Public Law 101-509
101st Congress

An Act

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes.

Nov. 5, 1990
[H.R. 5241]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes, namely:

Treasury, Postal Service and General Government Appropriations Act, 1991.

TITLE I

Treasury Department Appropriations Act, 1991.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Salaries and Expenses

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than $2,212,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control; not to exceed $1,649,000, to remain available until expended, for systems modernization requirements; not to exceed $1,000,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $63,883,000.

International Affairs

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $29,717,000.

AUTHENTICATED
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OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $1,543,000 to remain available until expended, for systems modernization requirements; $21,296,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; and not to exceed $3,000 for official reception and representation expenses; $16,488,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed thirty for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept gifts: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further,* That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: *Provided further,* That none of the funds appropriated under this heading shall be used to reduce the level of advanced training or other training activities of the Federal Law Enforcement Training Center at Marana, Arizona; $40,265,000: *Provided further,* That the Federal Law Enforcement Training Center shall hire up to and maintain an

42 USC 3771 note.
Decorations, medals, awards.

average of not less than 441 direct full-time equivalent positions for fiscal year 1991.

Acquisition, Construction, Improvements, and Related Expenses

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $20,775,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

Salaries and Expenses

For necessary expenses of the Financial Management Service, $218,742,000, of which not to exceed $13,287,000 shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Salaries and Expenses

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; $301,854,000, of which $21,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1991, and of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): *Provided,* That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further,* That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further,* That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device: *Provided further,* That this provision shall not preclude ATF from assisting the International Civil Aviation Organization in the development of a detection agent for explosives or from enforcing any legislation implementing the Convention on the Marking of Plastic and Sheet Explosives for the Purpose of Detection: *Provided further,* That funds made available under this Act shall be used to achieve a minimum level of 4,073 full-time equivalent positions for fiscal year 1991, of which no fewer than 1,037 full-time equivalent

positions shall be allocated for the Armed Career Criminal Apprehension Program.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,135,961,000, of which $7,000,000 shall be for the Interagency Border Inspection System, and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000, to remain available until expended, for research, and not to exceed $3,395,000, to remain available until expended, for renovation and expansion of the Canine Enforcement Training Center: *Provided,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further,* That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program: *Provided further,* That the United States Customs Service shall hire and maintain an average of not less than 17,162 full-time equivalent positions in fiscal year 1991, of which a minimum level of 10,421 full-time equivalent positions shall be allocated to commercial operations activities, and of which a minimum level of 930 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of 222 full-time equivalent positions shall be allocated to the Nogales District of the United States Customs Service: *Provided further,* That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1991: *Provided further,* That not less than $500,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District: *Provided further,* That $1,750,000 shall be expended to increase by 30 the number of full-time employees of the United States Customs Service in the Honolulu Customs District: *Provided further,* That Customs shall increase by 10 the number of full-time inspectors in the Charleston, South Carolina Customs District: *Provided further,* That Customs shall increase by 75 the number of full-time inspectors in the San Diego, California Customs District: *Provided further,* That the express designations of Customs positions provided for in this Act and in the

accompanying House and Senate Reports shall only apply to positions in excess of those positions funded in Public Law 101-136, and shall not adversely impact staffing increases which are otherwise provided for in fiscal year 1991.

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Program; $110,347,000, to remain available until expended: *Provided,* That no aircraft or other related equipment with the exception of the aerostat program which will be transferred to the Department of Defense, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1991: *Provided further,* That the United States Customs Service shall commence procurement of long-lead items and conduct all advanced planning required in preparation for the procurement of one additional P-3 airborne early warning (AEW) aircraft in fiscal year 1992.

Government procurement.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed $14,855,000, as authorized by Public Law 100-690; to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $2,152,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $51,429,000, including amounts for purchase and maintenance of uniforms not to exceed $275 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties.

EXPANSION AND IMPROVEMENTS

For expansion and improvements to existing Mint facilities and for renovation of such facilities as may be acquired, $550,000, to remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Effective date.

For necessary expenses connected with any public-debt issues of the United States; $175,139,000: *Provided,* That such sums as are necessary are appropriated to reimburse Federal Reserve Banks for services required by the Secretary to be performed by such banks as fiscal agents of the United States in support of administering the public debt, effective October 1, 1991.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), $500,000, to remain available until expended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 89 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $142,279,000, of which not to exceed $25,000 for official reception and representation expenses; and of which not to exceed $500,000 shall remain available until expended for research.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,521,595,000, of which $3,000,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (not to exceed 451, for replacement only, for police-type use), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,501,119,000, of which not to exceed $70,000 shall be for official reception and representation expenses in connection with the 1991 General Assembly of the Inter-American Center of Tax Administrators, to be hosted by the United States: *Provided,* That additional amounts above fiscal year 1990 levels for international tax enforcement shall be used for the establishment and

operation of a task force comprised of senior Internal Revenue Service attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: $942,932,000, of which not less than $247,878,000 shall remain available until expended for tax systems modernization, and of which $60,000,000 shall remain available until expended for other systems development projects: *Provided*, That of the $247,878,000 provided for tax systems modernization up to $15,000,000 may be available until expended for the establishment of a federally-funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to

exceed $15,000 to assist in hosting the Biennial Conference of the Organization of Women in Federal Law Enforcement; to be held during fiscal year 1991; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations, in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $406,700,000, of which $2,500,000 shall remain available until expended for renovations at the temporary official residence of the Vice President and $1,600,000 to remain available until expended for renovations of the New York Field Office; and of which not to exceed $300,000 shall be made available for the protection at the one nongovernmental property designated by the President of the United States under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note).

TREASURY DEPARTMENT—GENERAL PROVISIONS

SECTION 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

This title may be cited as the "Treasury Department Appropriations Act, 1991".

Postal Service Appropriations Act, 1991.

TITLE II

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $472,592,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That

39 USC 403 note.

none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1991.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,142,000.

UNITED STATES POSTAL SERVICE

GENERAL PROVISIONS

SECTION. 1. ELIMINATION OF SUBSIDIES FOR BULK THIRD-CLASS MAIL CONTAINING CERTAIN ADVERTISING MATTER.

(a) IN GENERAL.—Section 3626 of title 39, United States Code, is amended by adding at the end the following:

"(j)(1) In the administration of this section, the rates for mail under former section 4452(b) or 4452(c) of this title shall not apply to mail which advertises, promotes, offers, or, for a fee or consideration, recommends, describes, or announces the availability of—

"(A) any credit, debit, or charge card, or similar financial instrument or account, provided by or through an arrangement with any person or organization not authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title;

"(B) any insurance policy, unless the organization which promotes the purchase of such policy is authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title, the policy is designed for and primarily promoted to the members, donors, supporters, or beneficiaries of the organization, and the coverage provided by the policy is not generally otherwise commercially available; or

"(C) any travel arrangement, unless the organization which promotes the arrangement is authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title, the travel contributes substantially (aside from the cultivation of members, donors, or supporters, or the acquisition of income or funds) to one or more of the purposes which constitutes the basis for the organization's authorization to mail at such rates, and the arrangement is designed for and primarily promoted to the members, donors, supporters, or beneficiaries of the organization.

"(2) Matter shall not be excluded from being mail at the rates for mail under former section 4452(b) or 4452(c) of this title, by an organization authorized to mail at those rates solely because—

"(A) such matter contains, but is not primarily devoted to, acknowledgements of organizations or individuals who have made donations to the authorized organization; or

"(B) such matter contains, but is not primarily devoted to, references to and a response card or other instructions for making inquiries concerning services or benefits available as a result of membership in the authorized organization: *Provided*, That advertising, promotional, or application materials specifically concerning such services or benefits are not included.

"(3) Upon request, an organization authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title shall furnish evidence to the Postal Service concerning the eligibility of any of its mail matter or mailings to be sent at those rates.

"(k)(1) No person or organization shall mail, or cause to be mailed by contractual agreement or otherwise, at the rates for mail under former section 4452(b) or 4452(c) of this title, any matter to which those rates do not apply.

"(2) The Postal Service may assess a postage deficiency in the amount of the unpaid postage against any person or organization which violates paragraph (1) of this subsection. This assessment shall be deemed the final decision of the Postal Service, unless the party against whom the deficiency is assessed appeals it in writing within thirty days to the postmaster of the office where the mailing was entered. Such an appeal shall be considered by an official designated by the Postal Service, other than the postmaster of the office where the mailing was entered, who shall issue a decision as soon as practicable. This decision shall be deemed final unless the party against whom the deficiency was assessed appeals it in writing within thirty days to a further reviewing official designated by the Postal Service, who shall issue the final decision on the matter.

"(3) The Postal Service shall maintain procedures for the prompt collection of postage deficiencies arising from the violation of paragraph (1) of this subsection, and may in its discretion, follow the issuance of a final decision regarding a deficiency under paragraph (2) of this subsection deduct the amount of that deficiency incurred during the previous 12 months from any postage accounts or other monies of the violator in its possession.".

(b) CONFORMING AMENDMENT.—Section 2401(c) of title 39, United States Code, is amended by striking "3626(a)-(h)" and inserting "3626(a)-(h) and (j)-(k)".

39 USC 2401 note.

(c) EFFECTIVE DATE.—The amendment enacted by this section shall become effective ninety days after the date of enactment of this Act.

39 USC 3626 note.

SEC. 2. FORBEARANCE REGARDING CERTAIN POSTAGE DEFICIENCIES.

(a) IN GENERAL.—The United States Postal Service may forbear from the collection of any postage deficiency assessed against an organization authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of title 39, United States Code, if the assessment of that deficiency arises from a violation of the cooperative mailing regulations of the Postal Service set forth at section 625.5 of the Domestic Mail Manual, and the Postal Service has made no determination that the organization knowingly or willfully violated such regulations. If any organizations authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of title 39, United States Code, has paid on its own behalf all or part of a postage deficiency which the Postal Service would forbear from collecting under this section, the Postal Service may refund to that organization the amount which it has paid.

(b) EFFECTIVE DATE AND APPLICABILITY.—The provisions of this section shall become effective on the date of enactment of this Act, and shall apply to mailings which were sent on or between July 1, 1986, and the effective date of this section.

SEC. 3. Section 3626 of title 39, United States Code, as amended by the General Provisions of title II, is further amended by adding at the end the following:

"(k) In the administration of this section, the term 'advertising', as used in former section 4358(j)(2) of this title, does not include the publisher's own advertising in a publication published by the official highway or development agency of a State.".

This title may be cited as the "Postal Service Appropriations Act, 1991".

TITLE III

Executive Office Appropriations Act, 1991.

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

3 USC 102 note.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $25,410,000, of which not less than $500,000 shall remain available until expended for the White House Conference on Indian Education, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $32,799,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $8,495,000, of which $500,000 for the rehabilitation of the White House kitchens shall remain available until expended, and of which $1,202,000 for the repair of the face of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $626,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $2,587,000.

COUNCIL OF ECONOMIC ADVISERS

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $3,064,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,395,000.

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; $400,000: *Provided,* That a minimum level of 5 permanent full-time equivalent

positions shall be hired and maintained by the National Critical Materials Council for fiscal year 1991.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $5,893,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $48,343,000, of which not to exceed $4,500,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further,* That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further,* That none of the funds made available by this Act or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcoholic beverage and tobacco industries below fiscal year 1985 levels: *Provided further,* That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings or forms promulgated thereunder.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $2,914,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $7,500 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $99,000,000, of which $82,000,000 shall be available for drug control activities which are consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas: *Provided,* That of the $82,000,000 made available, $50,000,000 shall be transferred to Federal agencies and departments for implementing approved strategies and shall be obligated by the end of fiscal year 1991: *Provided further,* That of the $82,000,000, not less than $32,000,000 shall be transferred to the Department of Justice and the Department of the Treasury for disbursement to State and local entities for drug control activities which are consistent with the approved strategy for each designated High Intensity Drug Trafficking Area: *Provided further,* That in the case of the Southwest Border High Intensity Drug Trafficking Area such funds shall be available only for drug control activities which are consistent with the approved strategy and approved by the Drug Advisory Board of the affected State: *Provided further,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, $46,000,000 to be derived from deposits in the Special Forfeiture Fund; of which $4,548,000 shall be transferred to Federal Bureau of Investigation, "Salaries and expenses"; of which $2,637,000 shall be transferred to Immigration and Naturalization Service, "Salaries and expenses"; of which $6,941,000 shall be transferred to Interagency Law Enforcement, "Organized Crime Drug Enforcement"; of which $18,884,000 shall be transferred to United States Customs Service, "Salaries and expenses"; of which $3,856,000 shall be transferred to Bureau of Alcohol, Tobacco and Firearms, "Salaries and expenses"; of which $3,059,000 shall be transferred to Internal Revenue Service, "Tax law enforcement"; of which $91,000 shall be transferred to Secret Service, "Salaries and expenses"; of which $4,984,000 shall remain available until expended for automated data processing enhancements at the El Paso Intelligence Center; and of which $1,000,000 shall remain available until expended to implement section 7604 of Public Law 100-690, the National Commission on Measured Responses to Achieve a Drug-Free America by 1995 Authorization Act: *Provided,* That amounts transferred under this heading shall be used for salaries and expenses of drug enforcement personnel.

Wages. Government employees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

GENERAL PROVISION

SECTION 1. Section 524(c)(9) of title 28, United States Code is amended by deleting the second sentence and inserting the following: "For each of fiscal years 1991, 1992, and 1993, the Attorney General shall transfer not to exceed $150,000,000 in unobligated amounts available in the Fund to the Special Forfeiture Fund: *Provided,* That such amounts will be transferred on a quarterly basis: *Provided further,* That, upon each transfer, not to exceed $15,000,000, or, if determined by the Attorney General to be necessary to meet forfeiture program expenses, an amount not to exceed one-tenth of the previous year's obligations shall be retained in the Fund and remain available for payment of authorized expenses: *Provided further,* That, any unobligated amounts in excess of $150,000,000 shall remain on deposit in the Fund.".

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1991".

TITLE IV

Independent Agencies Appropriations Act, 1991.

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses; $2,079,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); $1,300,000, and additional amounts not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $207,000: *Provided,* That the

Reports.

annual report of the Advisory Committee on Federal Pay shall be submitted to the Appropriations Committees of the House and Senate and other appropriate Committees of the Congress at the same time the report is submitted to the President.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28 $1,160,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $17,150,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $1,645,733,000 to be deposited into said Fund. The revenues and collections deposited into said Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,268,651,800 of which (1) not to exceed $1,460,678,000 shall remain available until expended for construction of additional projects at

locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Arizona:

Flagstaff, a grant to Northern Arizona University, Southwest Forestry Science Complex, $4,500,000

California:

East Los Angeles, a grant to California State University, $350,000

Los Angeles, a grant to the Japanese American National Museum, $39,000

Los Angeles, a grant to Marymount Loyola University, $4,000,000

Menlo Park, U.S. Geological Survey, Laboratory Building A, $22,000,000

Sacremento, John E. Moss Federal Building U.S. Courthouse, Extension, $5,801,000

San Diego, a grant to Children's Hospital, $1,750,000

Colorado:

Denver, a grant to the National Research Center for Environmental Lung Disease, $1,000,000

District of Columbia:

A grant to the American Indian Higher Education Consortium, $1,908,000

A grant to the D.C. Children's National Medical Center, $1,750,000

Federal Bureau of Investigation, Field Office, $37,800,000: *Provided,* That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Department of Transportation, Headquarters, site, $50,000,000: *Provided,* That such funds shall be obligated only upon the advance approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works

Southeast Federal Center, $88,000,000: *Provided,* That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works

Florida:

Miami, a grant to Mt. Sinai Medical Center, $1,750,000

Georgia:

Athens, a grant to University of Georgia, Dean Rusk Center for International and Comparative Law, $1,000,000

Augusta, U.S. Courthouse, $353,000

Idaho:

Moscow, a grant to University of Idaho, Environmental Laboratory, $5,800,000

Illinois:

Chicago, John C. Kluczynski Federal Building, Claim, $455,000

Iowa:

Ames, a grant to Iowa State University, Midwest Supercomputer Access Center, $2,200,000

Kansas:

Kansas City, Federal Building U.S. Courthouse, $29,475,000

Pittsburg, a grant to Pittsburg State University, School of Technology Complex, $5,000,000

Louisiana:

Shreveport, Federal Building and U.S. Courthouse, $24,669,000

Maryland:

Baltimore, a grant for planning and design of Christopher Columbus Center on Marine Research and Exploration, $4,000,000

College Park, a grant to the University of Maryland for superconducting materials research, $1,375,000

Prince Georges County, Internal Revenue Service, $206,502,000

Prince Georges County, U.S. Courthouse, $21,883,000

Massachusetts:

Boston, Federal Building U.S. Courthouse, $184,200,000

Waltham, a grant to establish and construct a National Center for Complex Systems at Brandeis University, $4,000,000

Woods Hole, a grant for the continued development of the Marine Biomedical Institute for Advanced Studies, $4,750,000

Michigan:

Houghton, a grant to Michigan Technological University for construction of a center for applied metallurgical, minerals, and materials research, $1,750,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, $68,772,000

Montana:

Great Falls, a grant to the McLaughlin Research Institute for Biomedical Sciences, $5,000,000

Nebraska:

Lincoln, a grant to University of Nebraska, George W. Beadle Center for Genetic and Biomaterials Research, $4,500,000

Omaha, a grant to Creighton University, Criss Research Building, $2,000,000

Nevada:

Carson City, Federal Building-Post Office, parking construction, $50,000

New Jersey:

Camden, Post Office and Courthouse Annex, Escalation, $8,903,000

New Mexico:

Alamogordo, a grant to the Primate Research Institute, Site and Facilities, to be constructed on a site leased from the United States Air Force at Holloman Air Force Base, $4,000,000

Albuquerque, a grant to Sandia National Laboratory for research in environmentally conscious manufacturing, $3,000,000

New York:

New York, a grant to Columbia University, Center for Disease Prevention, $1,000,000

Rochester, a grant to Rochester Institute of Technology for a strategic materials research center, $1,750,000

White Plains, Courthouse, $26,350,000

Oregon:

Portland, Courthouse Annex, $33,320,000

Pennsylvania:

Philadelphia, a grant to the Philadelphia Urban League for the administration of a community-based drug prevention program, $778,000

