only
23 the Senate as of the date of enactment of this Act, and
24 an item funded in fiscal year 1995 is not included in the
25 version passed by the one House, or whenever the rate

1 for operations for an ongoing project or activity provided
2 by section 101 for which there is a budget request would
3 result in the project or activity being significantly reduced,
4 the pertinent project or activity may be continued under
5 the authority and conditions provided in the applicable ap-
6 propriations Act for the fiscal year 1995 by increasing the
7 rate for operations provided by section 101 to a rate for
8 operations not to exceed one that provides the minimal
9 level that would enable existing activities to continue. No
10 new contracts or grants shall be awarded in excess of an
11 amount that bears the same ratio to the rate for oper-
12 ations provided by this section as the number of days cov-
13 ered by this title of this Act bears to 366. For the pur-
14 poses of this title of this Act, the minimal level means a
15 rate for operations that is reduced from the current rate
16 by 25 percent.

17 SEC. 112. Notwithstanding any other provision of
18 this title of this Act, except section 106, whenever the rate
19 for operations for any continuing project or activity pro-
20 vided by section 101 or section 111 for which there is a
21 budget request would result in a furlough of Government
22 employees, that rate for operations may be increased to
23 the minimum level that would enable the furlough to be
24 avoided. No new contracts or grants shall be awarded in
25 excess of an amount that bears the same ratio to the rate

1 for operations provided by this section as the number of
2 days covered by this resolution bears to 366: *Provided*,
3 That the first sentence of section 112 shall not apply ex-
4 cept to furloughs that exceed one workday per pay period
5 for the affected workforce during the period of January
6 26, 1996 through March 15, 1996.

7 SEC. 113. Notwithstanding any other provision of
8 this title of this Act, except sections 106 and 111, for
9 those programs that had high initial rates of operation or
10 complete distribution of funding at the beginning of the
11 fiscal year in fiscal year 1995 because of distributions of
12 funding to States, foreign countries, grantees, or others,
13 similar distributions of funds for fiscal year 1996 shall
14 not be made and no grants shall be awarded for such pro-
15 grams funded by this title of this Act that would impinge
16 on final funding prerogatives.

17 SEC. 114. Notwithstanding any other provision of
18 this title of this Act, except section 106, any distribution
19 of funding under the Rehabilitation Services and Disabil-
20 ity Research account in the Department of Education may
21 be made up to an amount that bears the same ratio to
22 the rate for operation for this account provided by this
23 title of this Act as the number of days covered by this
24 title of this Act bears to 366.

1 SEC. 115. Notwithstanding any other provision of
2 this Act, except section 106, the rate for operations of the
3 following projects or activities shall be only the minimum
4 necessary to accomplish orderly termination:

5 Child Development Associate Scholarships in
6 the Department of Health and Human Services;

7 Dependent Care Planning and Development in
8 the Department of Health and Human Services;

9 Law Related Education in the Department of
10 Education;

11 Dropout Prevention Demonstrations in the De-
12 partment of Education;

13 Aid for Institutional Development—Endowment
14 Grants in the Department of Education;

15 Aid for Institutional Development—Evaluation
16 in the Department of Education;

17 Native Hawaiian and Alaska Native Cultural
18 Arts;

19 Innovative Projects in Community Service in
20 the Department of Education;

21 Cooperative Education in the Department of
22 Education; and

23 Douglas Teacher Scholarships in the Depart-
24 ment of Education.

1 SEC. 116. COMPENSATION AND RATIFICATION OF
 2 AUTHORITY.—(a) Any Federal employees furloughed as a
 3 result of a lapse in appropriations, if any, after midnight
 4 November 13, 1995, until the enactment of this Act shall
 5 be compensated at their standard rate of compensation for
 6 the period during which there was a lapse in appropria-
 7 tions.

8 All obligations incurred in anticipation of the appro-
 9 priations made and the authority granted by this title of
 10 this Act for the purposes of maintaining the essential level
 11 of activity to protect life and property and bring about
 12 orderly termination of Government functions are hereby
 13 ratified and approved if otherwise in accord with the provi-
 14 sions of this title of this Act.

15 SEC. 117. Notwithstanding any other provision of
 16 this title of this Act, except section 106, upon enactment
 17 of this Act any new grants or contracts for the following
 18 programs shall be made at a level not to exceed a rate
 19 of 75 per centum of prior monthly awards:

20 Department of Health and Human Services:

21 Health Resources and Services Administration:

22 Health Resources and Services:

23 Trauma Care

24 Health Care Facilities

25 Assistant Secretary for Health:

1 Office of the Assistant Secretary for
2 Health:
3 National Vaccine Program
4 Health Care Reform Data Analysis
5 National AIDS Program Office
6 Health Care Financing Administration:
7 Program Management:
8 Essential Access Community
9 Hospitals
10 Administration for Children and Families:
11 Children and Families Services Program:
12 Youth Gang Substance Abuse
13 Advisory Board on Child Abuse and
14 Neglect
15 Child Welfare Research
16 Social Services Research
17 Homeless Service Grants
18 Community Schools (crime trust fund)
19 Administration on Aging:
20 Aging Services Programs:
21 Pension Counseling
22 Federal Council on Aging
23 White House Conference on Aging
24 Department of Education:
25 Education for the Disadvantaged:

1 State School Improvement

2 School Improvement Programs:

3 Safe and Drug Free Schools and

4 Communities: National Program

5 Women's Educational Equity

6 Bilingual and Immigrant Education:

7 Bilingual Education Support Services

8 Higher Education:

9 Faculty Development Fellowships

10 School, College, and University

11 Partnerships

12 Related Agencies:

13 Corporation for National and Community

14 Service:

15 Domestic Volunteer Service Programs,

16 Operating Expenses:

17 Senior Demonstration Program

18 National Education Standards and

19 Improvement Council.

20 SEC. 118. Notwithstanding any other provision of law

21 or this Act, upon enactment of this Act the Secretary of

22 each cabinet level department other than State, Defense,

23 Ambassador to the United Nations, and Central Intel-

24 ligence shall not obligate a total amount of funds for their

25 individual official travel expenses for fiscal year 1996 that

1 would be greater than 110 per centum of the average total
2 amount of the individual official travel expenses of the rel-
3 evant departmental secretary for the fiscal years 1990
4 through 1995.

5 SEC. 119. Notwithstanding any other provision of law
6 or of this title of this Act, the maximum Pell Grant for
7 which a student shall be eligible under the Higher Edu-
8 cation Act of 1965, as amended, during award year 1996–
9 1997 shall be at least \$2,440.

10 SEC. 120. Notwithstanding any other provision of
11 law, the first proviso under the heading “Education for
12 the disadvantaged” in title III of H.R. 2127, as passed
13 by the House of Representatives, shall take effect upon
14 enactment of this Act.

15 SEC. 121. 501 FIRST STREET SE., DISTRICT OF
16 COLUMBIA.

17 (a) DISPOSAL OF REAL PROPERTY.—

18 (1) IN GENERAL.—The Architect of the Capitol
19 shall dispose of by sale at fair market value all right,
20 title, and interest of the United States in and to the
21 parcel of real property described in paragraph (9),
22 including all improvements to such real property.
23 Such disposal shall be made by quitclaim deed.