Wilkes-Barre, Social Security Administration Data Operations Center, escalations, $11,905,000

Tennessee:

Knoxville, U.S. Courthouse-Post Office, $3,431,000

Texas:

College Station, a grant to Texas A&M University for the establishment of the Institute for National Drug Abatement Research at the Texas Engineering Experiment Station, $1,000,000

El Paso, a grant to the University of Texas, $1,750,000

Virginia:

Alexandria, U.S. Courthouse, $58,202,000

Northern Virginia Naval Systems Commands, $273,000,000

West Virginia:

Charleston, Federal Building U.S. Courthouse, $80,407,000

Nonprospectus construction projects, $5,000,000

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1992 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $790,251,800 which shall remain available until expended, for repairs and alterations: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Repairs and Alterations:

California:

Sacramento, John E. Moss Federal Building U.S. Courthouse, $10,990,000

San Diego, Federal Building and U.S. Courthouse, $7,836,000

San Francisco, Appraisers Building, $3,958,000

San Francisco, Customhouse, $9,508,000

Colorado:
Lakewood, Denver Federal Center, Building 56, $8,584,000
District of Columbia:
Washington, DC Area Elevators, $16,500,000
Hubert H. Humphrey Federal Building, $7,300,000
National Building Museum, Pension Building, $4,500,000
Veterans' Administration Building, $26,000,000
Georgia:
Richard B. Russell Federal Building and United States Courthouse, $3,544,000
Illinois:
Chicago, Customhouse (phase 2), $10,260,000
Chicago, Everett McKinley Dirksen Building (phase 2), $37,700,000
Chicago, Federal Building, 536 S. Clark Street (phase 2), $6,248,000
Indiana:
Indianapolis, Federal Building and Courthouse, $3,908,000
Minnesota:
Saint Paul, Warren E. Burger Federal Building and United States Courthouse, $7,633,000
New Jersey:
Newark, Peter W. Rodino, Jr. Federal Building, $3,755,000
New York:
New York, Bowling Green Customhouse (phase 1), $4,727,000
New York, Emanuel Celler Federal Building and U.S. Courthouse, $3,915,000
New York, Jacob K. Javits Federal Building, $13,721,000
Rochester, Kenneth B. Keating Federal Building and U.S. Courthouse, $1,994,000
Oklahoma:
Oklahoma City, Post Office and Courthouse, $11,242,000
Pennsylvania:
Philadelphia, Customhouse, $20,166,000
Pittsburgh, Post Office and Courthouse, $2,700,000
Tennessee:
Nashville, Estes Kefauver Federal Building and U.S. Courthouse Annex, $4,616,000
Texas:
Dallas, Federal Building (Terminal Annex), $4,307,000
Maryland:
Avondale, Federal Executive Training Center, $10,000,000
Virginia:
Arlington, Pentagon, $35,500,000
Portsmouth, Federal Building, $1,700,000
Washington:
Seattle, Federal Office Building, $17,932,000
Spokane, Federal Building and Post Office, $5,071,000

Capital Improvements of United States-Mexico Border Facilities, $211,659,800 as follows:
Arizona:
Naco, New Border Station, $3,497,500

Nogales, Grand Avenue, Border Station, site and drainage, $3,200,000
Sasabe, New Border Station, $3,185,000
California:
Andrade, New Border Station, $6,400,700
Calexico, New Border Station, $41,395,000
Otay Mesa, New Border Station, $14,112,700
San Ysidro, Border Station, $8,000,000
Tecate, New Border Station, $10, 367,500
New Mexico:
Santa Teresa, New Border Station, $6,000,000
Sunland Park, New Border Station, planning, $500,000
Texas:
Brownsville, New Border Station, $17,520,000
Brownsville, Gateway Bridge, Border Station, $3,500,000
Columbia/West Laredo, New Border Station, $12,991,000
Del Rio, Border Station, $13,042,000
El Paso, Bridge of the Americas, Border Station, $5,291,000
Laredo/Juarez-Lincoln Bridge, Border Station, $25,679,400
Los Indios, New Border Station, $7,934,000
Ysleta, New Border Station, $9,044,000
Southwest Border:
New Border Stations, $20,000,000

Minor Repairs and Alterations, $272,777,000, including $1,600,000 for Building No. 6, World Trade Center, New York, New York: *Provided,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1992, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (3) not to exceed $136,579,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed $1,473,804,000 for rental of space; (5) not to exceed $1,037,200,000 for real property operations; (6) not to exceed $90,781,000 for program direction and centralized services; and (7) not to exceed $247,665,000 for design and construction services of which $5,500,000 shall be available for payment to a public entity in fiscal year 1991 to house the Bureau of Mines, the United States Geological Survey and the National Weather Service in Tucson, Arizona, such location to be designated by the housed agencies and such agencies are to be housed rent free, exclusive of operating expenses, in such location; for design and construction services which shall remain available until expended, including expenses for preliminary design for a 300,000 square foot Government-owned facility for the Center for Disease Control at their campus on Clifton Road in Atlanta, Georgia, such expenses to be reimbursed to GSA by the Center for Disease Control: *Provided further,* That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be,

under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration with the exception of those of Capital Improvements of United States-Mexico Border Facilities; the Augusta, Georgia, United States Courthouse; the Boston, Massachusetts, Federal Building United States Courthouse; the Carson City, Nevada, Federal Building-Post Office parking facility; the Shreveport, Louisiana, Federal Building and United States Courthouse; the District of Columbia Pension Building, National Building Museum; the Knoxville, Tennessee, United States Courthouse-Post Office; the Charleston, West Virginia, Federal Building United States Courthouse; Building No. 6, World Trade Center, New York, New York; and the Tuscon, Arizona, United States Geological Survey, National Weather Service, and Bureau of Mines space expansion shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this Fund during fiscal year 1991 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,268,651,800 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; $53,957,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $13,386,000, to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5).

REAL PROPERTY RELOCATION

For expenses not otherwise provided for, $8,000,000 to remain available until expended, necessary for carrying out the functions of the Administrator with respect to relocation of Federal agencies from property which has been determined by the Administrator to be other than optimally utilized under the provisions of section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided,* That $2,500,000 of this amount shall be made available to pay expenses related to the relocation of the United States Fish and Wildlife Service regional office authorized and directed by Public Law 101-136: *Provided further,* That such relocations shall only be undertaken when the estimated proceeds from the disposition of the original facilities approximate the appraised fair market value of such new facilities and exceed the estimated costs of relocation. Relocation costs include expenses for and associated with acquisition of sites and facilities, and expenses of moving or repurchasing equipment and personal property. These funds may be used for payments to other Federal entities to accomplish the relocation functions: *Provided further,* That nothing in this paragraph shall be construed as relieving the Administrator of General Services or the head of any other Federal agency from any obligation or restriction under the Public Buildings Act of 1959 (including any obligation concerning submission and approval of a prospectus), the Federal Property and Administrative Services Act of 1949, as amended, or any other Federal law, or as authorizing the Administrator of General Services or the head of any other Federal agency to take actions inconsistent with statutory obligations or restrictions placed upon the Administrator of General Services or such agency head with respect to authority to acquire or dispose of real property.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services

authorized by 5 U.S.C. 3109, $35,100,000: *Provided,* That this appropriation shall be available, for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; $39,961,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General $30,997,000 of which not to exceed $1,000,000 shall remain available until expended for procurement and installment of an automation program in support of audits and investigations: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $1,964,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

Public lands.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 1 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers

proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1991 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

Maryland.

SEC. 5. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer to the General Services Administration, without consideration, that parcel of land known as the Avondale site comprising approximately 17.8 acres of land located at 4900 LaSalle Road in the Avondale section of Prince Georges County, Maryland, together with any improvements, structures and fixtures located thereon: *Provided,* That the Administrator of General Services after consultation with the Office of Personnel Management shall provide for such design and alterations to the structures and fixtures located thereon, as may be required, to prepare the site for use as a training and seminar center: *Provided further,* That upon completion of such alterations the Administrator of General Services shall make the property available to the Director of the Office of Personnel Management for use as a Federal Executive Training Center (Center) and shall delegate to the Director of the Office of Personnel Management any authority necessary to operate the Center: *Provided further,* That the Administrator of General Services is authorized and directed to charge the Office of Personnel Management, at the time of the delegation, and for a period of not to exceed five additional years at rates equal to the net revenue generated by operation of the Center in each of such years, and that such rates may be less, but not more than, those rates provided for under section 210(J) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided further,* That the General Services Administration and the Office of Personnel Management shall negotiate annual rates in subsequent years that will, in the aggregate, including the rates and operating costs charged in the first five years and the recovery of the costs of the alterations and additions that are in excess of $10,000,000, and that there will be no further charges to the Office of Personnel Management, except for routine operational expenses and costs in anticipation of future repairs subsequent to the recovery of the costs of alteration and additions in excess of $10,000,000: *Provided further,* That the $6,500,000 previously authorized for Avondale is no longer available for obligation.

SEC. 6. Notwithstanding any other provision of law, such property as may be necessary, but not to exceed twenty acres, at the Beltsville Agricultural Research Center located in Beltsville, Maryland, may be provided at fair market value to the General Services Administration for the purpose of constructing a Federal Courthouse and that any amount resulting from the acquisition of the property shall be placed in an escrow account to be available hereafter for use in the renovation and restoration of the Beltsville Agricultural Research Center, to be released as specified in advance in appropriations Acts.

SEC. 7. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer to the General Services Administration, without consideration, approximately 14 acres of the United States Geological Survey Western Region Headquarters together

with any improvements, structures and fixtures located thereon. The General Services Administration shall construct additional facilities for the United States Geological Survey on this site.

40 USC 490f.

SEC. 8. (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

SEC. 9. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 10. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

Massachusetts.

SEC. 11. Notwithstanding any other provision of law, the Administrator of General Services is authorized to sell by publicly advertising for bids and on such terms and conditions as the Administrator deems proper, the John W. McCormack Post Office and Courthouse located at One Post Office Square in Boston, Massachusetts. All proceeds from such sale, less direct expenses incurred in the sale, shall be deposited into the fund established under section 210(f) of the Federal Property and Administrative Services Act.

SEC. 12. Notwithstanding any other provision of law, the Administrator of General Services is authorized and directed to provided not less than 120,000 square feet of storage space, together with additional space as necessary for office use, to establish a National Long Term Records Center in Pittsfield, Massachusetts for the specialized storage of Federal agency records by the National Archives and Records Administration: *Provided,* That notwithstanding any other provision of law, the Administrator of General Services is authorized and directed to provide not less than 3,000 square feet of public space in Pittsfield, Massachusetts for a satellite facility of the New England Regional Archives: *Provided further,* That the Archivist of the United States shall assign adequate personnel to operate the satellite facility established by this section: *Provided further,* That the Administrator of General Services and the Archivist of the United States shall report on a quarterly basis to the House and Senate Committees on Appropriations on the progress made to implement the directives in this section and the resources necessary to complete the Long Term Records Center and the satellite facility.

Reports.

SEC. 13. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 14. The Administrator of General Services is directed to coordinate its requirements for office and other space to house Government activities by utilizing assets of the Resolution Trust Corporation and its receivers and conservators.

SEC. 15. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collections, or other income received during fiscal year 1991 in the form of rebates, cash incentives or otherwise, related to energy savings, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary; *Provided,* That the General Services Administration shall provide the House and Senate Committees on Appropriations with a plan to ensure a balanced and equitable approach for the relocation of Federal agencies in the Washington, D.C. metropolitan area by March 31, 1991.

West Virginia.

SEC. 16. Notwithstanding any other provision of law, the General Services Administration is hereby authorized to sell, at competitive bid, the Federal Building located at 500 Quarrier Street in Charleston, West Virginia, and to deposit such proceeds into the Federal Buildings Fund.

Minnesota.

SEC. 17. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to sell on such terms and conditions as the Administrator deems proper, the Federal Building and United States Courthouse located at 110 South Fourth Street in Minneapolis, Minnesota. All proceeds from such sale, less direct expenses, shall be deposited into the fund established under section 210(f) of the Federal Property and Administrative Services Act, and the General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority in the Construction and Acquisition of Facilities activity of the Federal Buildings Fund for the construction of a new Federal Building and United States Courthouse in Minneapolis, Minnesota.

(b) In addition, the General Services Administration is hereby authorized to accept donations from the City of Minneapolis, Minnesota and to deposit such donations into the fund established under section 210(f) of the Federal Property and Administrative Services Act, and the General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Construction and Acquisition of Facilities activity

of the Federal Buildings Fund for the construction of a new Federal Building and United States Courthouse in Minneapolis, Minnesota.

(c) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary for carrying out the purposes of subsections (a) and (b).

SEC. 18. The Administrator of General Services shall issue a request for proposals for the procurement of move management services within thirty days after enactment of this Act.

New York.

SEC. 19. The General Services Administration is authorized to utilize and lease space in the Harlem International Trade Center located at 125th Street in the county of New York, New York, for future Federal long-term office space needs in the Metropolitan New York City area up to 200,000 square feet pursuant to the availability of Federal tenants.

The lease rate for such office space shall not exceed comparable rates for equivalent space in the surrounding area or comparable rates in the Harlem International Trade Center.

SEC. 20. Notwithstanding any other provision of law, the General Services Administration is directed to maintain during the fiscal year ending September 30, 1991, the vehicle rental rates and per mile rates charged to schools and dormitories funded by the Bureau of Indian Affairs that were in effect on June 30, 1990, except for subsequent per mile rate adjustments related to fuel cost increases.

SEC. 21. Notwithstanding any other provision of this Act, the amount available in the Federal Buildings Fund for program direction and centralized services shall not exceed $122,474,000.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $138,219,000, of which $5,250,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended and of which $8,000,000 shall remain available until expended for renovations and improvements to the John F. Kennedy Library.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

GENERAL PROVISION

44 USC 2102 note.

SECTION 1. (a)(1) The position of Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5. Effective on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act, the basic rate of pay for such position shall be the minimum rate of pay grade GS-16 of the General Schedule under section 5332 of title 5, United States Code.

(2) There is established within the Center for Legislative Archives within the National Archives and Records Administration the position of Specialist in Congressional History.

(b) There shall be made available from funds appropriated in each fiscal year to the National Archives and Records Administration, $20,000 for the administrative expenses of the Advisory Committee on the Records of Congress established under section 2701 of title 44, United States Code. 44 USC 2102 note.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (a) and (b) of this section. 44 USC 2102 note.

(d)(1) Title 44, United States Code, is amended by inserting after chapter 25, the following new chapter:

"CHAPTER 27—ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

"Sec.
"2701. Advisory Committee on the Records of Congress.
"2702. Membership; chairman; meetings.
"2703. Functions of the Committee.
"2704. Powers of the Committee.
"2705. Compensation and travel expenses.
"2706. Administrative provisions.

"§ 2701. Advisory Committee on the Records of Congress.

Establishment.

"(a) There is established the Advisory Committee on the Records of Congress (hereafter in this chapter referred to as the Committee).

"(b) The Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), except that the Committee shall be of permanent duration, notwithstanding any provision of section 14 of the Federal Advisory Committee Act.

"§ 2702. Membership; chairman; meetings.

"(a)(1) The Committee shall consist of the eleven members including—

"(A)(i) the Secretary of the Senate;
"(ii) the Clerk of the House of Representatives;
"(iii) the Archivist of the United States;
"(iv) the Historian of the Senate; and
"(v) the Historian of the House of Representatives; and
"(B) six members of whom one shall be appointed by each of the following:
"(i) the Speaker of the House of Representatives;
"(ii) the Minority Leader of the House of Representatives;
"(iii) the Majority Leader of the Senate;
"(iv) the Minority Leader of the Senate;
"(v) the Secretary of the Senate; and
"(vi) the Clerk of the House of Representatives.

"(2) Each member appointed under paragraph (1)(B) shall have knowledge or expertise in United States history, archival management, publishing, library science, or use of legislative records.

"(b) The Secretary of the Senate shall serve as Chairman during the two-year period beginning on January 1, 1991, and the Clerk of the House of Representatives shall serve as Chairman during the two-year period beginning on January 1, 1993. Thereafter, such members shall alternate serving as Chairman for a term of two years.

"(c)(1) Members of the Committee referred to in subsection (a)(1)(A) shall serve only while holding such offices. Members appointed to the Committee under subsection (a)(1)(B) shall serve for a

term of two years, and may be reappointed without limitation. The initial appointments for such terms shall begin on January 1, 1991.

"(2) Any vacancy on the Committee shall not affect the powers of the Committee. Any vacancy in an appointed position on the Committee shall be filled in the same manner in which the original appointment was made.

"(d)(1) No later than thirty days after the date on which the first session of the 102d Congress begins, the Committee shall hold its first meeting. Thereafter, the Committee shall meet semiannually or at the call of a majority of its members.

"(2) Seven members of the Committee shall constitute a quorum, but a lesser number may hold hearings.

"§ 2703. Functions of the Committee

Reports.
Archives and records.

"The Committee shall—

"(1) review the management and preservation of the records of Congress;

"(2) report to and advise the Congress and the Archivist of the United States on such management and preservation; and

"(3)(A) no later than December 31, 1991, conduct a study and submit a report to the Congress on—

"(i) the effect any transfer of records of the National Archives and Records Administration from facilities located in Washington, D.C., to any location outside of Washington, D.C., shall have on the management and preservation of the records of Congress; and

"(ii) the five year plan for the management and preservation of the records of Congress; and

"(B) no later than December 31, 1995, conduct a study to update the report submitted under subparagraph (A)(ii), and submit a report to the Congress.

"§ 2704. Powers of the Committee

"(a) For purposes of carrying out the duties referred to under section 2703, the Committee or, on the authorization of the Committee, any subcommittee or member thereof, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as is appropriate.

"(b) The Committee may secure directly from any department or agency of the United States such information as the Committee may require to carry out the duties referred to under section 2703. Upon request of the Chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

"§ 2705. Compensation and travel expenses

"A member of the Committee may not be paid compensation for service performed as a member of the Committee. However, members of the Committee 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 service for the Committee.

"§ 2706. Administrative provisions

"(a) Upon request of the Committee, the head of any Federal agency is authorized to detail to the Committee, on a nonreimbursable basis, any of the personnel of such agency to assist

the Committee in carrying out the duties referred to under section 2703 and such detail shall be without interruption or loss of civil service status or privilege.