24 (2) HOUSE OFFICE BUILDING COMMISSION.—

25 The Architect of the Capitol shall carry out this sec-

1 tion under the direction of the House Office Build-
2 ing Commission.

3 (3) PROCEDURES.—Notwithstanding any other
4 provision of law, the disposal under paragraph (1)
5 shall be made in accordance with such procedures as
6 the Architect of the Capitol determines appropriate.

7 (4) SENSE OF CONGRESS.—It is the sense of
8 Congress that the child care center of the House of
9 Representatives should remain in operation during
10 the implementation of this section.

11 (5) TERMS AND CONDITIONS.—The deed of
12 conveyance for the property to be disposed of under
13 paragraph (1) shall contain such terms and condi-
14 tions as the Architect of the Capitol determines are
15 necessary to protect the interests of the United
16 States.

17 (6) DEPOSIT OF PROCEEDS.—All proceeds from
18 the disposal under paragraph (1) shall be deposited
19 in the account established by subsection (b).

20 (7) ADVERTISING AND MARKETING.—The Ar-
21 chitect of the Capitol shall begin advertising and
22 marketing the property to be disposed of under
23 paragraph (1) not later than 30 days after the date
24 of the enactment of this Act.

1 (8) LOCAL ZONING AND OCCUPANCY REQUIRE-
2 MENTS.—Until such date as the purchaser of the
3 property to be disposed of under paragraph (1)
4 takes full occupancy of such property, such property
5 and the tenants of such property shall be deemed to
6 be in compliance with all applicable zoning and occu-
7 pancy requirements of the District of Columbia.

8 (9) PROPERTY DESCRIPTION.—The parcel of
9 real property referred to in paragraph (1) is the ap-
10 proximately 31,725 square feet of land located at
11 501 First Street, SE., on square 736 S, Lot 801
12 (formerly part of Reservation 17) in the District of
13 Columbia. Such parcel is bounded by E Street, SE.,
14 to the north, First Street, SE., to the east, New Jer-
15 sey Avenue, SE., to the west, and Garfield Park to
16 the south.

17 (b) SEPARATE ACCOUNT IN THE TREASURY.—

18 (1) ESTABLISHMENT.—There is established in
19 the Treasury of the United States a separate ac-
20 count which shall consist of amounts deposited into
21 the account by the Architect of the Capitol under
22 subsection (a).

23 (2) AVAILABILITY OF FUNDS.—Funds in the
24 account established by paragraph (1) shall be avail-

1 able, in such amounts as are specified in appropria-
2 tions Acts, to the Architect of the Capitol for—

3 (A) payment of expenses associated with
4 relocating the tenants of the property to be dis-
5 posed of under subsection (a)(1);

6 (B) payment of expenses associated with
7 renovating facilities under the jurisdiction of
8 the Architect for the purpose of accommodating
9 such tenants; and

10 (C) reimbursement of expenses incurred
11 for advertising and marketing activities related
12 to the disposal under subsection (a)(1) in a
13 total amount of not to exceed \$75,000.

14 Funds made available under this paragraph shall
15 not be subject to any fiscal year limitation.

16 (3) REPORTING OF TRANSACTIONS.—Receipts,
17 obligations, and expenditures of funds in the account
18 established by paragraph (1) shall be reported in an-
19 nual estimates submitted to Congress by the Archi-
20 tect of the Capitol for the operation and mainte-
21 nance of the Capitol Buildings and Grounds.

22 (4) TERMINATION OF ACCOUNT.—Not later
23 than 2 years after the date of settlement on the
24 property to be disposed of under subsection (a)(1),
25 the Architect of the Capitol shall terminate the ac-

1 count established by paragraph (1) and all amounts
2 remaining in the account shall be deposited into the
3 general fund of the Treasury of the United States
4 and credited as miscellaneous receipts.

5 (c) AUTHORITY TO FURNISH STEAM AND CHILLED
6 WATER.—

7 (1) IN GENERAL.—The Architect of the Capitol
8 is authorized to furnish steam and chilled water
9 from the Capitol Power Plant to the owner of the
10 property to be disposed of under subsection (a)(1) if
11 the owner agrees to pay for such steam and chilled
12 water at market rates, as determined by the Archi-
13 tect of the Capitol.

14 (2) AUTHORITY LIMITED TO EXISTING FACILI-
15 TIES.—The Architect of the Capitol may furnish
16 steam and chilled water under paragraph (1) only
17 with respect to facilities which, on the date of the
18 enactment of this Act, are located on the property
19 to be disposed of under subsection (a)(1).

20 (3) PROCEEDS.—All proceeds from the sale of
21 steam and chilled water under paragraph (1) shall
22 be deposited into the general fund of the Treasury
23 of the United States and credited as miscellaneous
24 receipts.

1 SEC. 122. Notwithstanding any other provision of
2 this title of this Act except section 106, such sums as nec-
3 essary are hereby appropriated for all projects and activi-
4 ties funded under the account heading “Office for Civil
5 Rights” under the Office of the Secretary in the Depart-
6 ment of Health and Human Services at a rate for oper-
7 ations not to exceed an annual rate for new obligational
8 authority of \$16,153,000 for general funds together with
9 not to exceed an annual rate for new obligational authority
10 of \$3,314,000 to be transferred and expended as author-
11 ized by section 201(g)(1) of the Social Security Act from
12 the Hospital Insurance Trust Fund and the Supplemental
13 Medical Insurance Trust Fund.

14 SEC. 123. Activities necessary to effect the following
15 program eliminations and transfers of selected functions
16 are funded under the terms and conditions and at a rate
17 of operations, notwithstanding any other provision of this
18 title of this Act, provided for in the conference report and
19 joint explanatory statement of the Committee of Con-
20 ference (House Report 104–402) on the Department of
21 the Interior and Related Agencies Appropriations Act,
22 1996 (H.R. 1977), as passed by the House of Representa-
23 tives on December 13, 1995:

1 All projects and activities under the account
2 heading “Public Development” under the Pennsylvan-
3 ia Avenue Development Corporation;

4 All projects and activities under the account
5 heading “Mines and Minerals” under the Bureau of
6 Mines in Department of the Interior;

7 All activities related to the transfer of functions
8 from the Bureau of Mines under the account head-
9 ing “Management of Lands and Resources” under
10 the Bureau of Land Management in the Department
11 of the Interior;

12 All activities related to the transfers of func-
13 tions from the Bureau of Mines and from the Na-
14 tional Biological Service under the account heading
15 “Surveys, Investigations, and Research” under the
16 United States Geological Survey in the Department
17 of the Interior; and

18 All activities related to the transfer of functions
19 from the Bureau of Mines under the account head-
20 ing “Fossil Energy Research and Development” in
21 the Department of Energy.

22 SEC. 124. Notwithstanding any other provision of
23 this title of this Act, the appropriations and funds made
24 available and authority granted pursuant to the preceding
25 section shall be available until (a) enactment into law of

1 an appropriation for any project or activity provided for
2 in that section, or (b) the enactment into law of the appli-
3 cable appropriations Act without any provision for such
4 project or activity, or (c) September 30, 1996, whichever
5 first occurs.

6 SEC. 125. Notwithstanding any other provision of
7 this title of this Act, except section 106, such amounts
8 as may be necessary are hereby appropriated to effect the
9 sale of Weeks Island oil from the Strategic Petroleum Re-
10 serve under the terms and conditions and at a rate of op-
11 erations provided for in the conference report and joint
12 explanatory statement of the Committee of Conference
13 (House Report 104–402) on the Department of the Inte-
14 rior and Related Agencies Appropriations Act, 1996 (H.R.
15 1977), as passed by the House of Representatives on De-
16 cember 13, 1995.

17 SEC. 126. Notwithstanding any other provision of
18 this title of this Act, such amounts as may be necessary
19 are hereby appropriated under the authority and condi-
20 tions provided in the applicable appropriations Act for the
21 fiscal year 1995 for continuing, at a rate for operations
22 provided for in the conference report and joint explanatory
23 statement of the Committee of Conference (House Report
24 104–402) on the Department of the Interior and Related
25 Agencies Appropriations Act, 1996 (H.R. 1977), as

1 passed by the House of Representatives on December 13,
2 1995, for the following projects or activities including the
3 costs of direct loans and loan guarantees (not otherwise
4 specifically provided for in this Act) which are conducted
5 in the fiscal year 1995: all projects or activities of the In-
6 dian Health Services, Indian Health Service Facilities,
7 Bureau of Indian Affairs, National Park Service, notwith-
8 standing any other provision of law, the United States
9 Fish and Wildlife Service, notwithstanding any other pro-
10 vision of law, and the Forest Service, notwithstanding any
11 other provision of law: *Provided*, That appropriations and
12 funds made available and authority granted pursuant to
13 this section shall be available until (a) enactment into law
14 of an appropriation for any project or activity provided
15 for in this section, or (b) the enactment into law of the
16 applicable appropriations Act without any provision for
17 such project or activity, or (c) March 15, 1996, whichever
18 first occurs.

19 SEC. 127. Notwithstanding any other provision of
20 this title of this Act except section 106, projects and ac-
21 tivities under the account heading “Salaries and expenses”
22 under the National Labor Relations Board shall be subject
23 to the provisions of section 112 of Public law 104–56.

24 SEC. 128. None of the funds made available by Public
25 Law 104–91 may be used for—

1 (1) the creation of a human embryo or embryos
2 for research purposes; or

3 (2) research in which a human embryo or em-
4 bryos are destroyed, discarded, or knowingly sub-
5 jected to risk of injury or death greater than that
6 allowed for research on fetuses in utero under 45
7 CFR 46.208(a)(2) and 42 U.S.C. 289g(b).

8 For purposes of this section, the phrase “human embryo
9 or embryos” shall include any organism, not protected as
10 a human subject under 45 CFR 46 as of the date of enact-
11 ment of this Act, that is derived by fertilization, par-
12 thenogenesis, cloning, or any other means from one or
13 more human gametes.

14 SEC. 129. TECHNICAL AMENDMENT TO PROHIBITION
15 OF GRANTS FOR 501(c)(4) ORGANIZATIONS ENGAGING IN
16 LOBBYING ACTIVITIES.

17 (a) IN GENERAL.—Section 18 of the Lobbying Dis-
18 closure Act of 1995 is amended by striking “award, grant,
19 contract, loan, or any other form” and inserting “award,
20 grant, or loan”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect as if included in the Lobby-
23 ing Disclosure Act of 1995 on the date of the enactment
24 of such Act.

1 SEC. 130. No funds appropriated under this or any
2 other Act shall be used to review or modify sourcing areas
3 previously approved under section 490(c)(3) of the Forest
4 Resources Conservation and Shortage Relief Act of 1990
5 (Public Law 101–382) or to enforce or implement Federal
6 regulations 36 CFR part 223 promulgated on September
7 8, 1995. The regulations and interim rules in effect prior
8 to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87,
9 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and
10 36 CFR 261.6) shall remain in effect. The Secretary of
11 Agriculture or the Secretary of the Interior shall not adopt
12 any policies concerning Public Law 101–382 or existing
13 regulations that would restrain domestic transportation or
14 processing of timber from private lands or impose addi-
15 tional accountability requirements on any timber. The Sec-
16 retary of Commerce shall extend until September 30,
17 1996, the order issued under section 491(b)(2)(A) of Pub-
18 lic Law 101–382 and shall issue an order under section
19 491(b)(2)(B) of such law that will be effective October 1,
20 1996.

21 SEC. 131. Notwithstanding any other provision of
22 this Act, an additional \$2,000,000 is hereby appropriated
23 for the National Park Service, Park Service Construction
24 for repair of flood damage to the Chesapeake and Ohio
25 Canal National Historical Park.

1 TITLE II
2 DEPARTMENTS OF COMMERCE, JUSTICE, AND
3 STATE, THE JUDICIARY, AND RELATED
4 AGENCIES APPROPRIATIONS

5 SEC. 201. (a) Such amounts as may be necessary
6 under the authority and conditions provided in the appli-
7 cable appropriations Act for the fiscal year 1995 for
8 projects or activities, except for those projects and activi-
9 ties provided for in Public Law 104–91 and Public Law
10 104–92, including the costs of direct loans and loan guar-
11 antees (not otherwise specifically provided for in this Act)
12 at a rate for operations provided for in the conference re-
13 port and joint explanatory statement of the Committee of
14 Conference, House Report 104–378, on the Departments
15 of Commerce, Justice, and State, the Judiciary, and Re-
16 lated Agencies Appropriations Act, 1996 (H.R. 2076), as
17 passed the House of Representatives on December 6,
18 1995, notwithstanding section 15 of the State Department
19 Basic Authorities Act of 1956, section 701 of the United
20 States Information and Educational Exchange Act of
21 1948, section 313 of the Foreign Relations Authorization
22 Act, Fiscal Years 1994 and 1995 (Public Law 103–236),
23 and section 53 of the Arms Control and Disarmament Act:
24 *Provided*, That, notwithstanding any other provision of
25 this title of this Act, the rate for operations only for pro-

1 gram administration and the continuation of grants
2 awarded in fiscal year 1995 and prior years of the Ad-
3 vanced Technology Program of the National Institute of
4 Standards and Technology, and the rate for operations for
5 the Ounce of Prevention Council, Drug Courts, Global
6 Learning and Observations to Benefit the Environment,
7 and for the Cops on the Beat Program may be increased
8 up to a level of 75 per centum of the final fiscal year 1995
9 appropriated amount: *Provided further*, That, under the
10 previous proviso, no contracts or grants shall be awarded
11 in excess of an amount that bears the same ratio to the
12 rate for operations provided by the previous proviso as the
13 number of days covered by this resolution bears to 366:
14 *Provided further*, That any costs incurred by a Depart-
15 ment or agency funded under this subsection resulting
16 from personnel actions taken in response to funding re-
17 ductions resulting from this Act shall be absorbed within
18 the total budgetary resources available to such Depart-
19 ment or agency: *Provided further*, That the authority to
20 transfer funds between appropriations accounts as may be
21 necessary to carry out the preceding proviso is provided
22 in addition to authorities provided elsewhere in this sub-
23 section: *Provided further*, That funds to carry out the pre-
24 ceding two provisos shall not be available for obligation
25 or expenditure except in compliance with established

1 reprogramming procedures: *Provided further*, That, not-
2 withstanding any other provision of this title of this Act,
3 the amount of funds obligated or expended by the Legal
4 Services Corporation shall not exceed an amount that
5 bears the same ratio to the rate for operations available
6 to the Legal Services Corporation as the number of days
7 covered by this resolution bears to 366: *Provided further*,
8 That, notwithstanding any other provision of this title of
9 this Act, funding provided for Violent Offender Incarcer-
10 ation and Truth in Sentencing Incentive Grants, with the
11 exception of funds available to States for incarceration of
12 criminal aliens and the Cooperative Agreement Program,
13 shall be withheld, pending enactment of revisions to sub-
14 title A of title II of the Violent Crime Control and Law
15 Enforcement Act of 1994, so as not to impinge upon final
16 funding prerogatives: *Provided further*, That, notwith-
17 standing any other provision of this title of this Act, suffi-
18 cient funds shall be provided to continue the Office of In-
19 spector General of the United States Information Agency,
20 to be derived from funds otherwise available to the Office
21 of Inspector General of the Department of State.