"(b) For purposes of supporting the Committee, the Archivist may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-16 of the General Schedule under section 5332 of such title.".

(2) The table of chapters for title 44, United States Code, is amended by insering after the item relating to chapter 25 of such title the following:

"27. Advisory Committee on the Records of Congress ..... 2701".

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses: $3,725,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided,* That, notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts for goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1991. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $114,461,000, of which up to $250,000 shall be made available to continue the use of job sharing arrangements in agencies as authorized in section 3402 of title 5, United States Code, and of which not less than $400,000 nor more than $1,000,000 shall be made

available for the establishment of Federal health promotion and disease prevention programs for Federal employees; and in addition $74,379,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs: *Provided further,* That amounts authorized to be transferred from the appropriate trust funds for implementation of the Federal Employees' Retirement System automated recordkeeping system in this or prior Acts, may be transferred at any time the Office of Personnel Management deems appropriate: *Provided,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further,* That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further,* That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1991, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles: $4,607,000; and in addition, not to exceed $3,043,000 for administrative expenses to audit the Office of Personnel Management's insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $3,509,563,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of

title 5, United States Code, $8,700,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, $5,687,105,000: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund. 33 USC 776.

REVOLVING FUND

Pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed $12,000.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISION

SECTION 1. Section 8902(k)(1) of title 5, United States Code, is amended—

(1) by striking out "performed by a clinical psychologist or optometrist" and inserting in lieu thereof "performed by a clinical psychologist, optometrist, nurse midwife, or nurse practitioner/clinical specialist"; and

(2) by striking out "qualified clinical social worker or optometrist" and inserting in lieu thereof "qualified clinical social worker, optometrist, nurse midwife, or nurse practitioner/nurse clinical specialist".

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $22,564,000, together with not to exceed $1,500,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of

1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $6,608,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $18,443,000: *Provided,* That public members of the Federal Services Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $31,598,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

26 USC 7443 note.

This title may be cited as the "Independent Agencies Appropriations Act, 1991".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from

hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided,* That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Government procurement.

SEC. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided,* That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

40 USC 490c.

SEC. 507. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 508. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds, is necessary to comply with a final order of the Federal court system.

SEC. 509. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center

of the General Services Administration located in Sacramento, California.

SEC. 510. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 511. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 512. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Marana, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 513. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 514. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

Abortion.

SEC. 515. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 516. The provision of section 515 shall not apply where the life of the mother would be endangered if the fetus were carried to term.

SEC. 517. None of the funds appropriated by this Act may be used to solicit bids, lease space, or enter into any contract to close or consolidate executive seminar centers for the Office of Personnel Management.

SEC. 518. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to thirty

years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

SEC. 519. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1991.

SEC. 520. (a) Notwithstanding any other provision of law, during fiscal year 1991, the authority to establish higher rates of pay under section 5303 of title 5, United States Code, may—

(1) in addition to positions paid under any of the pay systems referred to in subsection (a) of section 5303 of title 5, United States Code, be exercised with respect to positions paid under any other pay system established by or under Federal statute for positions within the executive branch of the Government; and

(2) in addition to the circumstance described in the first sentence of subsection (a) of section 5303 of title 5, United States Code, be exercised based on—

(A) pay rates for the positions involved being generally less than the rates payable for similar positions held—

(i) by individuals outside the Government; or

(ii) by other individuals within the executive branch of the Government;

(B) the remoteness of the area or location involved;

(C) the undesirability of the working conditions or the nature of the work involved, including exposure to toxic substances or other occupational hazards; or

(D) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subparagraph) may identify.

Nothing in paragraph (2) shall be considered to permit the exercise of any authority based on any of the circumstances under such paragraph without an appropriate finding that such circumstances are significantly handicapping the Government's recruitment or retention efforts.

Wages.

(b)(1) A rate of pay established during fiscal year 1991 through the exercise of any additional authority under subsection (a) of section 5303 of title 5, United States Code—

(A) shall be subject to revision or adjustment,

(B) shall be subject to reduction or termination (including pay retention), and

(C) shall otherwise be treated,

in the manner as generally applies with respect to any rate otherwise established under section 5303 of title 5, United States Code.

(2) The President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subsection) may prescribe any regulations necessary to carry out this subsection.

(c) Any additional authority under this section may, during fiscal year 1991, be exercised only to the extent that amounts otherwise appropriated under this Act for purposes of section 5303 of title 5, United States Code, are available.

SEC. 521. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 522. The Office of Personnel Management may, during the fiscal year ending September 30, 1991, accept donations of supplies and equipment for the Federal Executive Institute for the enhancement of the morale and educational experience of attendees at the Institute.

SEC. 523. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

Reports.

SEC. 524. (1) The Secretary of the Treasury shall issue, no later than one hundred and eighty days after the enactment of this Act, to the House Committee on Appropriations and the Senate Committee on Appropriations a report making recommendations on appropriate measures to reduce the Federal expenditures incurred when former Presidents and spouses of former Presidents travel for the purpose of speaking or making an appearance for a payment of money or any thing of value, in excess of any actual and necessary travel expenses.

(2) The Secretary of the Treasury, in consultation with the advisory committee established by Public Law 90-331, shall consider among other expenses, administrative expenses and expenses associated with Secret Service protection, and shall determine what methods of reimbursement would be feasible to offset expenditures by the Federal Government that are associated with such speeches or appearances by former Presidents or spouses of former Presidents.

SEC. 525. The United States Secret Service may, during the fiscal year ending September 30, 1991, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 526. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 527. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 528. (a) Notwithstanding any other law and in any fiscal year— 28 USC 509 note.

(1) The Attorney General shall accept, and Federal departments and agencies, including the United States Secret Service, the Internal Revenue Service, the Resolution Trust Corporation, and the appropriate Federal banking agency, may provide, without reimbursement, the services of attorneys, law enforcement personnel, and other employees of any other departments or agencies of the Federal Government to assist the Department of Justice, subject to the supervision of the Attorney General, in the investigation and prosecution of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation; Government employees.

(2) any attorney of a department or agency whose services are accepted pursuant to paragraph (1) may, subject to the supervision of the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, and perform any other investigative or prosecutorial function, which United States attorneys are authorized by law to conduct or perform whether or not the attorney is a resident of the district in which the proceeding is brought; and

(3) law enforcement personnel of the United States Secret Service are authorized, subject to the supervision of the Attorney General, to conduct or perform any kind of investigation, civil or criminal, related to fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation, which the Department of Justice law enforcement personnel are authorized by law to conduct or perform: *Provided,* That the Secret Service shall not initiate investigations pursuant to this section independent of the supervision of the Attorney General.

(b) This section—

(1) shall not, except as expressly provided herein, alter the authority of any Federal law enforcement agency; and

(2) shall expire with the authority of the Resolution Trust Corporation or its successor.

(c) This section applies notwithstanding any other provision of law enacted by the 101st Congress after October 15, 1990, that by its terms would grant authority to, or otherwise affect the authority of, the Secret Service or other departments or agencies of the Federal Government to conduct or to assist the Department of Justice in conducting investigations or prosecutions of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation, and any other such provision shall not be effective in granting or otherwise affecting any such authority.

SEC. 529. FEDERAL EMPLOYEES PAY COMPARABILITY ACT OF 1990. Federal Employees Pay Comparability Act of 1990.

SECTION 1. SHORT TITLE; RULES OF CONSTRUCTION. 5 USC 5301 note.

(a) SHORT TITLE.—This section, and the sections immediately following this section through section 412, inclusive, may be cited as the "Federal Employees Pay Comparability Act of 1990" (hereinafter in this section referred to as "FEPCA").

(b) RULES OF CONSTRUCTION.—(1) Except as otherwise expressly provided, any reference (actual or implicit) in FEPCA (outside of this

section) to "this Act" (or to any title, section, or other designated provision of "this Act") shall be construed to be a reference to FEPCA (or the corresponding provision within FEPCA).

(2) Except as otherwise expressly provided, any reference (actual or implicit) in any provision of this Act outside of FEPCA to "this Act" (or to any title, section, or other designated provision of "this Act"), and any reference made in any provision of law outside of this Act to the "Treasury, Postal Service and General Government Appropriations Act, 1991" (or to any title, section, or other designated provision of such Act), shall be construed disregarding the provisions of FEPCA.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; rules of construction.
Sec. 2. Table of contents.

TITLE I—AMENDMENTS RELATING TO BASIC PAY

Sec. 101. Annual adjustments to statutory pay rates; locality-based comparability adjustments; other matters.
Sec. 102. Pay for positions above GS-15 and certain other positions.
Sec. 103. Pay for critical positions.
Sec. 104. Administrative law judges and contract appeals board members.
Sec. 105. Special occupational pay systems.
Sec. 106. Elimination of GS-11 threshold for new appointees to be paid above minimum rates.
Sec. 107. Advances of pay.
Sec. 108. Reemployment of retirees.
Sec. 109. New pay structure for the police forces of the Bureau of Engraving and Printing and the United States Mint.
Sec. 110. Compensation of standing trustees appointed under titles 11 and 28, United States Code.
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Sec. 202. Uniform allowances.
Sec. 203. Differential for physical hardship or hazard.
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TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Budget Act compliance.
Sec. 302. Interim geographic adjustments.
Sec. 303. Pay rates for current employees.
Sec. 304. Senior Biomedical Research Service.
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Sec. 401. Short title.
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Sec. 403. Special rates for law enforcement officers.
Sec. 404. Special pay adjustments for law enforcement officers in selected cities.
Sec. 405. Same benefits for other law enforcement officers.

Sec. 406. FBI New York Field Division.
Sec. 407. Relocation payments.
Sec. 408. Incentive bonus for foreign language capabilities.
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Sec. 410. Overtime rates.
Sec. 411. Other premium pay.
Sec. 412. Reporting requirement.

TITLE I—AMENDMENTS RELATING TO BASIC PAY

SEC. 101. ANNUAL ADJUSTMENTS TO STATUTORY PAY RATES; LOCALITY-BASED COMPARABILITY PAYMENTS; OTHER MATTERS.

(a) GENERALLY.—(1) Subchapter I of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER I—PAY COMPARABILITY SYSTEM

"§ 5301. Policy

"It is the policy of Congress that Federal pay fixing for employees under the General Schedule be based on the principles that—

"(1) there be equal pay for substantially equal work within each local pay area;

"(2) within each local pay area, pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with non-Federal pay rates for the same levels of work within the same local pay area; and

"(4) any existing pay disparities between Federal and non-Federal employees should be completely eliminated.

"§ 5302. Definitions

"For the purpose of this subchapter—

"(1) the term 'statutory pay system' means a pay system under—

"(A) subchapter III, relating to the General Schedule;

"(B) section 403 of the Foreign Service Act of 1980, relating to the Foreign Service of the United States; or

"(C) chapter 73 of title 38, relating to the Veterans Health Services and Research Administration;

"(2) the term 'ECI' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics;

"(3) the 'base quarter' for any year is the 3-month period ending on September 30 of such year;

"(4) the term 'pay agent' means the agent designated by the President under section 5304(d)(1);

"(5) the term 'locality' or 'pay locality' means any locality, as established or modified under section 5304;

"(6) the term 'pay disparity', as used with respect to a locality, means the extent to which rates of pay payable under the General Schedule are generally lower than the rates paid for the same levels of work by non-Federal workers in the same locality; except as otherwise required in this subchapter, a pay disparity shall be expressed as a single percentage which, if uniformly applied to employees within the locality who are receiving rates of pay under the General Schedule, would cause the rates payable to such employees to become substantially equal (when considered in the aggregate) to the rates paid to

non-Federal workers for the same levels of work in the same locality;

"(7) the term 'comparability payment' means a payment payable under section 5304;

"(8) the term 'rates of pay under the General Schedule', 'rates of pay for the General Schedule', or 'scheduled rates of basic pay' means—

"(A) the rates of basic pay set forth in the General Schedule; and

"(B) in the case of an employee covered by the performance management and recognition system, the rates of basic pay under chapter 54; and

"(9) the term 'General Schedule position' means any position to which subchapter III applies (including any position under the performance management and recognition system).

"§ 5303. Annual adjustments to pay schedules

"(a) Effective as of the first day of the first applicable pay period beginning on or after January 1 of each calendar year, the rates of basic pay for each statutory pay system shall be increased by the percentage (rounded to the nearest one-tenth of 1 percent) equal to one-half of 1 percentage point less than the percentage by which the ECI for the base quarter of the year before the preceding calendar year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

President.

"(b)(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President should consider the pay adjustment which would otherwise be required by subsection (a) in any year to be inappropriate, the President shall—

"(A) prepare and transmit to Congress before September 1 of the preceding calendar year a plan for such alternative pay adjustments as he considers appropriate, together with the reasons therefor; and

"(B) adjust the rates of pay of each statutory pay system, in accordance with such plan, effective on the same day as the increase under subsection (a) would otherwise take effect.

"(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including, but not limited to, the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures.

"(3) The President shall include in the report to Congress under paragraph (1)(A) his assessment of the impact that the alternative pay adjustments under this subsection will have on the Government's ability to recruit and retain well-qualified employees.

"(c) The rates of basic pay that take effect under this section—

"(1) shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith, any prior rates of basic pay under the statutory pay system involved (as last adjusted under this section or prior provisions of law); and

Federal Register, publication.

"(2) shall be printed in the Federal Register and the Code of Federal Regulations.

"(d) An increase in rates of basic pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335.

"(e) This section does not impair any authority pursuant to which rates of basic pay may be fixed by administrative action.

"(f) Pay may not be paid, by reason of any provision of this section (disregarding any comparability payment payable), at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule.

"(g) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agency or agencies as the President may designate.

"§ 5304. Locality-based comparability payments

"(a) Pay disparities shall be identified and reduced as follows:

"(1) Comparability payments shall be payable within each locality determined to have a pay disparity greater than 5 percent.

"(2)(A) The localities having pay disparities, and the size of those disparities, shall, for purposes of any comparability payment scheduled to take effect in any calendar year, be determined in accordance with the appropriate report, as prepared and submitted to the President under subsection (d)(1) for purposes of such calendar year.

"(B) Any computation necessary to determine the size of the comparability payment to become payable for any locality in a year (as well as any determination as to the size of any pay disparity remaining after that comparability payment is made) shall likewise be made using data contained in the appropriate report (described in subparagraph (A)) so prepared and submitted for purposes of such calendar year.

"(3) Subject to paragraphs (4) and (5), the amount of the comparability payments payable under this subsection in a calendar year within any locality in which a comparative payment is payable shall be computed using such percentage as the President determines for such locality under subsection (d)(2), except that—

"(A) the percentage for the first calendar year in which any amounts are payable under this section may not be less than ⅕ of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(B) the percentage for the second calendar year in which any amounts are payable under this section may not be less than 3/10 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(C) the percentage for the third calendar year in which any amounts are payable under this section may not be less than ⅖ of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(D) the percentage for the fourth calendar year in which any amounts are payable under this section may not be less than ½ of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(E) the percentage for the fifth calendar year in which any amounts are payable under this section may not be less

than ⅗ of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(F) the percentage for the sixth calendar year in which any amounts are payable under this section may not be less than 7/10 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(G) the percentage for the seventh calendar year in which any amounts are payable under this section may not be less than ⅘ of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(H) the percentage for the eighth calendar year in which any amounts are payable under this section may not be less than 9/10 of the amount needed to reduce the pay disparity of the locality involved to 5 percent;

"(I) the percentage for the ninth calendar year in which any amounts are payable under this section, and any year thereafter, may not be less than the full amount necessary to reduce the pay disparity of the locality involved to 5 percent;

"(4) Nothing in this section shall be considered to preclude the President, in his discretion, from adjusting comparability payments to a level higher than the minimum level otherwise required in a calendar year, including to the level necessary to eliminate a locality's pay disparity completely.

"(b) After the ninth calendar year (referred to in subsection (a)(3)(I)), the level of comparability payments payable within such locality may be reduced for any subsequent calendar year, but only if, or to the extent that, the reduction would not immediately create another pay disparity in excess of 5 percent within the locality (taking into consideration any comparability payments remaining payable).

"(c)(1) The amount of the comparability payment payable within any particular locality during a calendar year—

"(A) shall be stated as a single percentage, which shall be uniformly applicable to General Schedule positions within the locality; and

"(B) shall, for any employee entitled to receive a comparability payment, be computed by applying that percentage to such employee's scheduled rate of basic pay (or, if lower due to a limitation on the rate payable, the rate actually payable), subject to subsection (g).

"(2) A comparability payment—

"(A) shall be considered to be part of basic pay for purposes of retirement under chapter 83 or 84, as applicable, life insurance under chapter 87, and premium pay under subchapter V of chapter 55, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe; and

"(B) shall be paid in the same manner and at the same time as the basic pay payable to such employee pursuant to any provision of law outside of this section.

"(3) Nothing in this subchapter shall be considered to permit or require that any portion of a comparability payment be taken into account for purposes of any adjustment under section 5303.

"(4)(A) Only employees receiving scheduled rates of basic pay (subject to any pay limitation which may apply) shall be eligible for comparability payments under this section.

"(B) Comparability payments shall not be payable for service performed in any position which may not, under subsection (f)(1)(A), be included within a pay locality.

"(d) In order to carry out this section, the President shall— President.

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under subsection (e) (but not later than 13 months before the start of the calendar year for purposes of which it is prepared), a report that—

"(A) compares the rates of pay under the General Schedule with the rates of pay generally paid to non-Federal workers for the same levels of work within each pay locality, as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) based on data from such surveys, identifies each locality in which a pay disparity exists and specifies the size of each such pay disparity (before and after taking into consideration any comparability payments payable);

"(C) makes recommendations for appropriate comparability payments, in conformance with applicable requirements of this section; and

"(D) includes the views and recommendations submitted under subsection (e);

"(2) after considering the report of his agent (including the views and recommendations referred to in subsection (e)(2)(C), provide for or adjust comparability payments in conformance with applicable requirements of this section, effective as of the beginning of the first applicable pay period commencing on or after January 1 of the applicable year; and

"(3) transmit to Congress a report of the actions taken under paragraph (2) (together with a copy of the report submitted to him by his agent, including the views and recommendations referred to in subsection (e)(2)(C)) which shall— Reports.

"(A) identify each pay locality;

"(B) specify which localities have pay disparities in excess of 5 percent, and the size of the disparity existing in each of those localities, according to the pay agent's most recent report under paragraph (1) (before and after taking into consideration any comparability payments payable); and

"(C) indicate the size of the respective comparability payments (expressed as percentages) which will be in effect under paragraph (2) for the various pay localities specified under subparagraph (B) for the applicable calendar year.

"(e)(1) The President shall establish a Federal Salary Council of 9 members, of whom— President.

"(A) 3 shall be chosen from among persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy; and

"(B) 6 shall be representatives of employee organizations which represent substantial numbers of employees holding General Schedule positions, and who shall be selected giving due consideration to such factors as the relative numbers of employees represented by the various organizations, except that not more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations.

Members of the Council shall not receive pay by reason of their service on the Council, nor shall members who are not otherwise employees of the United States be considered employees by reason of any such service. The President shall designate one of the members to serve as Chairman of the Federal Salary Council. One of the 3 members under subparagraph (A) may be the Chairman of the Federal Prevailing Rate Advisory Committee, notwithstanding the restriction under section 5347(a)(1), and such individual may also be designated to serve as Chairman of the Federal Salary Council.

"(2) The pay agent shall—

"(A) provide for meetings with the Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(i) the establishment or modification of pay localities;

"(ii) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (d)(1)(A) (including, but not limited to, the occupations, establishment sizes, and industries, to be surveyed, and how pay localities are to be surveyed);

"(iii) the process of comparing the rates of pay payable under the General Schedule with rates of pay for the same levels of work performed by non-Federal workers; and

"(iv) the level of comparability payments that should be paid in order to eliminate or reduce pay disparities in accordance with the requirements of this section;

"(B) give thorough consideration to the views and recommendations of employee organizations not represented on the Council regarding the subjects in subparagraph (A)(i)–(iv); and

"(C) include in its report to the President the views and recommendations submitted as provided in this subsection by the Council, by any member of the Council, and by employee organizations not represented on the Council.

"(f)(1) The pay agent may provide for such pay localities as the pay agent considers appropriate, except that—

"(A) each General Schedule position (excluding any outside the continental United States, as defined in section 5701(6)) shall be included with a pay locality; and

"(B) the boundaries of pay localities shall be determined based on appropriate factors which may include local labor market patterns, commuting patterns, and practices of other employers.

Regulations.

"(2)(A) The establishment or modification of any such boundaries shall be effected by regulations which, notwithstanding subsection (a)(2) of section 553, shall be promulgated in accordance with the notice and comment requirements of such section.

"(B) Judicial review of any regulation under this subsection shall be limited to whether or not it was promulgated in accordance with the requirements referred to in subparagraph (A).

"(g)(1) Except as provided in paragraph (2), comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the employee involved, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(2) For positions under subparagraphs (A)–(E) of subsection (h)(1), the applicable maximum under this subsection shall be level III of the Executive Schedule.

"(h)(1) For the purpose of this subsection, the term 'position' means—

"(A) a position to which section 5376 applies (relating to certain senior-level positions);

"(B) a Senior Executive Service position under section 3132;

"(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service under section 3151;

"(D) a position to which section 5372 applies (relating to administrative law judges appointed under section 3105);

"(E) a position to which section 5372a applies (relating to contract appeals board members); and

"(F) a position within an Executive agency not covered under any of the preceding subparagraphs, the rate of basic pay for which is (or, but for this section, would be) less than the rate payable for level V of the Executive Schedule;

but does not include—

"(i) a position to which subchapter IV applies (relating to prevailing rate systems); or

"(ii) a position as to which a rate of pay is authorized under section 5377 (relating to critical positions).

"(2)(A) Notwithstanding subsection (c)(4) or any other provision of this section, but subject to subparagraph (B) and paragraph (3), upon the request of the head of an Executive agency with respect to 1 or more categories of positions, the President may provide that each employee of such agency who holds a position within such category, and within the particular locality involved, shall be entitled to receive comparability payments.

"(B) A request by an agency head or exercise of authority by the President under subparagraph (A) shall cover—

"(i) with respect to the positions under subparagraphs (A) through (E) of paragraph (1), all positions described in the subparagraph or subparagraphs involved (excluding any under clause (i) or (ii) of such paragraph); and

"(ii) with respect to positions under paragraph (1)(F), such positions as may be considered appropriate (excluding any under clause (i) or (ii) of paragraph (1)).

"(3) Comparability payments under this subsection—

"(A) may be paid only in any calendar year in which comparability payments under the preceding provisions of this section are payable with respect to General Schedule positions within the same locality;

"(B) shall be payable, within the locality involved, for the entirety of each calendar year for which authority is granted by the President;

"(C) shall be computed using the same percentage as is applicable, for the calendar year involved, with respect to General Schedule positions within the same locality; and

"(D) shall be subject to the applicable limitation under subsection (g).

"(i) The Office of Personnel Management may prescribe regulations, consistent with the provisions of this section, governing the payment of comparability payments to employees.

"§ 5304a. Authority to fix an alternative level of comparability payments

President.

"(a) If, because of national emergency or serious economic conditions affecting the general welfare, the President should consider the level of comparability payments which would otherwise be payable under section 5304 in any year to be inappropriate, the President shall—

Reports.

"(1) prepare and transmit to Congress, at least 1 month before those comparability payments (disregarding this section) would otherwise become payable, a report describing the alternative level of payments which the President instead intends to provide, including the reasons why such alternative level is considered necessary; and

"(2) implement the alternative level of payments beginning on the same date as would otherwise apply, for the year involved, under section 5304.

"(b) The requirements set forth in paragraphs (2) and (3), respectively, of section 5303(b) shall apply with respect to any decision to exercise any authority to fix an alternative level of comparability payments under this section.

"§ 5305. Special pay authority

"(a) Whenever the President finds that the Government's recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are, or are likely to become, significantly handicapped, due to any of the circumstances described in subsection (b), he may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of basic pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each such grade or level. However, a minimum rate so established may not exceed the maximum pay rate prescribed by statute for the grade or level by more than 30 percent, and no rate may be established under this section (disregarding any amount payable under subsection (g)) in excess of the rate of basic pay payable for level V of the Executive Schedule. The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management or, in the case of individuals not subject to the provisions of this title governing appointment in the competitive service, by such other agency as he may designate.

"(b) The circumstances referred to in subsection (a) are—

"(1) rates of pay offered by non-Federal employers being significantly higher than those payable by the Government within the area, location, occupational group, or other class of positions under the pay system involved;

"(2) the remoteness of the area or location involved;

"(3) the undesirability of the working conditions or the nature of the work involved (including exposure to toxic substances or other occupational hazards); or

"(4) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of subsection (a)) considers appropriate.

"(c) Authority under subsection (a) may be exercised with respect to positions paid under—

"(1) a statutory pay system; or

"(2) any other pay system established by or under Federal statute for civilian positions within the executive branch.

"(d) Within the limitations applicable under the preceding provisions of this section, rates of pay established under this section may be revised from time to time by the President or by such agency as he may designate. The actions and revisions have the force and effect of statute.

"(e) An increase in a rate of basic pay established under this section is not an equivalent increase in pay within the meaning of section 5335.

"(f) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system specified in subsection (c) of this section, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.

"(g)(1) The benefit of any comparability payments under section 5304 shall be available to individuals receiving rates of basic pay established under this section to such extent as the President (or his designated agency) considers appropriate, subject to paragraph (2) and subsection (h).

"(2) Payments under this subsection may not be made if, or to the extent that, when added to basic pay otherwise payable, such payments would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

"(h) The rate of basic pay payable to an individual under this section may not, at any time, be less than the rate which would then be payable to such individual (taking comparability payments under section 5304 into account) if this section had never been enacted.

"§ 5306. Pay fixed by administrative action

"(a) Notwithstanding sections 1341, 1342, and 1349–1351 and subchapter II of chapter 15 of title 31—

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b–3 of title 40, and the Superintendent of Garages, House office buildings; and

"(C) persons employed by the county committees established under section 590h(b) of title 16; and

"(2) and minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of a pay adjustment under section 5303 (or prior corresponding provision of law)), and any monetary limitation on or monetary

allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1);

may be adjusted, by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5303 (or prior provision of law), by whichever of the following methods the appropriate authority concerned considers appropriate—

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5303 for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5303; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations of allowances with respect to pay, by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5303.

"(b) An adjustment under subsection (a) in rates of pay, minimum or maximum rates of pay, the monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"(e) Pay may not be paid, by reason of any exercise of authority under this section, at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule.

"§ 5307. Limitation on certain payments

"(a) Except as otherwise permitted by or under law, no allowance, differential, bonus, award, or other similar cash payment under this title may be paid to an employee in a calendar year if, or to the extent that, when added to the total basic pay paid or payable to such employee for service performed in such calendar year as an employee in the executive branch (or as an employee outside the executive branch to whom chapter 51 applies), such payment would cause to the total to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year.

"(b)(1) Any amount which is not paid to an employee in a calendar year because of the limitation under subsection (a) shall be paid to such employee in a lump sum at the beginning of the following calendar year.

"(2) Any amount paid under this subsection in a calendar year shall be taken into account for purposes of appying the limitations under subsection (a) with respect to such calendar year.

"(3) Paragraph (1) shall not apply to an amount if, or to the extent that, it is attributable to a payment the authority for which would derive from section 4505a(d), 5753(e), or 5754(e).

"(c) The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section, including regulations (consistent with section 5582) concerning how a lump-sum payment under subsection (b) shall be made with respect to any employee who dies before an amount payable to such employee under subsection (b) is made.". Regulations.

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by striking the matter relating to subchapter I and inserting the following new matter:

"SUBCHAPTER I—PAY COMPARABILITY SYSTEM

"Sec.
"5301. Policy.
"5302. Definitions.
"5303. Annual adjustments to pay schedules.
"5304. Locality-based comparability payments.
"5304a. Authority to fix an alternative level of comparability payments.
"5305. Special pay authority.
"5306. Pay fixed by administrative action.
"5307. Limitation on certain payments.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 403 of the Foreign Service Act of 1980 (22 U.S.C. 3963) is amended by striking "subchapter I of chapter 53" and inserting "section 5303".

(2)(A) Section 256(g)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(g)(2)(A)) is amended by striking "5301(c)" and inserting "5302(1)".

(B) Section 732(b)(6) of title 31, United States Code, is amended by striking "5301(a)" and inserting "5301".

(3)(A) Section 3326(b)(2) of title 5, United States Code, is amended by striking "5303" and inserting "5305".

(B) Section 5363(a)(2) of title 5, United States Code, is amended by striking "5303 of this title;" and inserting "5305 of this title (or corresponding prior provision of this title);".

(C) Section 5405(f) of title 5, United States Code, is amended—

(i) by striking "5303 of this title," and inserting "5305 of this title (or corresponding prior provision of this title),"; and

(ii) by striking "such section 5303." and inserting "such section 5305 (or corresponding prior provision).".

(D) Section 325(b)(2) of title 31, United States Code, is amended by striking "(except section 5303)," and inserting "(except section 5305, or corresponding prior provision of such title),".

(E) Sections 5542(a), 5543, and 5545(c)(1) of title 5, United States Code, are amended by inserting after "GS-10" each place it occurs the following: "(including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law)".

(4)(A) Section 5318 of title 5, United States Code, is amended by striking "5305" and inserting "5303".

(B) Section 5382(c) of title 5, United States Code, is amended—

(i) in the first sentence, by striking "5305" and inserting "5303"; and

(ii) by striking the second sentence.

(C) Section 5403(a) of title 5, United States Code, is amended by striking "5305" and inserting "5303".

(D) Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking "5305" and inserting "5303".

(E) Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-1) is amended by striking "5305" each place it appears and inserting "5303".

(F) Section 5 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-2) is amended—

(i) in subsection (a) (in the matter before paragraph (1)), by striking "(a)" through "then" and inserting "(a) Whenever an adjustment under section 5303 becomes effective with respect to rates of pay under the General Schedule,";

(ii) in subsection (a)(1)(A), by striking "pay adjustment by the President);" and inserting "adjustment);"; and

(iii) in subsection (a)(1) (in the matter after subparagraph (B)), by striking "pay adjustment made by the President;" and inserting "adjustment under such section 5303;".

(G) The provisions of House Resolution 1495, Ninety-fourth Congress (as enacted into law by section 115 of the Legislative Branch Appropriations Act, 1978 (2 U.S.C. 84a-1)) is amended by striking "5305" each place it appears and inserting "5303".

(H) Section 256(g)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(g)(1)) is amended—

(i) by inserting "(as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990)" after "any such statutory pay system"; and

(ii) by striking "5305" and inserting "5303".

(I) Section 104 of title 3, United States Code, is amended by striking "5305" and inserting "5303".

(J) Section 461(a) of title 28, United States Code, is amended by striking "5305" and inserting "5303".

42 USC 254*l*.

(K) Section 338A(g)(3) of the Public Health Service Act (42 U.S.C. 2541(g)(3)) is amended by striking "(as set forth in the report transmitted to the Congress under section 5305 of title 5, United States Code)" and inserting "(under section 5303 of title 5, United States Code)".

(5) The second proviso under the head "Senate Office Buildings" contained in the Legislative Branch Appropriation Act, 1972, as amended by Public Law 94-59 (40 U.S.C. 174j-8) is amended by striking "5307" and inserting "5306".

(6)(A) Section 5382(b) of title 5, United States Code, is amended by striking "5308" and inserting "5306(e)".

(B) Section 8431 of title 5, United States Code, is amended by striking "5308" and inserting "5303(e), 5304(g),".

(C) Section 9314 of title 10, United States Code, is amended by striking "5308" and inserting "5306(e)".

(7) Section 5383(b)(1) of title 5, United States Code, is amended by striking "5304(j)," after 4507,".

(8)(A) Section 207 of title 18, United States Code, as amended by section 101 of Public Law 101-194 (103 Stat. 1716) and section 2 of Public Law 101-280 (104 Stat. 149) is amended—

(i) in subsection (c)(2) by striking subparagraph (A)(ii) and inserting the following:

"(ii) employed in a position which is not referred to in clause (i) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under section 5302 of title 5 (or any comparable adjustment pursuant to interim authority of the President), is equal to or

greater than the rate of basic pay payable for level V of the Executive Schedule;"; and

(ii) in subsection (e) by striking paragraph (6) and inserting the following:

"(6) LIMITATION ON RESTRICTIONS.—(A) The restrictions contained in paragraphs (2), (3), and (4) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed.

"(B) The restrictions contained in paragraph (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5 (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the basic rate of pay payable for level V of the Executive Schedule.".

(B) The amendments made by subparagraph (A) take effect on January 1, 1991.

Effective date.
18 USC 207 note.

(9)(A) Section 3132(a)(2) of title 5, United States Code, is amended by striking "in GS-16, 17, or 18 of the General Schedule" and inserting "classified above GS-15 pursuant to section 5108".

(B) Section 3304a(a) of title 5, United States Code, is amended by striking "in GS-16, 17, or 18)" and inserting "in a position classified above GS-15 pursuant to section 5108)".

(C)(i) Section 3324(a) of title 5, United States Code, is amended by striking "in GS-16, 17, or 18" and inserting "classified above GS-15 pursuant to section 5108".

(ii) The heading for such section 3324 is amended by striking "at GS-16, 17, or 18" and inserting "to positions classified above GA-15".

(iii) The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3324 and inserting the following:

"3324. Appointments to positions classified above GS-15.".

(D) Section 3405(b) of title 5, United States Code, is amended by striking "fixed for GS-16 of the General Schedule." and inserting "payable under section 5376.".

(E) Section 3594(c)(1)(A) of title 5, United States Code, is amended by striking "at GS-15 or above of the General Schedule" and inserting "at GS-15 of the General Schedule or classified above GS-15 pursuant to section 5108,".

(F) Section 5102(c)(25) of title 5, United States Code, is amended by striking "maximum rate for GS-18;" and inserting "rate for level V of the Executive Schedule;".

(G) Section 5109(b) of title 5, United States Code, is amended by striking "is classified at GS-18" through the period and inserting "shall be considered a position classified above GS-15 pursuant to section 5108.".

(H) Section 5373 of title 5, United States Code, is amended by striking "maximum rate for GS-18." and inserting "rate for level IV of the Executive Schedule.".

(I) The first sentence of section 5382(b) of title 5, United States Code, is amended by striking "for GS-16 of the General Schedule" and inserting "under section 5376".

(J) Section 5595(a)(2)(i) of title 5, United States Code, is amended—

(i) by striking "employee, other" and inserting "employee (other";

(ii) by inserting "or an employee whose pay is fixed under section 5376)" before "whose rate"; and

(iii) by striking "GS-18;" and inserting "the Executive Schedule;".

(K) Section 8476(d)(1) of title 5, United States Code, is amended by striking "grade GS-18 of the General Schedule" and inserting "level IV of the Executive Schedule".

2 USC 60a-2.

(10) Section 3(b) of Public Law 92-298 and section 14(b) of Public Law 92-392 shall be treated as if (as of their respective dates of enactment) the phrase "to read as follows:" contained in each, had instead read "by striking the matter before subparagraph (A) and inserting the following:".

5 USC 5376 note.

(c) OTHER REFERENCES.—Until otherwise provided by law—

(1) any reference in a provision of law (which is outside title 5, United States Code, and in effect immediately before this section takes effect, excluding any reference in a provision of law amended by this Act)—

(A)(i) to the rate of pay for grade GS-18 of the General Schedule, or to the maximum rate of pay under the General Schedule, shall be considered a reference to the maximum rate payable under section 5376 of such title (as amended by section 102(a));

(ii) to the minimum rate of pay for grade GS-16 of the General Schedule shall be considered a reference to the minimum rate payable under section 5376 of such title (as amended by section 102(a)); and

(iii) to a rate of pay for grade GS-16 or 17 of the General Schedule shall (except as provided in clause (ii)) be considered a reference to a rate of pay for a position classified above GS-15 pursuant to section 5108 of such title (as amended by section 102(b)(2)); and

(B) to a rate of pay under the General Schedule shall not include any comparability payment payable under section 5304 of such title (as amended by this section) or any geographic adjustment payable under section 302; and

(2) any authority granted by a provision of law (which is outside such title, and in effect immediately before this section takes effect) to fix pay in accordance with chapter 51 and subchapter III of chapter 53 of such title—

(A) shall not be considered to include any authority under section 5304 of such title (as amended by this section) or section 302; but

(B) shall be considered to include authority under section 5376 of such title (as amended by section 102(a)), if applicable.