1 DEPARTMENTS OF VETERANS AFFAIRS AND
2 HOUSING AND URBAN DEVELOPMENT, AND
3 INDEPENDENT AGENCIES APPROPRIA-
4 TIONS

5 (b) Such amounts as may be necessary under the au-
6 thority and conditions provided in the applicable appro-
7 priations Act for the fiscal year 1995 for continuing
8 projects or activities, except for those projects and activi-
9 ties provided for in Public Law 104–91 and Public Law
10 104–92, including the costs of direct loans and loan guar-
11 antees (not otherwise specifically provided for in this Act)
12 at a rate for operations provided for in the conference re-
13 port and joint explanatory statement of the Committee of
14 Conference, House Report 104–384, on the Departments
15 of Veterans Affairs and Housing and Urban Development,
16 and Independent Agencies Appropriations Act, 1996
17 (H.R. 2099), as passed the House of Representatives on
18 December 7, 1995: *Provided*, That Senate amendment 63
19 shall be disposed of in the manner passed by the House
20 on December 7, 1995, as if enacted into law: *Provided fur-*
21 *ther*, That, notwithstanding any other provision of this
22 title of this Act, the rate for operations for the Corpora-
23 tion for National and Community Service, the Community
24 Development Financial Institutions Fund, and the Office
25 of Consumer Affairs may be increased up to a level of 75

1 per centum of the fiscal year 1995 level: *Provided further*,
2 That, under the previous proviso, no new contracts or
3 grants shall be awarded in excess of an amount that bears
4 the same ratio to the rate for operations provided by the
5 previous proviso as the number of days covered by this
6 resolution bears to 366: *Provided further*, That the penul-
7 timate proviso under the heading “General Operating Ex-
8 penses” and sections 107 and 109 under the heading “Ad-
9 ministrative Provisions” in the Department of Veterans
10 Affairs are effective to the extent and in the manner, not-
11 withstanding any other provision of this Act, provided for
12 in the conference report and joint explanatory statement
13 of the Committee of Conference (House Report 104–384)
14 on the Departments of Veterans Affairs and Housing and
15 Urban Development, and Independent Agencies Appro-
16 priations Act, 1996 (H.R. 2099), as passed by the House
17 of Representatives on December 7, 1995.

18 SEC. 202. Unless otherwise provided for in this title
19 of this Act or in the applicable appropriations Act, appro-
20 priations and funds made available and authority granted
21 pursuant to this title of this Act shall be available until
22 (a) the enactment into law of an appropriation for any
23 project or activity provided for in this title of this Act,
24 or (b) the enactment into law of the applicable appropria-
25 tions Act by both Houses without any provision for such

1 project or activity, or (c) March 15, 1996, whichever first
2 occurs.

3 SEC. 203. Appropriations made and authority grant-
4 ed pursuant to this title of this Act shall cover all obliga-
5 tions or expenditures incurred for any program, project,
6 or activity during the period for which funds or authority
7 for such project or activity are available under this title
8 of this Act.

9 SEC. 204. Expenditures made pursuant to this title
10 of this Act shall be charged to the applicable appropria-
11 tion, fund, or authorization whenever a bill in which such
12 applicable appropriation, fund, or authorization is con-
13 tained is enacted into law.

14 SEC. 205. Appropriations made by section 201 shall
15 be available to the extent and in the manner which would
16 be provided by the pertinent appropriations Act.

17 SEC. 206. No provision in the appropriations Act for
18 the fiscal year 1996 referred to in section 201 of this Act
19 that makes the availability of any appropriation provided
20 therein dependent upon the enactment of additional au-
21 thorizing or other legislation shall be effective before the
22 date set forth in section 202(c) of this Act.

23 SEC. 207. Appropriations and funds made available
24 by or authority granted pursuant to this title of this Act
25 may be used without regard to the time limitations for

1 submission and approval of apportionments set forth in
2 section 1513 of title 31, United States Code, but nothing
3 herein shall be construed to waive any other provision of
4 law governing the apportionment of funds.

5 SEC. 208. Public Law 104–92 is amended by repeal-
6 ing Title II and by inserting in section 101(a) after the
7 paragraph ending with “under the Railroad Retirement
8 Board;” the following paragraphs: “All activities, includ-
9 ing administrative and beneficiary travel expenses of all
10 veterans benefit programs, necessary for the provision of
11 veterans benefits funded in the Department of Veterans
12 Affairs under the headings “Compensation and pensions”,
13 “Readjustment benefits”, “Veterans insurance and indem-
14 nities”, “Guaranty and indemnity program account”,
15 “Loan guaranty program account”, “Direct loan program
16 account”, “Education loan fund program account”, “Vo-
17 cational rehabilitation loans program account”, “Native
18 American veteran housing loan program account”, and “
19 Administrative provisions, sec. 107” to the extent and in
20 the manner and at the rate for operations, notwithstand-
21 ing any other provision of this joint resolution, provided
22 for in the conference report and joint explanatory state-
23 ment of the Committee of Conference (House Report 104–
24 384) on the Departments of Veterans Affairs and Housing
25 and Urban Development, and Independent Agencies Ap-

1 appropriations Act, 1996 (H.R. 2099), as passed by the
2 House of Representatives on December 7, 1995;

3 All payments to contractors of the Veterans Health
4 Administration of the Department of Veterans Affairs for
5 goods and services that directly relate to patient health
6 and safety to the extent and in the manner and at the
7 rate for operations, notwithstanding any other provision
8 of this joint resolution, provided for in the conference re-
9 port and joint explanatory statement of the Committee of
10 Conference (House Report 104–384) on the Departments
11 of Veterans Affairs and Housing and Urban Development,
12 and Independent Agencies Appropriations Act, 1996
13 (H.R. 2099), as passed by the House of Representatives
14 on December 7, 1995;”.

15 SEC. 209. Notwithstanding any other provision of
16 this title of this Act, except section 202, the amount made
17 available to the Securities and Exchange Commission,
18 under the heading Salaries and Expenses, shall include,
19 in addition to direct appropriations, the amount it collects
20 under the fee rate and offsetting collection authority con-
21 tained in Public Law 103–352, which fee rate and offset-
22 ting collection authority shall remain in effect during the
23 period of this title of this Act.