5 USC 5376 note.

(d) REGULATIONS.—The Office of Personnel Management may prescribe regulations, consistent with subsection (c)(1)(B) and section 303, governing the conversion or adjustment of rates of pay, where necessary because of the abolishment of grades GS-16, 17, and 18 of the General Schedule.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the total funds dedicated to adjustments under sections 5303 and 5304 for any year be no less than the total funds that would have been dedicated to adjustments under such section 5303 for such year had the full change in the ECI been applied to pay rates for such year.

SEC. 102. PAY FOR POSITIONS ABOVE GS-15 AND CERTAIN OTHER POSITIONS.

(a) IN GENERAL.—(1) Subchapter VII of chapter 53 of title 5, United States Code, is amended by adding after section 5375 the following new section:

"§ 5376. Pay for certain senior-level positions

"(a) This section applies to—

"(1) positions that are classified above GS-15 pursuant to section 5108; and

"(2) scientific or professional positions established under section 3104;

but does not apply to—

"(A) any Senior Executive Service position under section 3132; or

"(B) any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service under section 3151.

"(b)(1) Subject to such regulations as the Office of Personnel Management prescribes, the head of the agency concerned shall fix the rate of basic pay for any position within such agency to which this section applies. A rate fixed under this section shall be—

"(A) not less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

"(B) not greater than the rate of basic pay payable for level IV of the Executive Schedule.

The payment of a rate of basic pay under this section shall not be subject to the pay limitation of section 5306(e) or 5373.

"(2) Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of pay under the General Schedule, each rate of pay established under this section for positions within an agency shall be adjusted by such amount as the head of such agency considers appropriate.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following new item:

"5376. Pay for certain senior-level positions.".

(b) AMENDMENTS TO CHAPTER 51 OF TITLE 5, UNITED STATES CODE.—(1) Section 5104 of title 5, United States Code, is amended—

(A) in the second sentence, by striking "18"; and

(B) by striking paragraphs (16) through (18).

(2) Section 5108 of title 5, United States Code, is amended to read as follows:

"§ 5108. Classification of positions above GS-15

"(a) The Office of Personnel Management may, for any Executive agency—

"(1) establish, and from time to time revise, the maximum number of positions which may at any one time be classified above GS-15; and

"(2) establish standards and procedures (including requiring agencies, where necessary in the judgment of the Office, to obtain the prior approval of the Office) in accordance with which positions may be classified above GS-15;

President.

"(b) The President, rather than the Office, shall exercise the authority under subsection (a) in the case of positions proposed to be placed in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.".

(c) EXCLUSION FROM SUBCHAPTER III OF CHAPTER 53.—Section 5331(b) of title 5, United States Code, is amended to read as follows:

"(b) This subchapter applies to employees and positions to which chapter 51 applies, other than Senior Executive Service positions, positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and positions to which section 5376 applies.".

SEC. 103. PAY FOR CRITICAL POSITIONS.

(a) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, is amended by section 102, is further amended by adding at the end the following new section:

"§ 5377. Pay authority for critical positions

"(a) For the purpose of this section—

"(1) the term 'agency' has the meaning given it by section 5102; and

"(2) the term 'position' means—

"(A) a position to which chapter 51 applies, including a position in the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;

"(B) a position under the Executive Schedule under sections 5312-5317;

"(C) a position to which section 5372 applies (or would apply, but for this section); and

"(D) a position to which section 5372a applies (or would apply, but for this section).

"(b) Authority under this section—

"(1) may be granted or exercised only with respect to a position—

"(A) which requires expertise of an extremely high level in a scientific, technical, professional, or administrative field; and

"(B) which is critical to the agency's successful accomplishment of an important mission; and

"(2) may be granted or exercised only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

"(c) The Office of Management and Budget, in consultation with the Office of Personnel Management, may, upon the request of the head of an agency, grant authority to fix the rate of basic pay for 1 or more positions in such agency in accordance with this section.

"(d)(1) The rate of basic pay fixed under this section by an agency head may not be less than the rate of basic pay (including any

comparability payments) which would then otherwise be payable for the position involved if this section had never been enacted.

"(2) Basic pay may not be fixed under this section at a rate greater than the rate payable for level I of the Executive Schedule, except upon written approval of the President.

"(e) The authority to fix the rate of basic pay under this section for a position shall terminate—

"(1) whenever the Office of Management and Budget determines (in accordance with such procedures and subject to such terms or conditions as such Office by regulation prescribes) that 1 or more of the requirements of subsection (b) are no longer met; or

"(2) as of such date as such Office may otherwise specify, except that termination under this paragraph may not take effect before the authority has been available for such position for at least 1 calendar year.

"(f) The Office of Management and Budget may not authorize the exercise of authority under this section with respect to more than 800 positions at any time, of which not more than 30 may, at any such time, be positions the rate of basic pay for which would otherwise be determined under subchapter II.

"(g) The Office of Management and Budget shall consult with the Office of Personnel Management before prescribing regulations under this section or making any decision to grant or terminate any authority under this section.

"(h) The Office of Management and Budget shall report to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate each year, in writing, on the operation of this section. Each report under this subsection shall include— Reports.

"(1) the number of positions, in the aggregate and by agency, for which higher rates of pay were authorized or paid under this section during any part of the period covered by such report; and

"(2) the name of each employee to whom a higher rate of pay was paid under this section during any portion of the period covered by such report, the rate on rates paid under this section during such period, the dates between which each such higher rate was paid, and the rate or rates that would have been paid but for this section.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, as amended by section 102, is further amended by adding at the end the following new item:

"5377. Pay authority for critical positions.".

SEC. 104. ADMINISTRATIVE LAW JUDGES AND CONTRACT APPEALS BOARD MEMBERS.

(a) PAY PROVISIONS.—(1) Section 5372 of title 5, United States Code, is amended to read as follows:

"§ 5372. Administrative law judges

"(a) For the purposes of this section, the term 'administrative law judge' means an administrative law judge appointed under section 3105.

"(b)(1) There shall be 3 levels of basic pay for administrative law judges (designated as AL-1, 2, and 3, respectively), and each such judge shall be paid at 1 of those levels, in accordance with the

provisions of this section. The rates of basic pay for those levels shall be as follows:

"AL-3, rate A	65 percent of the rate of basic pay for level IV of the Executive Schedule.
"AL-3, rate B	70 percent of the rate of basic pay for level IV of the Executive Schedule.
"AL-3, rate C	75 percent of the rate of basic pay for level IV of the Executive Schedule.
"AL-3, rate D	80 percent of the rate of basic pay for level IV of the Executive Schedule.
"AL-3, rate E	85 percent of the rate of basic pay for level IV of the Executive Schedule.
"AL-3, rate F	90 percent of the rate of basic pay for level IV of the Executive Schedule.
"AL-2	95 percent of the rate of basic pay for level IV of the Executive Schedule.
"AL-1	The rate of basic pay for level IV of the Executive Schedule.

Regulations.

"(2) The Office of Personnel Management shall determine, in accordance with procedures which the Office shall by regulation prescribe, the level in which each administrative-law-judge position shall be placed and the qualifications to be required for appointment to each level.

"(3)(A) Upon appointment to a position in AL-3, an administrative law judge shall be paid at rate A of AL-3, and shall be advanced successively to rates B, C, and D of that level upon completion of 52 weeks of service in the next lower rate, and to rates E and F of that level upon completion of 104 weeks of service in the next lower rate.

"(B) The Office of Personnel Management may provide for appointment of an administrative law judge in AL-3 at an advanced rate under such circumstances as the Office may determine appropriate.

Regulations.

"(c) The Office of Personnel Management shall, prescribe regulations necessary to administer this section.".

(2) Subchapter VII of chapter 53 of title 5, United States Code, is amended by inserting before section 5373 the following new section:

"§ 5372a. Contract appeals board members

"(a) For the purpose of this section—

"(1) the term 'contract appeals board member' means a member of an agency board of contract appeals appointed under section 8 of the Contract Disputes Act of 1978; and

"(2) the term 'appeals board' means an agency board of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978.

"(b) Rates of basic pay for contract appeals board members shall be as follows:

"(1) Chairman of an appeals board—the rate of basic pay payable for level IV of the Executive Schedule.

"(2) Vice chairman of an appeals board—97 percent of the rate under paragraph (1).

"(3) Other members of an appeals board—94 percent of the rate under paragraph (1).

Federal Register, publication.

"(c) Rates of pay taking effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting before the item relating to section 5373 the following new item:

"5372a. Contract appeals board members.".

(c) AMENDMENTS TO 5 U.S.C. 5311.—Section 5311 of title 5, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a)".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 5102(c) of title 5, United States Code, is amended—

(A) in paragraph (27), by striking "or";

(B) in paragraph (28), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new items:

"(29) administrative law judges appointed under section 3105; or

"(30) members of agency boards of contract appeals appointed under section 8 of the Contract Disputes Act of 1978.".

(2) Section 5335(a)(B) of title 5, United States Code, is amended by striking ", except an administrative law judge appointed under section 3105 of this title,".

(3) Section 428(b) of the Black Lung Benefits Act (30 U.S.C. 938(b)) is amended by striking the sentence beginning "Each administrative law judge presiding" and inserting "Each administrative law judge presiding under this section and under the provisions of titles I, II and III of this Act shall receive compensation at a rate determined under section 5372 of title 5, United States Code.".

(4) Section 8(b) of the Contract Disputes Act of 1978 is amended— 41 USC 607.

(A) in paragraph (1), by striking the last 2 sentences thereof and inserting the following: "Compensation for the chairman, the vice chairman, and all other members of an agency board shall be determined under section 5372a of title 5, United States Code."; and

(B) in paragraph (2), by striking the last 2 sentences thereof and inserting the following: "The chairman and all other members of such board shall receive compensation, at the daily equivalent of the rates determined under section 5372a of title 5, United States Code, for each day they are engaged in the actual performance of their duties as members of the board.".

(e) CONVERSION RULE FOR ALJs.—In making initial pay adjustments for administrative law judges after this section and the amendments made by this section take effect, the rate of basic pay for any such judge shall, upon conversion to the new pay system, be at least equal to the rate which was payable to that individual immediately before such conversion. 5 USC 5372 note.

SEC. 105. SPECIAL OCCUPATIONAL PAY SYSTEMS.

(a) IN GENERAL.—(1) Chapter 53 of title 5, United States Code, is amended by inserting after subchapter VIII the following new subchapter:

"SUBCHAPTER IX—SPECIAL OCCUPATIONAL PAY SYSTEMS

"5391. Definitions.
"5392. Establishment of special occupational pay systems.

"§ 5391. Definitions

"For the purposes of this subchapter, 'agency', 'employee', and 'position' have the meanings given them by section 5102.

"§ 5392. Establishment of special occupational pay systems

"(a) Authority under this section may be exercised with respect to any occupation or group of occupations to which subchapter III applies (or would apply but for this section).

"(b) Subject to subsection (a), the President's pay agent (as referred to in section 5304(d)) may establish one or more special occupational pay systems for any positions within occupations or groups of occupations that the pay agent determines, for reasons of good administration, should not be classified under chapter 51 or subject to subchapter III.

"(c) In establishing special occupational pay systems, the pay agent shall—

"(1) identify occupations or groups of occupations for which chapter 51 and subchapter III do not function adequately;

"(2) consider alternative approaches for determining the pay for employees in positions in such occupations or groups of occupations;

"(3) give thorough consideration to the views of agencies employing such employees and labor organizations representing such employees, as well as other interested parties;

Federal Register, publication.

"(4) publish a proposed plan for determining the pay of such employees in the Federal Register;

"(5) conduct one or more public hearings;

Reports.

"(6) provide each House of Congress with a report at least 90 days in advance of the date the system is to take effect setting forth the details of the proposed plan; and

Federal Register, publication.

"(7) not later than 30 days before the date the system is to take effect, publish in the Federal Register the details of the final plan for the special occupational pay system.

"(d) A special occupational pay system may not—

"(1) provide for a waiver of any law, rule, or regulation that could not be waived under section 4703(c); or

"(2) provide a rate of basic pay for any employee in excess of the rate payable for level V of the Executive Schedule.

"(e) Subject to subsection (d)(2), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of pay under the General Schedule, each rate of pay established under this section shall be adjusted by such amount as the Office considers appropriate.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding at the end the following new matter:

"SUBCHAPTER IX—SPECIAL OCCUPATIONAL PAY SYSTEMS

"Sec.
"5391. Definitions.
"5392. Establishment of special occupational pay systems.".

(b) PAY RETENTION.—(1) Section 5361(5) of title 5, United States Code, is amended by inserting "a special occupational pay system under subchapter IX," before "or".

(2) Section 5363(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" after the semicolon;

(B) in paragraph (3), by inserting "or" after the semicolon; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) who is in a position subject to this subchapter and who is subject to a reduction or termination of a rate of pay established under subchapter IX of chapter 53;".

SEC. 106. ELIMINATION OF GS-11 THRESHOLD FOR NEW APPOINTEES TO BE PAID ABOVE MINIMUM RATES.

Section 5333(a) of title 5, United States Code, is amended by striking "in GS-11 or above".

SEC. 107. ADVANCES OF PAY.

(a) IN GENERAL.—Subchapter III of chapter 55 of title 5, United States Code, is amended by inserting after section 5524 the following new section:

"§ 5524a. Advance payments for new appointees

"(a) The head of each agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to any individual who is newly appointed to a position in the agency.

"(b)(1) Subject to adjustment of the account of an employee under paragraph (2) and other applicable statutes, the advance payment of basic pay shall be made, under agency procedures governing advance payments under this section, at the initial rate of basic pay to be payable to the employee upon the commencement of service in the position to which appointed.

"(2) The head of each agency shall provide for—

"(A) the review of the account of each employee of the agency in receipt of any payment under this section; and

"(B) the adjustment of the amount of any such payment on the basis of the rate of basic pay to which the employee would have been entitled under applicable statute other than this section for the respective periods covered by the payments, if the employee had performed active service under the terms of such employee's appointment during each period in the position to which appointed.

"(c) An advance payment under this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or such employee's estate by—

"(1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and

"(2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance payment under this section if it is shown that the recovery would be against equity and good conscience or against the public interest.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5524 the following new item:

"5524a. Advance payments for new appointees.".

SEC. 108. REEMPLOYMENT OF RETIREES.

(a) AMENDMENT TO 5 U.S.C. 5532.—Section 5532 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

Regulations.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).".

(b) AMENDMENT TO 5 U.S.C. 8344.—Section 8344 of title 5, United States Code, is amended by adding at the end the following new subsection;

"(i)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

Regulations.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for terminating a delegation of authority under paragraph (1)(B).

"(3) An employee to whom a waiver under subparagraph (A) or (B) of paragraph (1) applies shall not be deemed an employee for the purposes of this chapter or chapter 84 while such waiver is in effect.".

(c) AMENDMENT TO 5 U.S.C. 8468.—Section 8468 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency—

"(A) waive the application of the preceding provisions of this section on a case-by-case basis for employees in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

"(B) grant authority to the head of such agency to waive the application of the preceding provisions of this section, on a case-by-case basis, for an employee serving on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

Regulations.

"(2) The Office shall prescribe regulations for the exercise of any authority under this subsection, including criteria for any exercise

of authority and procedures for terminating a delegation of authority under paragraph (1)(B).

"(3) An employee to whom a waiver under subparagraph (A) or (B) of paragraph (1) applies shall not be deemed an employee for the purposes of chapter 83 or this chapter while such waiver is in effect.".

SEC. 109. NEW PAY STRUCTURE FOR THE POLICE FORCES OF THE BUREAU OF ENGRAVING AND PRINTING AND THE UNITED STATES MINT.

(a) AMENDMENTS.—(1)(A) Subchapter VII of chapter 53 of title 5, United States Code, as amended by sections 102 and 103, is further amended by adding at the end the following new section:

"§ 5378. Police forces of the Bureau of Engraving and Printing and the United States Mint

"(a) The Secretary of the Treasury shall fix the rates of basic pay for positions within the police forces of the Bureau of Engraving and Printing and the United States Mint in accordance with the following:

"(1) Entry-level police officer—not more than the maximum rate payable for GS-6.

"(2) Journeyman-level police officer—not more than the maximum rate payable for GS-7.

"(3) Corporal—not more than the maximum rate payable for GS-8.

"(4) Sergeant—not more than the maximum rate payable for GS-9.

"(5) Lieutenant—not more than the maximum rate payable for GS-10.

"(6) Deputy Inspector—not more than the maximum rate payable for GS-11.

"(7) Inspector—not more than the maximum rate payable for GS-12.

"(b) For the purpose of this section, the term 'police forces of the Bureau of Engraving and Printing and the United States Mint' means the employees of the Department of the Treasury who are appointed, under the authority of the Secretary of the Treasury, as police officers for the protection of the Bureau of Engraving and Printing and the United States Mint buildings and property.".

(B) The table of sections for subchapter VII of chapter 53 of title 5, United States Code, as amended by sections 102 and 103, is further amended by adding at the end the following new item:

"5378. Police forces of the Bureau of Engraving and Printing and the United States Mint.".

(2) Section 5102(c)(5) of title 5, United States Code, is amended—

(A) by striking "and members" and inserting "members"; and

(B) by adding "and members of the police forces of the Bureau of Engraving and Printing and the United States Mint whose pay is fixed under section 5378 of this title;" after the last semicolon.

(b) SPECIAL PAY RATES NOT AFFECTED.—Nothing in this section or in any amendment made by this section shall— 5 USC 5378 note.

(1) affect any special pay rate under section 5305 of title 5, United States Code, established before this section takes effect; or

(2) impair any authority to fix or adjust special pay rates under such section 5305 (or a succeeding provision of law) for positions within the police forces of the Bureau of Engraving and Printing and the United States Mint.

5 USC 5378 note.

(c) EFFECTIVE DATE; CONVERSION AND SAVINGS PROVISIONS.—(1) This section and the amendments made by this section shall become effective on the first day of the first applicable pay period beginning on or after the 30th day following the date of enactment of this Act.