24 SEC. 210. Notwithstanding any other provision of
25 this title of this Act, except section 202, funds for the En-

1 vironmental Protection Agency shall be made available in
2 the appropriation accounts which are provided in H.R.
3 2099 as reported on September 13, 1995.

4 SEC. 211. Public Law 104–91 is amended by insert-
5 ing after the words “the protection of the Federal judici-
6 ary” in section 101(a), the following: “to the extent and
7 in the manner and”, and by inserting at the end of the
8 paragraph containing those words, but before the semi-
9 colon, the following: “: *Provided*, That, with the exception
10 of section 114, the General Provisions for the Department
11 of Justice included in title I of the aforementioned con-
12 ference report are hereby enacted into law”.

13 SEC. 212. Notwithstanding any other provision of
14 law or regulation, the National Aeronautics and Space Ad-
15 ministration shall convey, without reimbursement, to the
16 State of Mississippi, all rights, title and interest of the
17 United States in the property known as the Yellow Creek
18 Facility and consisting of approximately 1,200 acres near
19 the city of Iuka, Mississippi, including all improvements
20 thereon and also including any personal property owned
21 by NASA that is currently located on-site and which the
22 State of Mississippi requires to facilitate the transfer: *Pro-*
23 *vided*, That appropriated funds shall be used to effect this
24 conveyance: *Provided further*, That \$10,000,000 in appro-
25 priated funds otherwise available to the National Aero-

1 nautics and Space Administration shall be transferred to
2 the State of Mississippi to be used in the transition of
3 the facility: *Provided further*, That each Federal agency
4 with prior contact to the site shall remain responsible for
5 any and all environmental remediation made necessary as
6 a result of its activities on the site: *Provided further*, That
7 in consideration of this conveyance, the National Aero-
8 nautics and Space Administration may require such other
9 terms and conditions as the Administrator deems appro-
10 priate to protect the interests of the United States: *Pro-*
11 *vided further*, That the conveyance of the site and the
12 transfer of the funds to the State of Mississippi shall occur
13 not later than thirty days from the date of enactment of
14 this Act.

15 SEC. 213. Notwithstanding any other provision of
16 this title of this Act except section 202, projects and ac-
17 tivities under the account heading “Council on Environ-
18 mental Quality and Office of Environmental Quality” shall
19 be subject to the provisions of section 112 of Public Law
20 104–56.

21 SEC. 214. Notwithstanding any other provision of
22 this title of this Act except section 202, whenever the rate
23 for operations for any continuing project or activity pro-
24 vided by section 201 for which there is a budget request
25 would result in a furlough of Government employees, that

1 rate for operations may be increased to the minimum level
2 that would enable the furlough to be avoided. No new con-
3 tracts or grants shall be awarded in excess of an amount
4 that bears the same ratio to the rate for operations pro-
5 vided by this section as the number of days covered by
6 this resolution bears to 366: *Provided*, That the first sen-
7 tence of section 214 shall not apply except to furloughs
8 that exceed one workday per pay period for the affected
9 workforce during the period of January 26, 1996 through
10 March 15, 1996.

11 TITLE III

12 FOREIGN OPERATIONS, EXPORT FINANCING, 13 AND RELATED PROGRAMS APPROPRIATIONS

14 SEC. 301. Such amounts as may be necessary for pro-
15 grams, projects, or activities provided for in the Foreign
16 Operations, Export Financing, and Related Programs Ap-
17 propriations Act, 1996 (H.R. 1868), at a rate for oper-
18 ations and to the extent and in the manner provided for
19 in the conference report and joint explanatory statement
20 of the Committee of Conference (House Report 104–295)
21 as passed by the House of Representatives on October 31,
22 1995, as if enacted into law, notwithstanding any other
23 provision of this title of this Act: *Provided*, That Senate
24 amendment numbered 115 shall be disposed of as follows,
25 as if enacted into law:

1 In lieu of the matter proposed by the Senate in
2 amendment numbered 115, insert the following:

3 “AUTHORIZATION OF POPULATION PLANNING

4 “SEC. 518A. Notwithstanding section 526 of this Act,
5 none of the funds made available in this Act for population
6 planning activities or other population assistance pursuant
7 to section 104(b) of the Foreign Assistance Act or any
8 other provision of law, or funds made available in title IV
9 of this Act as a contribution to the United Nations Popu-
10 lation Fund (UNFPA) may be obligated or expended prior
11 to July 1, 1996, unless such funding is expressly author-
12 ized by law: *Provided*, That if such funds are not author-
13 ized by law prior to July 1, 1996, funds appropriated in
14 title II of this Act for population planning activities or
15 other population assistance may be made available for ob-
16 ligation and expenditure in an amount not to exceed 65
17 percent of the total amount appropriated or otherwise
18 made available by Public Law 103–306 and Public Law
19 104–19 for such activities for fiscal year 1995, and funds
20 appropriated in title IV of this Act as a contribution to
21 the United Nations Population Fund (UNFPA) may be
22 made available for obligation and expenditure in an
23 amount not to exceed 65 percent of the total amount ap-
24 propriated or otherwise made available by Public Law
25 103–306 and Public Law 104–19 for a contribution to

1 UNFPA for fiscal year 1995: *Provided further*, That, pur-
2 suant to the previous proviso, such funds may be appor-
3 tioned only on a monthly basis, beginning July 1, 1996
4 and ending September 30, 1997, and such monthly appor-
5 tionments may not exceed 6.67 percent of the total avail-
6 able for such activities: *Provided further*, That notwith-
7 standing any other provision of this Act, funds appro-
8 priated by this Act for the United Nations Population
9 Fund (UNFPA) shall remain available for obligation until
10 September 30, 1997.”.

11 SEC. 302. Unless otherwise provided for in this title
12 of this Act or in the applicable appropriations Act, appro-
13 priations and funds made available and authority granted
14 pursuant to this title of this Act shall be available
15 until (a) the enactment into law of an appropriation for
16 any project or activity provided for in this title of this Act,
17 or (b) the enactment into law of the applicable appropria-
18 tions Act by both Houses without any provision for such
19 project or activity, or (c) September 30, 1996, whichever
20 first occurs.

21 SEC. 303. Appropriations made and authority grant-
22 ed pursuant to this title of this Act shall cover all obliga-
23 tions or expenditures incurred for any program, project,
24 or activity during the period for which funds or authority

1 for such project or activity are available under this title
2 of this Act.

3 SEC. 304. Expenditures made pursuant to this title
4 of this act shall be charged to the applicable appropriation,
5 fund, or authorization whenever a bill in which such appli-
6 cable appropriation, fund, or authorization is contained is
7 enacted into law.

8 TITLE IV

9 HOUSING AND URBAN DEVELOPMENT

10 SEC. 401. During fiscal year 1996, the Secretary of
11 Housing and Urban Development may manage and dis-
12 pose of multifamily properties owned by the Secretary, in-
13 cluding the provision for grants from the General Insur-
14 ance Fund (12 U.S.C. 1735c) for the necessary costs of
15 rehabilitation and other related development costs and
16 multifamily mortgages held by the Secretary without re-
17 gard to any other provision of law.