(2)(A) A special pay rate (as defined in subparagraph (B)) shall apply to an individual holding a position if—

(i) as a result of the initial exercise of authority with respect to such position under the amendment made by subsection (a)(1)(A), such individual would (but for this paragraph) be paid—

(I) at the step of the grade for which such special pay rate is then in effect; or

(II) at a level which is between steps for which special pay rates are then in effect; and

(ii) such position is within the area or location with respect to which that special pay rate or those special pay rates, as applicable, are then in effect.

Regulations.

The Secretary of the Treasury shall prescribe regulations for determining which special pay rate shall apply in a situation described in clause (i)(II).

(B) For the purpose of this paragraph, the term "special pay rate" means a rate which—

(i) is established under section 5303 of title 5, United States Code (or a succeeding provision of law);

(ii) is applicable to positions within the police forces of the Bureau of Engraving and Printing and the United States Mint; and

(iii) has been in effect (including any adjustments under section 5303(d) of such title) since on or before the effective date of this section.

(3) No rate of basic pay in effect immediately before this section takes effect shall be reduced by reason of the enactment of this section.

SEC. 110. COMPENSATION OF STANDING TRUSTEES APPOINTED UNDER TITLES 11 AND 28, UNITED STATES CODE.

(a) COMPENSATION.—Section 586(e)(1)(A) of title 28, United States Code, is amended to read as follows:

"(A) a maximum annual compensation for such individual consisting of—

"(i) an amount not to exceed the highest annual rate of basic pay in effect for level V of the Executive Schedule; and

"(ii) the cash value of employment benefits comparable to the employment benefits provided by the United States to individuals who are employed by the United States at the same rate of basic pay to perform similar services during the same period of time; and".

28 USC 586 note.

(b) APPLICATION TO ALL STANDING TRUSTEES.—The amendment made by subsection (a) shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-54; 100 Stat. 3121) apply.

SEC. 111. PAY-FOR-PERFORMANCE LABOR-MANAGEMENT COMMITTEE. 5 USC 5301 note.

(a) POLICY.—It is the policy of Congress that—

(1) the Federal Government should institute systems for determining pay for its General Schedule employees under which the linkage between their performance and their pay will be strengthened;

(2) the design of such systems should be developed by the Office of Personnel Management, in conjunction with the Pay-for-Performance Labor-Management Committee;

(3) the systems should provide flexibility to adapt to the different needs of different agencies and organizational components in the Federal Government; and

(4) any legislation needed to implement the systems should be enacted in a timely fashion so as to permit implementation of the system by October 1, 1993.

(b) ESTABLISHMENT.—The Office of Personnel Management shall establish a Pay-for-Performance Labor-Management Committee to advise the Office on the design and establishment of systems for strengthening the linkage between the performance of General Schedule employees and their pay.

(c) MEMBERSHIP.—The members of the Committee shall be—

(1) a Chairman, who shall be appointed by the Director of the Office of Personnel Management on the basis of the appointee's education, training, and experience as an expert in compensation practices, and after consultation with the Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives, respectively;

(2) an employee of the Office of Personnel Management, designated by the Director of such Office;

(3) an employee of the Department of Defense, designated by the Secretary of Defense;

(4) 3 individuals, each of whom shall be an employee designated by the head of each of 3 other departments or agencies selected by the Director of the Office of Personnel Management from among departments and agencies having substantial numbers of General Schedule employees; and

(5) 6 individuals appointed by the Director of the Office of Personnel Management to serve as representatives of employee organizations which represent substantial numbers of General Schedule employees, and who shall be selected with due consideration to such factors as the relative numbers of General Schedule employees represented by the various organizations, except that not more than 3 members of the Committee at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations.

(d) PAY FOR MEMBERS.—The Chairman shall be paid at a rate of basic pay for the Senior Executive Service, to be determined by the Director of the Office of Personnel Management. The members of the Committee who are otherwise employees of the Federal Government shall not receive any additional pay by reason of their service on the Committee. The members of the Committee who are not otherwise employees of the Federal Government shall not be paid for their service on the Committee and shall not be considered

employees of the Federal Government for any purpose by reason of their service on the Committee.

(e) ADMINISTRATIVE SUPPORT.—The Office of Personnel Management may provide staff and administrative support for the Committee.

(f) FUNCTIONS.—The Committee shall review available reports and studies on performance evaluation and performance-based pay systems (including a report to be prepared by the National Academy of Sciences) and any other pertinent information.

(g) REPORT TO THE OFFICE OF PERSONNEL MANAGEMENT.—No later than 1 year after the date of enactment of this Act, the Committee shall submit a report to the Director of the Office of Personnel Management, which shall include recommendations as to—

(1) the types of pay raises to be covered;

(2) guidelines for pay-for-performance systems, including the criteria to be used in determining eligibility for and the amount of increases in basic pay above the midpoint of the pay range;

(3) the role organization performance should play in pay-for-performance systems;

(4) any differences in pay-for-performance systems for different categories of employees;

(5) the role for employee organizations in the implementation and operation of pay-for-performance systems; and

(6) whether demonstration projects on pay-for-performance are desirable.

42 USC 3501 note.

SEC. 112. POSITION TITLES IN CERTAIN DEPARTMENTS.

(a) CHANGE IN POSITION TITLE.—(1) The position of Under Secretary of Health and Human Services, established by section 2 of Reorganization Plan No. 1 of 1953 (67 Stat. 631), is retitled the Deputy Secretary of Health and Human Services.

(2) The Act of May 9, 1935 (49 Stat. 177, 43 U.S.C. 1452) is amended by striking "Under Secretary" and inserting "Deputy Secretary".

(3) The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(A) in section 104(3) (20 U.S.C. 3404(3)), by striking "Under Secretary" both places it appears and inserting "Deputy Secretary"; and

(B) in section 202(a) (20 U.S.C. 3412(a))—

(i) in the first sentence, by striking "an Under Secretary" and inserting "a Deputy Secretary"; and

(ii) in subsequent sentences, by striking "Under Secretary" each place it appears and inserting "Deputy Secretary".

(4) The first sentence of section 4(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(a)) is amended by striking "an Under Secretary" and inserting "a Deputy Secretary".

(b) COMPENSATION OF DEPUTY SECRETARIES.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Secretary of Health and Human Services.

"Deputy Secretary of the Interior.

"Deputy Secretary of Education.

"Deputy Secretary of Housing and Urban Development.".

20 USC 3404 note.

(c) CONSTRUCTION OF REFERENCES.—Any reference in any statute, reorganization plan, regulation, executive order, or any document issued pursuant thereto in force on the date this section takes effect

to the Under Secretary of Health and Human Services, the Under Secretary of the Interior, the Under Secretary of Education, or the Under Secretary of Housing and Urban Development shall be deemed to be a reference to the Deputy Secretary of Health and Human Services, the Deputy Secretary of the Interior, the Deputy Secretary of Education, or the Deputy Secretary of Housing and Urban Development, respectively.

(d) CONFORMING AMENDMENTS.—Section 5314 of title 5, United States Code, is amended by striking the following:

"Under Secretary of Health and Human Services.

"Under Secretary of the Interior.

"Under Secretary of Education.

"Under Secretary of Housing and Urban Development.".

(e) EFFECTIVE DATE; CONTINUED SERVICE BY INCUMBENTS.—(1) This section shall take effect on the first day of the first pay period that begins on or after the date of enactment of this Act.

20 USC 3404 note.

(2)(A) The incumbent in the position of Under Secretary of Health and Human Services on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Health and Human Services at the pleasure of the President after such day.

(B) The incumbent in the position of Under Secretary of the Interior on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of the Interior at the pleasure of the President after such day.

(C) The incumbent in the position of Under Secretary of Education on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Education at the pleasure of the President after such day.

(D) The incumbent in the position of Under Secretary of Housing and Urban Development on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Housing and Urban Development at the pleasure of the President after such day.

SEC. 113. DIRECTOR OF THE CENSUS BUREAU.

Title 5, United States Code, is amended—

(1) in section 5316, by striking the item relating to the Director, Bureau of the Census, Department of Commerce; and

(2) in section 5315, by adding at the end the following:

"Director, Bureau of the Census, Department of Commerce.".

TITLE II—AMENDMENTS RELATING TO AWARDS, ALLOWANCES, DIFFERENTIALS, AND OTHER RELATED MATTERS

SEC. 201. TIME OFF FROM DUTY AS AN INCENTIVE AWARD.

Section 4502 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding section 4501(2), for the purpose of this subsection, 'employee' includes an employee covered by the performance management and recognition system established under chapter 54.

"(2) The Office of Personnel Management may by regulation permit agencies to grant employees time off from duty, without loss of pay or charge to leave, as an award in recognition of superior accomplishment or other personal effort that contributes to the quality, efficiency, or economy of Government operations.".

SEC. 202. UNIFORM ALLOWANCES.

(a) AMENDMENTS TO SECTION 5901 OF TITLE 5, UNITED STATES CODE.—Section 5901(a) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "an amount' through the period and inserting "such sums as may be necessary to carry out this subchapter."; and

(2) by striking "$125 a year" each place it appears and inserting "$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).".

(b) AMENDMENTS TO SECTIONS 5902 AND 5903 OF TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended by striking sections 5902 and 5903 and inserting the following:

"§ 5902. Increase in maximum uniform allowance

"The Office of Personnel Management may, from time to time, by regulation adjust the maximum amount for the cost of uniforms and the maximum allowance for uniforms under section 5901.

"§ 5903. Regulations

"The Office of Personnel Management may prescribe such regulations as it considers necessary for the administration of this subchapter.".

SEC. 203. DIFFERENTIAL FOR PHYSICAL HARDSHIP OR HAZARD.

Section 5545(D) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "irregular or intermittent"; and

(2) in paragraph (1), by striking "thereof;" and inserting "thereof, except in such circumstances as the Office may by regulation prescribe;".

SEC. 204. EXCEPTION FROM LIMITATION ON PREMIUM PAY.

Section 5547 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting after "GS-15" the following: "(including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law)"; and

(2) by amending subsection (b) to read as follows:

"(b)(1) Subject to regulations prescribed by the Office of Personnel Management, the first sentence of subsection (a) shall not apply to an employee who is paid premium pay by reason of work in connection with an emergency which involves a direct threat to life or property, including a forest wildfire emergency.

"(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) if, or to the extent that, the aggregate of such employee's basic pay and premium pay under those provisions would, in any calendar year, exceed the maximum rate payable for GS-15 in effect at the end of such calendar year.".

SEC. 205. HEALTH CARE POSITIONS.

(A) IN GENERAL.—Section 5371 of title 5, United States Code, is amended to read as follows:

"§ 5371. Health care positions

"(a) For the purposes of this section, 'health care' means direct patient-care services or services incident to direct patient-care services.

"(b) The Office of Personnel Management may, with respect to any employee described in subsection (c), provide that 1 or more provisions of chapter 73 of title 38 shall apply—

"(1) in lieu of any provision of chapter 51 or 61, or any other provision of this chapter; or

"(2) notwithstanding any lack of specific authority for a matter with respect to which chapter 51 or 61, or this chapter, relates.

"(c) Authority under subsection (b) may be exercised with respect to any employee holding a position—

(1) to which chapter 51 applies, excluding any Senior Executive Service position and any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service; and

(2) which involves health care responsibilities.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by striking the item relating to section 5371 and inserting the following:

"5371. Health care positions.".

SEC. 206. TRAVEL AND TRANSPORTATION EXPENSES FOR CANDIDATES AND NEW APPOINTEES.

(a) INTERVIEW EXPENSES.—(1) Chapter 57 of title 5, United States Code, is amended by inserting after section 5706a the following new section:

"§ 5706b. Interview expenses

"An individual being considered for employment by an agency may be paid travel or transportation expenses under this subchapter for travel to and from pre-employment interviews determined necessary by the agency.".

(2) The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5706a the following new item:

"5706b. Interview expenses.".

(b) OTHER EXPENSES.—Section 5723(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking "a position" through "shortage," and inserting "any position,"; and

(2) in subparagraph (C), by striking "the minimum rate of pay prescribed for GS-16; and" and inserting "the minimum rate of pay payable for a position classified above GS-15 pursuant to section 5108; and".

SEC. 207. PERFORMANCE-BASED CASH AWARDS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4505 the following new section:

"§ 4505a. Performance-based cash awards

"(a)(1) An employee whose most recent performance rating was at the fully successful level or higher (or the equivalent thereof) may be paid a cash award under this section.

"(2)(A) A cash award under this section shall be equal to an amount determined appropriate by the head of the agency, but may not be more than 10 percent of the employee's annual rate of basic pay. Notwithstanding the preceding sentence, the agency head may authorize a cash award equal to an amount exceeding 10 percent of the employee's annual rate of basic pay if the agency head determines that exceptional performance by the employee justifies such an award, but in no case may an award under this section exceed 20 percent of the employee's annual rate of basic pay.

"(B) For purposes of computing a percentage of a rate of basic pay under subparagraph (A), the rate of basic pay used shall be determined without taking into account any comparability payment under section 5304.

"(b)(1) A cash award under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.

"(2) The failure to pay a cash award under this section, or the amount of such an award, may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 or under any of the laws referred to in section 2302(d).

Regulations.

"(c) The Office shall prescribe such regulations as it considers necessary for the administration of subsections (a) and (b).

"(d) At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (c) to prescribe any necessary regulations).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4505 the following new item:

"4505a. Performance-based cash awards.".

SEC. 208. RECRUITMENT, RELOCATION, AND RETENTION PAYMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following new sections:

"§ 5753. Recruitment and relocation bonuses

"(a) The Office of Personnel Management may authorize the head of an agency to pay a bonus to an employee who is newly appointed to a position under the General Schedule, or to an employee under the General Schedule or under any other pay authority in the executive, legislative, or judicial branch who must relocate to accept a position under the General Schedule, if the Office determines that the agency would be likely, in the absence of such a bonus, to encounter difficulty in filling the position.

"(b)(1)(A) The amount of a bonus under this section shall be determined by regulations of the Office, but may not exceed 25 percent of the annual rate of basic pay of the position to which the employee is being appointed or relocated.

"(B) For purposes of computing a percentage of a rate of basic pay under subparagraph (A), the rate of basic pay used shall be determined without taking into account any comparability payment under section 5304.

"(2) Payment of a bonus under this section shall be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, with the required period determined pursuant to regulations of the Office. If the employee voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the employee shall repay the bonus on a pro rata basis. Government contracts.

"(3) A bonus under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.

"(4) Under regulations of the Office, a recruitment bonus may be paid to a newly-hired employee before the employee enters on duty.

"(c) For the purpose of this section—

"(1) the terms 'agency' and 'employee' have the meanings given them by section 5102; and

"(2) any reference to 'a position under the General Schedule' or 'an employee under the General Schedule' shall be considered to be a reference to any position or employee to which subchapter III of chapter 53 applies.

"(d) The Office shall prescribe such regulations as it considers necessary for the administration of subsections (a) through (c). Regulations.

"(e) At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (d) to prescribe any necessary regulations).

"§ 5754. Retention allowances

"(a) The Office of Personnel Management may authorize the head of an agency to pay an allowance to an employee under the General Schedule if—

"(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee; and

"(2) the agency determines that the employee would be likely to leave in the absence of a retention allowance.

"(b)(1) A retention allowance, which shall be stated as a percentage of the rate of basic pay (excluding any comparability payments under section 5304) of the employee, may not exceed 25 percent of such rate of basic pay.

"(2) A retention allowance may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a retention allowance may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 or under any of the laws referred to in section 2302(d).

"(3) A retention allowance shall be paid at the same time and in the same manner as the employee's basic pay is paid.

"(c) For the purpose of this section—

"(1) the terms 'agency' and 'employee' have the meanings given them by section 5102; and

"(2) any reference to 'an employee under the General Schedule' shall be considered to be a reference to any employee holding a position to which subchapter III of chapter 53 applies.

"(d) The Office shall prescribe such regulations as it considers necessary for the administration of subsections (a) through (c). Regulations.

"(e) At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (d) to prescribe any necessary regulations).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding after the item relating to section 5752 the following new items:

"5753. Recruitment and relocation bonuses.
"5754. Retention allowances.

5 USC 5305 note.

SEC. 209. STAFFING DIFFERENTIALS.

(a) IN GENERAL.—Effective on the first day of the first applicable pay period beginning on or after January 1, 1991, the President may establish staffing differentials equal to 5 percent of basic pay, which may be paid to each General Schedule employee whose position is in—

(1) grade GS-5 or 7 of the General Schedule; or

(2) a 2-grade-interval occupational series, as determined by the Office of Personnel Management.

(b) MANNER OF PAYMENT; REDUCTION OR ELIMINATION.—A staffing differential under this section—

(1) shall be paid in the same manner and at the same time as the employee's basic pay is paid, but may not be considered to be part of basic pay for any purpose; and

(2) may be reduced or eliminated by the Office of Personnel Management in its sole discretion as the amendments made by this Act take effect, except that no such reduction or elimination shall have the effect of reducing the total amount of pay (determined by adding basic pay and staffing differential) which any employee is receiving.

SEC. 210. PREMIUM PAY AMENDMENTS.

Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542, by adding at the end the following new subsection:

"(c) Subsection (a) shall not apply to an employee who is subject to the overtime pay provisions of section 7 of the Fair labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid nonwork status shall be deemed to be hours of work.";

(2) in section 5543(a)(1), by inserting after "payment" the following: "under section 5542 or section 7 of the Fair Labor Standards Act of 1938"; and

(3) in section 5544, by adding at the end of subsection (a) "This section, other than the sixth sentence, shall not be applicable to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid nonwork status shall be deemed to be hours of work.".

SEC. 211. SUPERVISORY DIFFERENTIALS.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, as amended by section 208, is further amended by adding at the end the following:

§ 5755. Supervisory differentials

"(a)(1) The Office of Personnel Management may authorize the head of an agency to pay a differential to an employee under the General Schedule who has supervisory responsibility for 1 or more employees not under the General Schedule, if 1 or more of the subordinate employees would, in the absence of such a differential, be paid more than the supervisory employee.

"(2) For the purposes of comparing the pay of a supervisory employee under the General Schedule with the pay of a subordinate employee not under the General Schedule, comparability payments under section 5304, differentials, and allowances that are not a part of basic pay may be taken into consideration, as provided by regulations of the Office.