18 PUBLIC AND ASSISTED HOUSING RENTS, INCOME

19 ADJUSTMENTS, AND PREFERENCES

20 SEC. 402. (a) MINIMUM RENTS.—Notwithstanding
21 sections 3(a) and 8(o)(2) of the United States Housing
22 Act of 1937, as amended, effective for fiscal year 1996
23 and no later than October 30, 1995—

24 (1) public housing agencies shall require each
25 family who is assisted under the certificate or mod-

1 erate rehabilitation program under section 8 of such
2 Act to pay a minimum monthly rent of not less than
3 \$25, and may require a minimum monthly rent of
4 up to \$50;

5 (2) public housing agencies shall reduce the
6 monthly assistance payment on behalf of each family
7 who is assisted under the voucher program under
8 section 8 of such Act so that the family pays a mini-
9 mum monthly rent of not less than \$25, and may re-
10 quire a minimum monthly rent of up to \$50;

11 (3) with respect to housing assisted under other
12 programs for rental assistance under section 8 of
13 such Act, the Secretary shall require each family
14 who is assisted under such program to pay a mini-
15 mum monthly rent of not less than \$25 for the unit,
16 and may require a minimum monthly rent of up to
17 \$50; and

18 (4) public housing agencies shall require each
19 family who is assisted under the public housing pro-
20 gram (including public housing for Indian families)
21 of such Act to pay a minimum monthly rent of not
22 less than \$25, and may require a minimum monthly
23 rent of up to \$50.

24 (b) ESTABLISHMENT OF CEILING RENTS.—

1 (1) Section 3(a)(2) of the United States Hous-
2 ing Act of 1937 is amended to read as follows:

3 “(2) Notwithstanding paragraph (1), a public
4 housing agency may—

5 “(A) adopt ceiling rents that reflect the
6 reasonable market value of the housing, but
7 that are not less than the monthly costs—

8 “(i) to operate the housing of the
9 agency; and

10 “(ii) to make a deposit to a replace-
11 ment reserve (in the sole discretion of the
12 public housing agency); and

13 “(B) allow families to pay ceiling rents re-
14 ferred to in subparagraph (A), unless, with re-
15 spect to any family, the ceiling rent established
16 under this paragraph would exceed the amount
17 payable as rent by that family under paragraph
18 (1).”.

19 (2) REGULATIONS.—

20 (A) IN GENERAL.—The Secretary shall, by
21 regulation, after notice and an opportunity for
22 public comment, establish such requirements as
23 may be necessary to carry out section
24 3(a)(2)(A) of the United States Housing Act of
25 1937, as amended by paragraph (1).

1 (B) TRANSITION RULE.—Prior to the issu-
2 ance of final regulations under paragraph (1),
3 a public housing agency may implement ceiling
4 rents, which shall be not less than the monthly
5 costs to operate the housing of the agency
6 and—

7 (i) determined in accordance with sec-
8 tion 3(a)(2)(A) of the United States Hous-
9 ing Act of 1937, as that section existed on
10 the day before enactment of this Act;

11 (ii) equal to the 95th percentile of the
12 rent paid for a unit of comparable size by
13 tenants in the same public housing project
14 or a group of comparable projects totaling
15 50 units or more; or

16 (iii) equal to the fair market rent for
17 the area in which the unit is located.

18 (c) DEFINITION OF ADJUSTED INCOME.—Section
19 3(b)(5) of the United States Housing Act of 1937 is
20 amended—

21 (1) at the end of subparagraph (F), by striking
22 “and”;

23 (2) at the end of subparagraph (G), by striking
24 the period and inserting “; and”; and

1 (3) by inserting after subparagraph (G) the fol-
2 lowing:

3 “(H) for public housing, any other adjust-
4 ments to earned income established by the pub-
5 lic housing agency. If a public housing agency
6 adopts other adjustments to income pursuant to
7 subparagraph (H), the Secretary shall not take
8 into account any reduction of or increase in the
9 public housing agency’s per unit dwelling rental
10 income resulting from those adjustments when
11 calculating the contributions under section 9 for
12 the public housing agency for the operation of
13 the public housing.”.

14 (d) REPEAL OF FEDERAL PREFERENCES.—

15 (1) PUBLIC HOUSING.—Section 6(c)(4)(A) of
16 the United States Housing Act of 1937 (42 U.S.C.
17 1437d(c)(4)(A)) is amended to read as follows:

18 “(A) the establishment, after public notice
19 and an opportunity for public comment, of a
20 written system of preferences for admission to
21 public housing, if any, that is not inconsistent
22 with the comprehensive housing affordability
23 strategy under title I of the Cranston-Gonzalez
24 National Affordable Housing Act;”.

1 (2) SECTION 8 EXISTING AND MODERATE REHA-
2 BILITATION.—Section 8(d)(1)(A) of the United
3 States Housing Act of 1937 (42 U.S.C.
4 1437f(d)(1)(A)) is amended to read as follows:

5 “(A) the selection of tenants shall be the
6 function of the owner, subject to the provisions
7 of the annual contributions contract between
8 the Secretary and the agency, except that for
9 the certificate and moderate rehabilitation pro-
10 grams only, for the purpose of selecting families
11 to be assisted, the public housing agency may
12 establish, after public notice and an opportunity
13 for public comment, a written system of pref-
14 erences for selection that is not inconsistent
15 with the comprehensive housing affordability
16 strategy under title I of the Cranston-Gonzalez
17 National Affordable Housing Act;”.

18 (3) SECTION 8 VOUCHER PROGRAM.—Section
19 8(o)(3)(B) of the United States Housing Act of
20 1937 (42 U.S.C. 1437f(o)(3)(B)) is amended to read
21 as follows:

22 “(B) For the purpose of selecting families
23 to be assisted under this subsection, the public
24 housing agency may establish, after public no-
25 tice and an opportunity for public comment, a

1 written system of preferences for selection that
 2 is not inconsistent with the comprehensive
 3 housing affordability strategy under title I of
 4 the Cranston-Gonzalez National Affordable
 5 Housing Act.”.

6 (4) SECTION 8 NEW CONSTRUCTION AND SUB-
 7 STANTIAL REHABILITATION.—

8 (A) REPEAL.—Section 545(c) of the Cran-
 9 ston-Gonzalez National Affordable Housing Act
 10 (42 U.S.C. 1437f note) is amended to read as
 11 follows:

12 “(c) [Reserved.]”.

13 (B) PROHIBITION.—Notwithstanding any
 14 other provision of law, no Federal tenant selec-
 15 tion preferences under the United States Hous-
 16 ing Act of 1937 shall apply with respect to—

17 (i) housing constructed or substan-
 18 tially rehabilitated pursuant to assistance
 19 provided under section 8(b)(2) of the Unit-
 20 ed States Housing Act of 1937 (as such
 21 section existed on the day before October
 22 1, 1983); or

23 (ii) projects financed under section
 24 202 of the Housing Act of 1959 (as such
 25 section existed on the day before the date

1 of enactment of the Cranston-Gonzalez
2 National Affordable Housing Act).

3 (5) RENT SUPPLEMENTS.—Section 101(k) of
4 the Housing and Urban Development Act of 1965
5 (12 U.S.C. 1701s(k)) is amended to read as follows:
6 “(k) [Reserved.]”.