"(b)(1) A supervisory differential, which shall be stated as a percentage of the supervisory employee's rate of basic pay (excluding any comparability payments under section 5304) or as a dollar amount, may not cause the supervisory employee's pay to exceed the pay of the highest paid subordinate employee by more than 3 percent.

"(2) A supervisory differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a supervisory differential may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 or under any of the laws referred to in section 2302(d).

"(3) A supervisory differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(c) For the purpose of this section—

"(1) the terms 'agency' and 'employee' have the meanings given them by section 5102; and

"(2) any reference to 'an employee under the General Schedule' shall be considered to be a reference to any employee holding a position to which subchapter III of chapter 53 applies.

"(d) The Office shall prescribe such regulations as it considers necessary for the administration of this section.". Regulations.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 5333 of title 5, United States Code, is amended—

(A) in the section heading, by striking "; higher rates for supervisors of prevailing rate employees";

(B) in subsection (a), by striking "(a)"; and

(C) by striking subsection (b).

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by striking the item relating to section 5333 and inserting the following:

"5333. Minimum rate for new appointments.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. BUDGET ACT COMPLIANCE. 5 USC 5301 note.

For purposes of the Congressional Budget Act of 1974, any authority to make payments under this Act or any amendment made by

this Act shall be effective only to the extent provided for in advance in appropriation Acts.

5 USC 5304 note.

SEC. 302. INTERIM GEOGRAPHIC ADJUSTMENTS.

(A) DEFINITIONS.—For the purpose of this section—

(1) the term "area" means any consolidated metropolitan statistical area, primary metropolitan statistical area, or metropolitan statistical area, with at least 5,000 General Schedule employees; and

(2) the term "pay relative" shall have the meaning given such term under regulations prescribed by the Bureau of Labor Statistics.

(b) AUTHORITY.—(1) The President may establish geographic adjustments of up to 8 percent of basic pay which may be paid to each General Schedule employee (including an employee covered by the performance management and recognition system) whose duty station is within any area where such adjustment is needed (as determined under paragraph (2)).

President.

(2) In determining areas where an interim geographic adjustment is needed, the President shall consider available evidence of significant pay disparities, including BLS information on pay relatives and relevant commercial surveys, and recruitment or retention problems.

(c) ADMINISTRATION.—(1) An adjustment under this section shall be administered, to the extent practicable, in the same manner as locality-based comparability payments under subchapter I of chapter 53 of title 5, United States Code (as amended by this Act), including in terms of—

(A) the basic pay to which a percentage is applied in computing an amount payable under this section;

(B) the purposes for which any amount under this section is to be considered part of basic pay;

(C) the time and manner in which amounts under this section are to be paid (including any maximum rate limitation); and

(D) the authority of the President, upon request of an agency head, to extend this section to employees who would not otherwise be covered.

(2) No amount payable under this section shall be taken into account in any survey or computation under, or for any other purpose in the administration of, section 5304 of title 5, United States Code (as so amended).

President.

(c) COMMENCEMENT AND TERMINATION RULES.—(1) The effective date of an adjustment under this section shall be as determined by the President, but not later than January 1, 1994.

(2)(A) The size of any payments under this section may be reduced or terminated after the amendments made by section 101 of this Act take effect, except that the reduction or termination of a payment under this section may not have the effect of reducing, for the individual involved, the total rate at which additional forms of basic pay (as defined in subparagraph (B)) are payable to such individual.

(B) The total rate to which subparagraph (A) applies is the sum of—

(i) the rate at which comparability payments (under section 5304 of title 5, United States Code, as amended by such Act) are payable; and

(ii) the rate at which payments under this section are payable.

(d) EMPLOYEES RECEIVING SPECIAL PAY RATES.—The President (or his designated agent) shall determine what, if any, geographic adjustment shall be payable under this section in the case of an employee whose rate of pay is fixed under section 5303 of title 5, United States Code, as in effect before the date of enactment of this Act. President.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 303. PAY RATES FOR CURRENT EMPLOYEES. 5 USC 5301 note.

Nothing in this Act or in any amendment made by this Act shall have the effect of diminishing the rate of basic pay payable to any individual employed by the United States on the date of the enactment of this Act to a rate below the rate payable to such individual on such date, so long as that individual continues in such position without a break in service.

SEC. 304. SENIOR BIOMEDICAL RESEARCH SERVICE.

(a) IN GENERAL.—Title II of the Public Health Service Act is amended by adding at the end the following:

"SENIOR BIOMEDICAL RESEARCH SERVICE

"SEC. 228. (a) There shall be in the Public Health Service a Senior Biomedical Research Service (hereinafter in this section referred to as the 'Service'), not to exceed 350 members at any time. Establishment. 42 USC 237.

"(b) The Service shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, regarding appointment, and shall consist of individuals outstanding in the field of biomedical research or clinical research evaluation. No individual may be appointed to the Service unless such individual (1) has earned a doctoral level degree in biomedicine or a related field, and (2) meets the qualification standards prescribed by the Office of Personnel Management for appointment to a position at GS-15 of the General Schedule. Notwithstanding any previous applicability to an individual who is a member of the Service, the provisions of subchapter I of chapter 35 (relating to retention preference), chapter 43 (relating to performance appraisal and performance actions), chapter 51 (relating to classification), subchapter III of chapter 53 (relating to General Schedule pay rates), and chapter 75 (relating to adverse actions) of title 5, United States Code, shall not apply to any member of the Service.

"(c) The Secretary shall develop a performance appraisal system designed to—

"(1) provide for the systematic appraisal of the performance of members, and

"(2) encourage excellence in performance by members.

"(d)(1) The Secretary shall determine, subject to the provisions of this subsection, the pay of members of the Service.

"(2) The pay of a member of the Service shall not be less than the minimum rate payable for GS-15 of the General Schedule and shall not exceed the rate payable for level I of the Executive Schedule unless approved by the President under section 5377(d)(2) of title 5, United States Code.

"(e) The Secretary may, upon the request of a member who—

"(1) performed service in the employ of an institution of higher education immediately prior to his appointment as a member of the Service, and

"(2) retains the right to continue to make contributions to the retirement system of such institution,

contribute an amount not to exceed 10 percent per annum of the member's basic pay to such institution's retirement system on behalf of such member. A member who requests that such contribution be made shall not be covered by, or earn service credit under, any retirement system established for employees of the United States under title 5, United States Code, but such service shall be creditable for determining years of service under section 6303(a) of such title.

"(f) Subject to the following sentence, the Secretary may, notwithstanding the provisions of title 5, United States Code, regarding appointment, appoint an individual who is separated from the Service involuntarily and without cause to a position in the competitive civil service at GS-15 of the General Schedule, and such appointment shall be a career appointment. In the case of such an individual who immediately prior to his appointment to the Service was not a career appointee in the civil service or the Senior Executive Service, such appointment shall be in the excepted civil service and may not exceed a period of 2 years.

Regulations.

"(g) The Secretary shall promulgate such rules and regulations, not inconsistent with this section, as may be necessary for the efficient administration of the Service.".

42 USC 212.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 211(d) of the Public Health Service Act is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof a new paragraph as follows:

"(4) service performed as a member of the Senior Biomedical Research Service established by section 228, except that, if there are more than 5 years of such service, only the last 5 years thereof may be included.".

42 USC 212 note.

(c) EFFECTIVE DATE.—Except as otherwise provided, the provisions of this section shall be effective on the 90th day following the date of the enactment of this Act.

5 USC 5301 note.

SEC. 305. EFFECTIVE DATE.

(a) GENERALLY.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after the date of enactment of this Act.

(b) SPECIAL RULE.—The first calendar year in which comparability payments under section 5304 of title 5, United States Code (as amended by this Act), are paid shall be the calendar year beginning on January 1, 1994.

5 USC 5301 note.

SEC. 306. ADDITIONAL RULE OF CONSTRUCTION.

Notwithstanding section 1(b), a reference in any of the preceding provisions of this title to "this Act" (other than a reference in section 301) shall not be considered to include any provision of title IV.

TITLE IV—FEDERAL LAW ENFORCEMENT PAY REFORM

Federal Law Enforcement Pay Reform Act of 1990.

SEC. 401. SHORT TITLE.

5 USC 5305 note.

This title may be cited as the "Federal Law Enforcement Pay Reform Act of 1990".

SEC. 402. DEFINITION.

5 USC 5305 note.

For the purposes of this title, except as otherwise provided, the term "law enforcement officer" means any law enforcement officer within the meaning of section 8331(20) or section 8401(17) of title 5, United States Code, with respect to whom the provisions of chapter 51 of such title apply.

SEC. 403. SPECIAL RATES FOR LAW ENFORCEMENT OFFICERS.

5 USC 5305 note.

(a) Notwithstanding the procedures of section 5305 of title 5, United States Code, as amended by section 101 of this Act, or similar provision of law, higher minimum rates and corresponding increases in all step rates of each designated General Schedule grade shall be established for law enforcement officers in accordance with the provisions of this section.

(b)(1) Effective on the first day of the first applicable pay period beginning on or after January 1, 1992, the higher minimum rates to be established are as follows:

GS-3	Step 4
GS-4	Step 4
GS-5	Step 4
GS-6	Step 3
GS-7	Step 3
GS-8	Step 3
GS-9	Step 2
GS-10	Step 2

(2) Effective on the first day of the first applicable pay period beginning on or after January 1, 1993, the higher minimum rates to be established are as follows:

GS-3	Step 7
GS-4	Step 7
GS-5	Step 8
GS-6	Step 6
GS-7	Step 5
GS-8	Step 3
GS-9	Step 2
GS-10	Step 2

(c) The higher minimum rates and corresponding higher rates for each step rate of each designated grade shall apply to every law enforcement officer in the designated grades (except in the case of any law enforcement officer for whom a higher rate is authorized under section 5305 of title 5, United States Code, as amended by section 101 of this Act, or similar provision of law) in the same manner as rates established under section 5305 of such title, as so amended, and may be increased in accordance with subsection (f) of such section 5305.

(d) Any interim entry-level adjustment under section 303 of this Act which a law enforcement officer is receiving shall be eliminated on the day before the effective date of the higher minimum rates under subsection (b)(1).

5 USC 5305 note.

SEC. 404. SPECIAL PAY ADJUSTMENTS FOR LAW ENFORCEMENT OFFICERS IN SELECTED CITIES.

(a) A law enforcement officer shall be paid any applicable special pay adjustment in accordance with the provisions of this section, but such special pay adjustment shall be reduced by the amount of any applicable interim geographic adjustment under section 302 of this Act, any applicable locality-based comparability payment under section 5304 of title 5, United States Code, as amended by section 101 of this Act, and any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law.

(b) Except as provided in subsection (a), effective on the first day of the first applicable pay period beginning on or after January 1, 1992, each law enforcement officer whose post of duty is in one of the following areas shall receive an adjustment, which shall be a percentage of the officer's rate of basic pay, as follows:

Area	Differential
Boston-Lawrence-Salem, MA-NH Consolidated Metropolitan Statistical Area	16%
Chicago-Gary-Lake County, IL-IN-WI Consolidated Metropolitan Statistical Area	4%
Los Angeles-Anaheim-Riverside, CA Consolidated Metropolitan Statistical Area	16%
New York-Northern New Jersey-Long Island, NY-NJ-CT Consolidated Metropolitan Statistical Area	16%
Philadelphia-Wilmington-Trention, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	4%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	16%
San Diego, CA Metropolitan Statistical Area	8%
Washington, DC-MD-VA Metropolitan Statistical Area	4%

(c)(1) A special pay adjustment under this section shall be administered, to the extent practicable, in the same manner as a locality-based comparability payment under section 5304 of title 5, United States Code, as amended by section 101 of this Act, and shall be considered part of basic pay to the same degree as such a locality-based comparability payment.

(2) The Office of Personnel Management may prescribe such regulations as it considers necessary concerning the payment of special pay adjustments to law enforcement officers under this section.

5 USC 5305 note.

SEC. 405. SAME BENEFITS FOR OTHER LAW ENFORCEMENT OFFICERS.

Regulations.

(a) The appropriate agency head (as defined in subsection (c)) shall prescribe regulations under which the purposes of sections 403 and 404 shall be carried out with respect to individuals holding positions described in subsection (b).

(b) This subsection applies with respect to any—

(1) member of the United States Secret Service Uniformed Division;

(2) member of the United States Park Police;

(3) special agent within the Diplomatic Security Service;

(4) probation officer (referred to in section 3672 of title 18, United States Code); or

(5) pretrial services officer (referred to in section 3153 of title 18, United States Code).

(c) For the purposes of this section, the term "appropriate agency head" means—

(1) with respect to any individual under subsection (b)(1), the Secretary of the Treasury;

(2) with respect to any individual under subsection (b)(2), the Secretary of the Interior;

(3) with respect to any individual under subsection (b)(3), the Secretary of State;

(4) with respect to any individual under subsection (b)(4) or (b)(5), the Director of the Administrative Office of the United States Courts.

SEC. 406. FBI NEW YORK FIELD DIVISION. 5 USC 5305 note.

Notwithstanding section 601(a)(2) of Public Law 100-453, as amended, the Office of Personnel Management shall reduce the rate of periodic payments under such section as the provisions of this Act are implemented: *Provided,* That no such reduction results in a reduction of the total pay for any employee of the New York Field Division of the Federal Bureau of Investigation. Notwithstanding such section 601(a)(2), the Office of Personnel Management may make such periodic payments inapplicable to employees newly appointed to, or transferred to, the New York Field Division on or after January 1, 1992.

SEC. 407. RELOCATION PAYMENTS. 5 USC 5305 note.

Notwithstanding section 5753(b)(1)(A) of title 5, United States Code, as added by this Act, a law enforcement officer whose rate of basic pay is less than $60,000 may receive a relocation payment of up to $15,000 under section 5753.

SEC. 408. INCENTIVE BONUS FOR FOREIGN LANGUAGE CAPABILITIES.

(a) Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARD TO LAW ENFORCEMENT OFFICER FOR FOREIGN LANGUAGE CAPABILITIES

"§ 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"§ 4522. General provision

"An award under this subchapter is in addition to the basic pay of the recipient.

"§ 4523. Award authority

"(a) An agency may pay a cash award, up to 5 percent of basic pay, to any law enforcement officer employed in or under such agency who possesses and makes substantial use of 1 or more foreign languages in the performance of official duties.

"(b) Awards under this section shall be paid under regulations prescribed by the head of the agency involved (or designee thereof). Regulations prescribed by an agency head (or designee) under this subsecton shall include— Regulations.

"(1) procedures under which foreign language proficiency shall be ascertained;

"(2) criteria for the selection of individuals for recognition under this section; and

"(3) any other provisions which may be necessary to carry out the purposes of this subchapter.".

(b) The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"4521. Definition.
"4522. General provision.
"4523. Award authority.".

5 USC 5541 note.

(c) Section 6401 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4370) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by adding at the end the following:

"(b) LIMITATION.—The provisions of this section shall apply only to an employee who has received a bonus under this section before January 1, 1992. The provisions of subchapter III of chapter 45 of title 5, United States Code, shall apply to any employee who would otherwise be eligible to receive a bonus under this section, on and after such date.".

Effective date.
5 USC 4521 note.

(d) The amendments made by this section shall be effective on January 1, 1992.

SEC. 409. AGE FOR MANDATORY RETIREMENT.

(a) Section 8335(b) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "law enforcement officer of a"; and

(2) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8336(c) shall be separated from the service on the last day of the month in which that officer becomes 57 years of age or completes 20 years of service if then over that age.".

(b) Section 8425(b) of title 5, United States Code, is amended—

(1) in the first sentence, by striking "law enforcement officer or" each place it appears; and

(2) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which that law enforcement officer become 57 years of age or completes 20 years of service if then over that age.".

Effective date.
5 USC 8335 note.

(c) For the purposes of this section, the effective date shall be the date of enactment of this Act.

SEC. 410. OVERTIME RATES.

(a) Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding paragraph (2) of this subsection, for an employee who is a law enforcement officer (within the meaning of section 8331(20) or 8401(17)), and whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS-10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law), the overtime hourly rate of pay is an amount equal to the greater of—

"(A) one and one-half times the minimum hourly rate of basic pay for GS-10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the hourly rate of basic pay of the employee,

and all that amount is premium pay.".

(b) Section 5547 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) Subsections (a) and (b) shall not apply to a law enforcement officer.

"(2) A law enforcement officer may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) only to the extent that the payment does not cause the officer's aggregate rate of pay for any pay period to exceed the lesser of—

"(A) 150 percent of the minimum rate payable for GS-15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the rate payable for level V of the Executive Schedule.

"(3) For the purposes of this subsection, 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17).".

SEC. 411. OTHER PREMIUM PAY.

(a) Section 5541(2)(iv) of title 5, United States Code, is amended to read as follows:

"(iv) a member of—

"(I) the Metropolitan Police or the Fire Department of the District of Columbia; or

"(II) a member of the United States Secret Service Uniformed Division, a member of the United States Park Police, other than for purposes of section 5545(a) and 5546;".

(b) The amendment made by this section shall be effective on January 1, 1992.

Effective date.
5 USC 5541 note.

SEC. 412. REPORTING REQUIREMENT.

5 USC 5305 note.

Not later than January 1, 1993, the Office of Personnel Management, in consultation with Federal law enforcement agencies and law enforcement employee groups, shall submit to Congress, in writing, a plan to establish a separate pay and classification system for law enforcement officers and specifications for legislation to implement such plan.

SEC. 530. Such sums as may be necessary for fiscal year 1991 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 531. (a) Section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended by striking out "Expenditures for this reimbursement are authorized not to exceed $160,000 in any one fiscal year" and inserting in lieu thereof "Expenditures for this reimbursement are authorized not to exceed $300,000 in any one fiscal year".

(b) Funds appropriated for fiscal year 1991 for reimbursements for Presidential protection assistance authorized under section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note)

shall be made available for any such reimbursements claimed during fiscal year 1990.

SEC. 532. Title 41, United States Code, chapter 4, subchapter IV, is amended by inserting at the end thereof, the following new section:

41 USC 261.

"The Internal Revenue Service may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in the examination of tax returns or litigating any action under the Internal Revenue Code in the United States Tax Court, whether or not the expert is expected to testify at trial. The Internal Revenue Service need not provide any written justification for the use of procedures other than competitive procedures when procuring expert services for cases involving the Internal Revenue Code and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.".