7 (6) CONFORMING AMENDMENTS.—

8 (A) UNITED STATES HOUSING ACT OF
9 1937.—The United States Housing Act of 1937
10 (42 U.S.C. 1437 et seq.) is amended—

11 (i) in section 6(o), by striking “pref-
12 erence rules specified in” and inserting
13 “written system of preferences for selection
14 established pursuant to”;

15 (ii) in the second sentence of section
16 7(a)(2), by striking “according to the pref-
17 erences for occupancy under” and inserting
18 “in accordance with the written system of
19 preferences for selection established pursu-
20 ant to”;

21 (iii) in section 8(d)(2)(A), by striking
22 the last sentence;

23 (iv) in section 8(d)(2)(H), by striking
24 “Notwithstanding subsection (d)(1)(A)(i),
25 an” and inserting “An”;

1 (v) in section 16(c), in the second sen-
 2 tence, by striking “the system of pref-
 3 erences established by the agency pursuant
 4 to section 6(c)(4)(A)(ii)” and inserting
 5 “the written system of preferences for se-
 6 lection established by the public housing
 7 agency pursuant to section 6(c)(4)(A)”;
 8 and

9 (vi) in section 24(e)—

10 (I) by striking “(e) EXCEP-
 11 TIONS” and all that follows through
 12 “The Secretary may” and inserting
 13 the following:

14 “(e) EXCEPTION TO GENERAL PROGRAM REQUIRE-
 15 MENTS.—The Secretary may”; and

16 (II) by striking paragraph (2).

17 (B) CRANSTON-GONZALEZ NATIONAL AF-
 18 FORDABLE HOUSING ACT.—Section
 19 522(f)(6)(B) of the Cranston-Gonzalez National
 20 Affordable Housing Act (42 U.S.C. 12704 et
 21 seq.) is amended by striking “any preferences
 22 for such assistance under section 8(d)(1)(A)(i)”
 23 and inserting “the written system of pref-
 24 erences for selection established pursuant to
 25 section 8(d)(1)(A)”.

1 (C) HOUSING AND COMMUNITY DEVELOP-
 2 MENT ACT OF 1992.—Section 655 of the Hous-
 3 ing and Community Development Act of 1992
 4 (42 U.S.C. 13615) is amended by striking “the
 5 preferences” and all that follows up to the pe-
 6 riod at the end and inserting “any preferences”.

7 (D) REFERENCES IN OTHER LAW.—Any
 8 reference in any Federal law other than any
 9 provision of any law amended by paragraphs
 10 (1) through (5) of this subsection to the pref-
 11 erences for assistance under section
 12 6(c)(4)(A)(i), 8(d)(1)(A)(i), or 8(o)(3)(B) of the
 13 United States Housing Act of 1937 (as such
 14 sections existed on the day before the date of
 15 enactment of this Act) shall be considered to
 16 refer to the written system of preferences for
 17 selection established pursuant to section
 18 6(c)(4)(A), 8(d)(1)(A), or 8(o)(3)(B), respec-
 19 tively, of the United States Housing Act of
 20 1937, as amended by this section.

21 (e) APPLICABILITY.—In accordance with section
 22 201(b)(2) of the United States Housing Act of 1937, the
 23 amendments made by subsections (a), (b), (c), (d), and
 24 (f) of this section shall also apply to public housing devel-
 25 oped or operated pursuant to a contract between the Sec-

1 retary of Housing and Urban Development and an Indian
2 housing authority.

3 (f) This section shall be effective upon the enactment
4 of this Act and only for fiscal year 1996.

5 SECTION 8 FAIR MARKET RENTALS, ADMINISTRATIVE
6 FEES, AND DELAY IN REISSUANCE

7 SEC. 403. (a) FAIR MARKET RENTALS.—The Sec-
8 retary shall establish fair market rentals for purposes of
9 section 8(c)(1) of the United States Housing Act of 1937,
10 as amended, that shall be effective for fiscal year 1996
11 and shall be based on the 40th percentile rent of rental
12 distributions of standard quality rental housing units. In
13 establishing such fair market rentals, the Secretary shall
14 consider only the rents for dwelling units occupied by re-
15 cent movers and may not consider the rents for public
16 housing dwelling units or newly constructed rental dwell-
17 ing units.

18 (b) ADMINISTRATIVE FEES.—Notwithstanding sec-
19 tions 8(q) (1) and (4) of the United States Housing Act
20 of 1937, for fiscal year 1996, the fee for each month for
21 which a dwelling unit is covered by an assistance contract
22 under the certificate, voucher, or moderate rehabilitation
23 program under section 8 of such Act shall be equal to the
24 monthly fee payable for fiscal year 1995: *Provided*, That
25 this subsection shall be applicable to all amounts made

1 available for such fees during fiscal year 1996, as if in
2 effect on October 1, 1995.

3 (c) DELAY REISSUANCE OF VOUCHERS AND CERTIFI-
4 CATES.—Notwithstanding any other provision of law, a
5 public housing agency administering certificate or voucher
6 assistance provided under subsection (b) or (o) of section
7 8 of the United States Housing Act of 1937, as amended,
8 shall delay for 3 months, the use of any amounts of such
9 assistance (or the certificate or voucher representing as-
10 sistance amounts) made available by the termination dur-
11 ing fiscal year 1996 of such assistance on behalf of any
12 family for any reason, but not later than October 1, 1996;
13 with the exception of any certificates assigned or commit-
14 ted to project-based assistance as permitted otherwise by
15 the Act, accomplished prior to the effective date of this
16 Act.

17 REPEAL OF PROVISIONS REGARDING INCOME DISREGARDS

18 SEC. 404. (a) MAXIMUM ANNUAL LIMITATION ON
19 RENT INCREASES RESULTING FROM EMPLOYMENT.—
20 Section 957 of the Cranston-Gonzalez National Affordable
21 Housing Act is hereby repealed, retroactive to November
22 28, 1990, and shall be of no effect.

23 (b) ECONOMIC INDEPENDENCE.—Section 923 of the
24 Housing and Community Development Act of 1992 is

1 hereby repealed, retroactive to October 28, 1992, and shall
2 be of no effect.

3 SECTION 8 CONTRACT RENEWALS

4 SEC. 405. (a) For fiscal year 1996 and henceforth,
5 the Secretary of Housing and Urban Development may
6 use amounts available for the renewal of assistance under
7 section 8 of the United States Housing Act of 1937, upon
8 termination or expiration of a contract for assistance
9 under section 8 of such Act of 1937 (other than a contract
10 for tenant-based assistance and notwithstanding section
11 8(v) of such Act for loan management assistance), to pro-
12 vide assistance under section 8 of such Act, subject to the
13 Section 8 Existing Fair Market Rents, for the eligible
14 families assisted under the contracts at expiration or ter-
15 mination, which assistance shall be in accordance with
16 terms and conditions prescribed by the Secretary.

17 (b) Notwithstanding subsection (a) and except for
18 projects assisted under section 8(e)(2) of the United
19 States Housing Act of 1937 (as it existed immediately
20 prior to October 1, 1991), at the request of the owner,
21 the Secretary shall renew for a period of one year con-
22 tracts for assistance under section 8 that expire or termi-
23 nate during fiscal year 1996 at the current rent levels.

24 (c) Section 8(v) of the United States Housing Act
25 of 1937 is amended to read as follows: “The Secretary

1 may extend expiring contracts entered into under this sec-
 2 tion for project-based loan management assistance to the
 3 extent necessary to prevent displacement of low-income
 4 families receiving such assistance as of September 30,
 5 1996.”.