SEC. 533. Notwithstanding any other provision of this Act, the amount appropriated to the Federal Labor Relations Authority for salaries and expenses is $18,693,000.

SEC. 534. Notwithstanding any other provision of this Act, the appropriation for salaries and expenses for the Advisory Committee on Federal Pay shall be $100,000.

5 USC 1101 note.

SEC. 535. REPORT ON PRODUCTIVITY OF THE FEDERAL WORKFORCE.

(a) IN GENERAL.—The Office of Personnel Management shall review and report on the productivity of the Federal workforce. The report shall include recommendations with regard to the following:

(1) How productivity within the Federal workforce can be increased, the delivery of Government services improved, and the payroll costs of Government controlled through improved organization, training, advanced technology, and modern management practices.

(2) The size, structure, and composition of the Federal workforce.

(3) Criteria for use by departments and agencies to determine the level of personnel necessary to accomplish their functions and goals.

(4) Changes in Federal law, regulations, and administrative practices to promote economy, productivity, effectiveness, and managerial accountability within the Federal workforce.

(b) DEADLINE.—This report shall be submitted to Congress no later than 24 months after the date of enactment of this Act.

5 USC 6307 note.

SEC. 536. (a) Notwithstanding any other provision of law, sick leave provided by section 6307 of title 5, United States Code, may be approved for purposes related to the adoption of a child in order to test the feasibility of this concept during fiscal year 1991.

Termination date.

(b) Subsection (a) shall cease to be effective as of September 30, 1991.

SEC. 537. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

31 USC 1343 note.

SECTION 601. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance

with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may be exceeded by not more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

SEC. 602. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 603. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

5 USC 3101 note.

SEC. 604. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corpora-

tions and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 606. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 607. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided,* That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 608. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 609. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 610. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 611. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per

square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 612. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1991, or September 30, 1992, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title— 5 USC 5343 note.

(1) during the period from the date of expiration of the limitation imposed by section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1990, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 612; and

(2) during the period consisting of the remainder, if any, of fiscal year 1991, and that portion of fiscal year 1992, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1992, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1991.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1990, shall be determined under regulations prescribed by the Office of Personnel Management. Regulations.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1990, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1990. Wages. Effective date.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay. Employee benefit plans.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 613. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

SEC. 615. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Reports.
5 USC note prec. 3341.

SEC. 616. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code shall not apply) and includes the White House

Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 617. No funds appropriated in this or any other Act for fiscal year 1991 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

Wages.
5 USC 5303 note.

SEC. 618. (a) Notwithstanding any other provision of law, in the case of fiscal year 1991, the overall average percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 4.1 percent.

(b) Any increase in a pay rate or schedule which takes effect under such section 5305 in fiscal year 1991 (in accordance with subsection (a)) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1991.

SEC. 619. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 620. None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

Drug abuse. Government employees.

SEC. 621. No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1991, or under any other Act appropriating funds for fiscal year 1991, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 622. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 623. Notwithstanding section 1346 of title 31, United States Code, or section 608 of this Act, funds made available for fiscal year 1991 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 624. Notwithstanding any provisions of this Act or any other Act, during the fiscal year ending September 30, 1991, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated in this or any other Act to install telephone lines, necessary equipment, and pay monthly charges, in any private residence or private apartment: *Provided,* That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 625. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

New College of California, Inc. Public lands.

SEC. 626. (a) Notwithstanding any other provision of law, the Secretary of Education, by appropriate release instrument, shall release New College of California, Inc., from the requirement not to

mortgage, or encumber the property as specified in condition subsequent No. 2 as set forth at page 3 of that quitclaim Deed dated April 14, 1975, wherein the United States of America conveyed to New College of California, Inc., certain real property identified in that deed instrument. The intent purpose of such release and waiver being to enable New College of California, Inc., to secure needed financing for repairs to the facility, as identified in paragraph (b) necessitated by earthquake activity of October, 1989; such purpose to be included in the instrument releasing the requirement not to mortgage.

(b) The property, sometimes known as 50 Fell Street, is described as: A parcel of land situated in the City and County of San Francisco, State of California, said parcel being described in the Judgment on Declaration of Taking entered 11 March 1946 in Civil Action No. 25791 in the District Court of the United States in and for the Northern District of California, Southern Division, which was filed March 22, 1946, in the Office of the Recorder, City and County of San Francisco, California. Beginning at a point on the northerly line of Fell Street distant therefrom 100 feet easterly from the easterly line of Van Ness Avenue and running thence easterly along said line of Fell Street 109 feet; thence at a right angle northerly 120 feet; thence at a right angle westerly 109 feet; thence at a right angle southerly 120 feet to the Point of Beginning, being a portion of Western Addition, Block No. 69, and known on the assessor's map as Lot 10, Block 814, City and County of San Francisco, California.

Government contracts.

SEC. 627. (a) Agencies receiving funds appropriated by any Act and which award contracts under the Federal Acquisition Regulations shall provide to the General Accounting Office during October 1991, the following information for contracts awarded during fiscal year 1991—

(1) the number and total dollar value of contracts awarded which required bonding of the contractors;

(2) the number and total dollar value of contracts for which individual sureties were used to meet the bonding requirements;

(3) the number of defaults by contractors using individual sureties and percentage they represent of total defaults;

(4) the number of individual sureties who defaulted on their obligation and the total dollar value of such defaults; and

(5) the number of contracts awarded to Minority Business Enterprises which required bonding of contractors and the number of these which used individual sureties to meet the bonding requirements.

Reports.

(b) The General Accounting Office shall compile the information collected under subsection (a) and provide a report to the Senate and House Appropriations Committees no later than April 1, 1992. Such report shall include—

(1) the percentage of contracts for which individual sureties were used to meet bonding requirements;

(2) the percentage of total defaults by contractors using individual sureties;

(3) the percentage of individual sureties which default on their obligations; and

(4) the percentage of contracts awarded to Minority Business Enterprises for which individual sureties were used to meet bonding requirements.

SEC. 628. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

5 USC note prec. 7901.

SEC. 629. (a) A Federal agency may participate in any program established by a State or local government that encourages employees to use public transportation. Such programs may involve the sale of discounted transit passes or other incentives that reduce the cost to the employee of using public transportation.

(b) Notwithstanding the provisions of section 5536 of title 5, United States Code, or any other provision of law, an employee may participate in a program described under subsection (a).

(c)(1) For purposes of this section the term "Federal agency" shall mean an Executive agency as defined under section 105 of title 5, United States Code, and shall include any agency of the legislative or judicial branch of Government.

(2) For purposes of subsection (b), the term "employee" shall mean an employee as defined under section 2105 of title 5, United States Code, and shall include an employee of any legislative or judicial agency.

Reports. Government employees. Wages.

(d) No later than June 30, 1993, the General Accounting Office shall conduct a study and submit a report on the implementation of programs under subsection (a) and the employees (including information of the employing agencies and rates of pay of such employees) who have participated in such programs.

Repeal.

(e) The provisions of this section are repealed effective December 31, 1993.

Iraq. Kuwait.

SEC. 630. (a) The Senate finds that—

(1) democracy and freedom of the independent Arab nations have been threatened by the invasion and illegal annexation of Kuwait by the Government of the Republic of Iraq;

(2) the safety of American citizens and those of other countries have been directly threatened by the decision of the Government of Iraq to move them and use them as "human shields" at strategic defense and industrial installations;

(3) the stability of world oil production and marketing has been threatened by the illegal Iraqi seizure of Kuwaiti ports and oil production facilities; Oil imports.

(4) the United Nations has condemned Iraq's invasion of Kuwait, has voted to impose an economic embargo on Iraq, and has declared null and void the annexation of Kuwait;

(5) the United Nations Security Council has approved the use of appropriate military force by individual nations to enforce United Nations sanctions;

(6) the President of the United States has taken the lead in unifying world opinion and directing international efforts against the Iraqi aggression and in defense of Saudi Arabia and the other Gulf states; President.

(7) a majority of Arab nations have condemned Iraq's actions and have supported Arab military and diplomatic efforts to defend the Gulf states and to ensure Iraq's withdrawal from Kuwait;

(8) the United States is deploying tens of thousands of American troops and military hardware to the Persian Gulf in defense of the strategic interests of the United States in the region at costs estimated to be in excess of $40 million a day, during a time of an increasing budget deficit; Armed Forces.

(9) a principle position of the United States and its NATO and major non-NATO allies is one of burdensharing in the collective defense of the Western alliance;

(10) the Senate and the American people are deeply concerned about the need for a reduced budget deficit and improved economic growth; and

(11) President George Bush has announced his intention to develop an economic action plan under which nations benefitting from the economic embargo and the military actions in the Persian Gulf assist those nations which are committing their military personnel and materiel to support these United Nations actions. President.

(b) It is the sense of the Senate that—

(1) the President of the United States should be congratulated for taking the diplomatic initiative to encourage other nations to share the international financial burden of the defense of Saudi Arabia; and

(2) the President of the United States—

(A) in consultation with the allies of the United States in the Persian Gulf defense operation, should—

(i) take steps to ensure that United States allies are sharing an appropriate portion of the collective defense of their interests in the Gulf;

(ii) take steps to ensure that those allies who are precluded from any overt military participation in the Gulf, or who decide against participating in these defensive actions, or who only provide minimal participation are assuming an appropriate financial share of the collective defense commensurate with their national means; and

(iii) take steps to ensure that those oil producing nations which may benefit from increased individual oil production and world oil prices as a result of the embargo of Iraqi and Kuwaiti oil proportionally share the burden of the costs of the embargo, either directly

with those nations providing the defense, or by equivalent "inkind" payments, or by assuming some of the other international financial burdens of the major defense-providing nations;

(B) in concert with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall consult with Congress on the steps the President is taking to meet the goals enumerated in subparagraph (A) and shall provide a report to the Congress no later than November 30, 1990, detailing the progress of such steps to date;

(C) during his consultations with other international leaders, should consider stressing, among other points, that failure by any country to actively contribute in the most appropriate manner for that country could have a detrimental impact on its bilateral relationship with the United States; and

(D) should also inform Congress of any legislative initiatives which need to be taken to meet the goals enumerated in subparagraphs (A) through (C).

SEC. 631. (a) Section 3401(a) of title 39, United States Code, is amended in clause (1)(A) by striking out "or" the first time it appears in such clause and inserting ", or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense" after "belligerent".

Military personnel.

(b) This section shall apply to military personnel participating in "Operation Desert Shield".

39 USC 3401 note.

SEC. 632. CONVENTION ON THE RIGHTS OF THE CHILD.—(a) FINDINGS.—The Senate finds that—

(1) the future peace and prosperity of all nations depend upon the good health and well-being of the world's children;

(2) the Congress has long recognized the vulnerability of children and has enacted numerous laws that afford them special protections in this country;

(3) similar protections for children are either totally lacking or inadequately enforced in much of the world;

(4) in part as a result of this lack of protection, millions of children are threatened daily by poverty, malnutrition, homelessness, exploitation and abuse, depriving both family and society of their productivity and potential;

(5) the Child Survival and Development Revolution, launched in 1982 to attack the root causes of infant mortality and child ill-health through low-cost means such as universal child immunization and oral rehydration therapy, is saving the lives of more than 3,000,000 children each year and has demonstrated that the number of child deaths can be reduced significantly if available resources are used appropriately;

(6) despite these gains and an emerging international consensus about the importance of protecting children, children both here and abroad will continue to face poverty, sickness, and ill-treatment.

(7) on November 20, 1989, the United States and other members of the United Nations unanimously endorsed the Convention on the Rights of the Child and urged national governments to ratify the Convention and make possible its application as international law;

(8) this Convention, if implemented, will help establish universal legal standards for the care and protection of children against neglect, exploitation, and abuse;

(9) the United States Government, scores of private voluntary organizations, and hundreds of American citizens were actively involved in the drafting of this Convention; and

(10) the United States must continue playing a leading role in the implementation of the Convention to ensure that it becomes a force for improving the lot of children, both in this country and abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the issue of children's rights and their well-being is important both to the United States and the world at large and that, in consideration thereof, the President should promptly seek the advice and consent of the Senate to the ratification of the Convention on the Rights of the Child, adopted by the United Nations with the support of the United States on November 29, 1989.

DISCRETIONARY AUTHORITY PROVISION

SEC. 633. METHOD FOR MAKING ANNUAL ADJUSTMENTS TO PAY SCHEDULES IN FISCAL YEARS 1992, 1993, AND 1994. 5 USC 5303 note.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 and any provision of law amended by such Act), for purposes of any adjustment scheduled to take effect under section 5303 of title 5, United States Code (as amended by section 101) during the period beginning on October 1, 1991, and ending on September 30, 1994, the provisions of section 5303 of such title (as so amended) shall be applied in accordance with the following:

(1) For purposes of the adjustment taking effect in each of fiscal years 1992 and 1993, respectively, deem subsection (a) to be amended by striking "one-half of 1 percentage point less than".

(2) Deem subsection (b) to be amended as follows:

(A) In paragraph (1), strike "if" and all that follows thereafter through "welfare," and insert "Subject to paragraph (2), if".

(B) Redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

(C) Insert after paragraph (1) the following:

"(2) Authority to provide alternative pay adjustments under this subsection in any year may not be exercised except in accordance with the following:

"(A) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be 5 percent or less, no reduction may be made unless necessary because a state of war or severe economic conditions exist.

"(B) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be greater than 5 percent, no reduction may be made—

"(i) to a level of 5 percent or greater, unless necessary because of national emergency or serious economic conditions affecting the general welfare; or

"(ii) to a level of less than 5 percent, unless necessary because of either of the reasons set forth in subparagraph (A).".

(D) Add after paragraph (4) (as so redesignated by subparagraph (B) the following:

"(5) For the purpose of this subsection, 'severe economic conditions' shall be considered to exist relative to an adjustment scheduled to take effect on a given date if, during the 12-month period ending 2 calendar quarters before such date, there occurred 2 consecutive quarters of negative growth in the GNP.".

(b) REFERENCES.—Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 and any provision of law amended made by such Act), effective for purposes of any pay adjustment scheduled to take effect during the period described in subsection (a), any reference in a provision of law to section 5303 of title 5, United States Code, as amended by section 101 (or to the effective date of a pay adjustment, the size of an adjustment, a rate payable after an adjustment, or other related matter under such section 5303) shall be considered a reference to such section as applied in accordance with this section (or to the corresponding matter, as determined under such section 5303, as applied in accordance with this section).

5 USC 5304a note.

SEC. 634. SPECIAL RULE RELATING TO COMPARABILITY PAYMENTS IN 1994.

Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 and any provision of law amended by such Act), for purposes of any comparability payments scheduled to take effect under section 5304 of title 5, United States Code (as amended by such Act) during calendar year 1994—

(1) deem section 5304a of such title (as so amended) to be amended as follows:

(A) in subsection (a), strike "If" and all that follows thereafter through "welfare," and insert "Subject to subsection (c), if"; and

(B) add after subsection (b) the following:

"(c)(1) For the purpose of this section—

"(A) the 'threshold amount' is $1,800,000,000; and

"(B) 'severe economic conditions' shall be considered to exist relative to comparability payments scheduled to take effect on a given date if, during the 12-month period ending 2 calendar quarters before such date, there occurred 2 consecutive quarters of negative growth in the GNP.

"(2) Authority under this section to provide an alternative level of comparability payments in any year may not be exercised except in accordance with the following:

"(A) If the estimated cost of the comparability payments which (but for this section) would otherwise be payable in such year would be equal to the threshold amount or less, no alternative level may be fixed under this section unless necessary because a state of war or severe economic conditions exist.

"(B) If the estimated cost of the comparability payments which (but for this section) would otherwise be payable in such year would be greater than the threshold amount, no alternative level may be fixed—

"(i) at a level which would result in an estimated cost equal to or greater than the threshold amount, unless necessary because of national emergency or serious economic conditions affecting the general welfare; or

"(ii) at a level which would result in an estimated cost less than the threshold amount, unless necessary because of either of the reasons set forth in subparagraph (A).

"(d)(1) The President's agent (as referred to in section 5304(d)) shall develop and include in the appropriate report under section 5304(d)(1) the methodology for estimating any costs under this section, and any estimate under this section shall be in accordance with such methodology.

"(2) In making any estimate under this section, costs attributable to any authority under section 5304(h) may not be taken into account."; and

(2) the President's pay agent (referred to in section 5304(d) of such title, as so amended) may use appropriate estimates in lieu of BLS survey data if such data is not available for use in preparing the agent's report with respect to comparability payments payable during calendar year 1994.

SEC. 635. (a) The Congress finds that—

Saddam Hussein. Iraq. Kuwait.

(1) President Saddam Hussein of Iraq has attempted to evade the consequences of his illegal invasion of Kuwait by the taking of civilian hostages;

(2) Saddam Hussein has violated standards of civilized conduct by willfully seeking to endanger the lives of foreign civilians in Kuwait and Iraq;

(3) He has further violated international diplomatic practice by laying siege to Western embassies in Kuwait;

(4) Iraq's conduct both at home and on the battlefield during the recent war with Iran has demonstrated a willingness to use the most barbaric methods of warfare, including the gassing of civilian women and children;

(5) The Nuremberg principles, while denying national guilt for acts of war, do also stipulate that individual leaders may be held responsible for violations of the conventions of war and of civilized behavior;

(6) The taking of hostages, the use of gas, the terrorizing of civilians and diplomats, and other such acts in both peace and war have long been considered crimes against humanity for which prosecution is justifiable.

(b) It is the sense of the Senate that in the event of hostilities between the United States and the government of Iraq it shall be the policy of the United States to pursue Saddam Hussein, other Iraqi leaders, and other such perpetrators as may be determined responsible in order to bring them to justice as war criminals, and to seek their prosecution and punishment under the auspices of an international tribunal with relevant jurisdiction.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1991".

Approved November 5, 1990.

LEGISLATIVE HISTORY—H.R. 5241:

HOUSE REPORTS: No. 101-589 (Comm. on Appropriations) and No. 101-906 (Comm. of Conference).
SENATE REPORTS: No. 101-411 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 136 (1990):
July 13, considered and passed House.
Sept. 10, 11, considered and passed Senate, amended.
Oct. 22, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 23, Senate agreed to conference report; concurred in certain House amendments, in another with an amendment.
Oct. 24, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):
Nov. 5, Presidential statement.