6 (d) Section 236(f) of the National Housing Act (12
 7 U.S.C. 1715z–1(f)) is amended:

8 (1) by striking the second sentence in para-
 9 graph (1) and inserting in lieu thereof the following:
 10 “The rental charge for each dwelling unit shall be at
 11 the basic rental charge or such greater amount, not
 12 exceeding the lower of (i) the fair market rental
 13 charge determined pursuant to this paragraph, or
 14 (ii) the fair market rental established under section
 15 8(c) of the United States Housing Act of 1937 for
 16 the market area in which the housing is located, as
 17 represents 30 per centum of the tenant’s adjusted
 18 income.”; and

19 (2) by striking paragraph (6).”.

20 EXTENSION OF HOME EQUITY CONVERSION MORTGAGE
 21 PROGRAM

22 SEC. 406. Section 255(g) of the National Housing
 23 Act (12 U.S.C. 1715z–20(g)) is amended—

1 (1) in the first sentence, by striking “Septem-
2 ber 30, 1995” and inserting “September 30, 1996”;
3 and

4 (2) in the second sentence, by striking
5 “25,000” and inserting “30,000”.

6 FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

7 SEC. 407. (a) FORECLOSURE AVOIDANCE.—Except
8 as provided in subsection (e), the last sentence of section
9 204(a) of the National Housing Act (12 U.S.C. 1710(a))
10 is amended by inserting before the period the following:
11 “: *And provided further*, That the Secretary may pay in-
12 surance benefits to the mortgagee to recompense the mort-
13 gagee for its actions to provide an alternative to the fore-
14 closure of a mortgage that is in default, which actions may
15 include special foreclosure, loan modification, and deeds
16 in lieu of foreclosure, all upon terms and conditions as
17 the mortgagee shall determine in the mortgagee’s sole dis-
18 cretion, within guidelines provided by the Secretary, but
19 which may not include assignment of a mortgage to the
20 Secretary: *And provided further*, That for purposes of the
21 preceding proviso, no action authorized by the Secretary
22 and no action taken, nor any failure to act, by the Sec-
23 retary or the mortgagee shall be subject to judicial re-
24 view.”.

1 (b) AUTHORITY TO ASSIST MORTGAGORS IN DE-
2 FAULT.—Except as provided in subsection (e), section 230
3 of the National Housing Act (12 U.S.C. 1715u) is amend-
4 ed to read as follows:

5 “AUTHORITY TO ASSIST MORTGAGORS IN DEFAULT

6 “SEC. 230. (a) PAYMENT OF PARTIAL CLAIM.—The
7 Secretary may establish a program for payment of a par-
8 tial claim to a mortgagee that agrees to apply the claim
9 amount to payment of a mortgage on a 1- to 4-family resi-
10 dence that is in default. Any such payment under such
11 program to the mortgagee shall be made in the sole discre-
12 tion of the Secretary and on terms and conditions accept-
13 able to the Secretary, except that—

14 “(1) the amount of the payment shall be in an
15 amount determined by the Secretary, not to exceed
16 an amount equivalent to 12 of the monthly mortgage
17 payments and any costs related to the default that
18 are approved by the Secretary; and

19 “(2) the mortgagor shall agree to repay the
20 amount of the insurance claim to the Secretary upon
21 terms and conditions acceptable to the Secretary.

22 The Secretary may pay the mortgagee, from the appro-
23 priate insurance fund, in connection with any activities
24 that the mortgagee is required to undertake concerning

1 repayment by the mortgagor of the amount owed to the
2 Secretary.

3 “(b) ASSIGNMENT.—

4 “(1) PROGRAM AUTHORITY.—The Secretary
5 may establish a program for assignment to the Sec-
6 retary, upon request of the mortgagee, of a mort-
7 gage on a 1- to 4-family residence insured under this
8 Act.

9 “(2) PROGRAM REQUIREMENTS.—The Sec-
10 retary may accept assignment of a mortgage under
11 a program under this subsection only if—

12 “(A) the mortgage was in default;

13 “(B) the mortgagee has modified the mort-
14 gage to cure the default and provide for mort-
15 gage payments within the reasonable ability of
16 the mortgagor to pay, at interest rates not ex-
17 ceeding current market interest rates; and

18 “(C) the Secretary arranges for servicing
19 of the assigned mortgage by a mortgagee
20 (which may include the assigning mortgagee)
21 through procedures that the Secretary has de-
22 termined to be in the best interests of the ap-
23 propriate insurance fund.

24 “(3) PAYMENT OF INSURANCE BENEFITS.—

25 Upon accepting assignment of a mortgage under a

1 program established under this subsection, the Sec-
2 retary may pay insurance benefits to the mortgagee
3 from the appropriate insurance fund, in an amount
4 that the Secretary determines to be appropriate, not
5 to exceed the amount necessary to compensate the
6 mortgagee for the assignment and any losses and ex-
7 penses resulting from the mortgage modification.

8 “(c) PROHIBITION OF JUDICIAL REVIEW.—No deci-
9 sion by the Secretary to exercise or forego exercising any
10 authority under this section shall be subject to judicial re-
11 view.

12 “(d) SAVINGS PROVISION.—Any mortgage for which
13 the mortgagor has applied to the Secretary, before the
14 date of enactment of the Departments of Veterans Affairs
15 and Housing and Urban Development, and Independent
16 Agencies Appropriations Act, 1996, for assignment pursu-
17 ant to subsection (b) of this section as in effect before
18 such date of enactment shall continue to be governed by
19 the provisions of this section, as in effect immediately be-
20 fore such date of enactment.

21 “(e) APPLICABILITY OF OTHER LAWS.—No provision
22 of this Act, or any other law, shall be construed to require
23 the Secretary to provide an alternative to foreclosure for
24 mortgagees with mortgages on 1- to 4-family residences

1 insured by the Secretary under this Act, or to accept as-
2 signments of such mortgages.”.

3 (c) APPLICABILITY OF AMENDMENTS.—Except as
4 provided in subsection (e), the amendments made by sub-
5 sections (a) and (b) shall apply only with respect to mort-
6 gages insured under the National Housing Act that are
7 originated before October 1, 1995.

8 (d) REGULATIONS.—Not later than 60 days after the
9 date of enactment of this Act, the Secretary of Housing
10 and Urban Development shall issue interim regulations to
11 implement this section and the amendments made by this
12 section.

13 (e) EFFECTIVENESS AND APPLICABILITY.—If this
14 Act is enacted after the date of enactment of the Balanced
15 Budget Act of 1995—

16 (1) subsections (a), (b), (c), and (d) of this sec-
17 tion shall not take effect; and

18 (2) section 2052(c) of the Balanced Budget Act
19 of 1995 is amended by striking “that are originated
20 on or after October 1, 1995” and inserting in lieu
21 thereof “that are originated before, during, and after
22 fiscal year 1996.”.

1 This Act may be cited as “The Balanced Budget
2 Downpayment Act, I”.

Passed the House of Representatives January 25,
1996.

Attest:

ROBIN H. CARLE,
Clerk.

HR 2880 RDS—2

HR 2880 RDS—3

HR 2880 RDS—4

HR 2880 RDS—5