

analysis which evaluates projects for flood control, navigation and the like.

SEC. 565 SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA

House §567, no comparable Senate section—Senate recedes.

SEC. 566 SOUTHEASTERN PENNSYLVANIA

House §568, no comparable Senate section—Senate recedes with an amendment.

SEC. 567 UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK

House §566, no comparable Senate section—Senate recedes with an amendment to Subsection (a).

SEC. 568 WILLS CREEK, HYNDMAN, PENNSYLVANIA

House §569, no comparable Senate section—Senate recedes with an amendment.

SEC. 569 BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS

House §570, no comparable Senate section—Senate recedes.

SEC. 570 DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF PROVIDENCE, RHODE ISLAND

No comparable House or Senate section.

SEC. 571 QUONSET POINT-DAVISVILLE, RHODE ISLAND

Senate §326, no comparable House section—House recedes.

SEC. 572 EAST RIDGE, TENNESSEE

House §571, no comparable Senate section—Senate recedes with an amendment.

SEC. 573 MURFREESBORO, TENNESSEE

House §572, no comparable Senate section—Senate recedes with an amendment.

SEC. 574 TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE

House §103(5), no comparable Senate section—Senate recedes with an amendment.

SEC. 575 HARRIS COUNTY, TEXAS

House §577, no comparable Senate section—Senate recedes.

SEC. 576 NEABSCO CREEK, VIRGINIA

House §575, no comparable Senate section—Senate recedes.

SEC. 577 TANGIER ISLAND, VIRGINIA

House §578, no comparable Senate section—Senate recedes.

SEC. 578 PIERCE COUNTY, WASHINGTON

House §578, no comparable Senate section—Senate recedes with an amendment.

SEC. 579 GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION

House §580, no comparable Senate section—Senate recedes with an amendment to Subsection (a), (c) and (d).

SEC. 580 LOWER MUD RIVER, MILTON, WEST VIRGINIA

House §582, no comparable Senate section—Senate recedes with an amendment.

SEC. 581 WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL

House §583, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (c) and (d).

SEC. 582 SITE DESIGNATION

No comparable House or Senate section.

SEC. 583 LONG ISLAND SOUND

No comparable House or Senate section.

SEC. 584 WATER MONITORING STATION

No comparable House or Senate section.

SEC. 585 OVERFLOW MANAGEMENT FACILITY

No comparable House or Senate section.

SEC. 586 PRIVATIZATION OF INFRASTRUCTURE ASSETS

No comparable House or Senate section.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 601 EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

House §601, no comparable Senate section—Senate recedes.

Coordination

The Conferees are aware of groundwater contamination at the Sierra Army Depot, migration of this contamination into the Honey Valley Groundwater Basin, and the impact of such contamination on a proposed project to transfer water to the Reno-Sparks Metropolitan Area. The Secretary is to instruct the appropriate Army Headquarters officials to meet with affected parties and to determine fair compensation to those who have, in good faith, invested in this project but have been damaged by this unfortunate contamination problem.

National Center for Nanofabrication and Molecular Self-Assembly

The managers on the part of the House have receded to the Senate on House amendment section 585, the National Center for Nanofabrication and Molecular Self-Assembly. That section would have authorized the Secretary to provide assistance for the center in Evanston, Illinois.

This assistance could better be provided through the Director of the National Institute of Environmental Health Sciences than through the Secretary of the Army. The proponents of the center are encouraged to work with the Director to receive any necessary or appropriate assistance. Similarly, the Director is encouraged to explore ways of providing any needed assistance.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
JAMES L. OBERSTAR,
ROBERT A. BORSKI,

Managers on the Part of the House

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
DANIEL PATRICK MOYNIHAN,

Managers on the Part of the Senate.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND AMENDMENTS ACT OF 1996

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act, as amended.

The Clerk read as follows:

H. 3391

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Leaking Underground Storage Tank Trust Fund Amendments Act of 1996".

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

(a) TRUST FUND DISTRIBUTION.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following new subsection:

"(f) TRUST FUND DISTRIBUTION TO STATES.—

"(1) IN GENERAL.—(A) The Administrator shall distribute to States at least 85 percent of the funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund (in subsection referred to as the 'Trust Fund') each fiscal year for the reasonable costs under cooperative agreements entered into with the Administrator for the following:

"(i) States' actions under section 9003(h)(7)(A).

"(ii) Necessary administrative expenses directly related to corrective action and compensation programs under section 9004(c)(1).

"(iii) Enforcement of a State or local program approved under this section or enforcement of this subtitle or similar State or local provisions by a State or local government.

"(iv) State and local corrective actions pursuant to regulations promulgated under section 9003(c)(4).

"(v) Corrective action and compensation programs under section 9004(c)(1) for releases from underground storage tanks regulated under this subtitle in any instance, as determined by the State, in which the financial resources of an owner or operator, excluding resources provided by programs under section 9004(c)(1), are not adequate to pay for the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business.

"(B) Funds provided by the Administrator under subparagraph (A) may not be used by States for purposes of providing financial assistance to an owner or operator in meeting the requirements respecting underground storage tanks contained in section 280.21 of title 40 of the Code of Federal Regulations (as in effect on the date of the enactment of this subsection) or similar requirements in State programs approved under this section or similar State or local provisions.

"(2) ALLOCATION.—

"(A) PROCESS.—In the case of a State that the Administrator has entered into a cooperative agreement with under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator for such cooperative agreements.

"(B) REVISIONS TO PROCESS.—The Administrator may revise such allocation process only after—

"(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks and with representatives of owners and operators; and

"(ii) taking into consideration, at a minimum, the total revenue received from each State into the Trust Fund, the number of confirmed releases from leaking underground storage tanks in each State, the number of notified petroleum storage tanks in each State, and the percent of the population of each State using groundwater for any beneficial purpose.

"(3) RECIPIENTS.—Distributions from the Trust Fund under this subsection shall be made directly to the State agency entering into a cooperative agreement or enforcing the State program.

"(4) COST RECOVERY PROHIBITION.—Funds provided to States from the Trust Fund to owners or operators for programs under section 9004(c)(1) for releases from underground storage tanks are not subject to cost recovery by the Administrator under section 9003(h)(6)."

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: "and to carry out section 9004(f) of such Act".

(c) TECHNICAL AMENDMENTS.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended as follows:

(1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A)) is amended by striking out “sustances” and inserting in lieu thereof “substances”.

(2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1)) is amended by striking out “subsection (c) and (d)” and inserting in lieu thereof “subsections (c) and (d)”.

(3) Section 9004(a) (42 U.S.C. 6991c(a)) is amended by striking out “in 9001(2)(A)” and inserting in lieu thereof “in section 9001(2)(A)”.

(4) Section 9005 (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking out “study taking” and inserting in lieu thereof “study, taking”;

(B) in subsection (b)(1), by striking out “relevant” and inserting in lieu thereof “relevant”;

(C) in subsection (b)(4), by striking out “Environmental” and inserting in lieu thereof “Environmental”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from Michigan [Mr. STUPAK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, this legislation improves the Underground Storage Tank program, a program under which States are already well protecting human health and environment from petroleum and other tank leaks. With Federal financial assistance, States have secured cleanup of about 140,000 sites.

In 1986, Congress created the leaking underground storage tank trust fund, paid for with a one-tenth of 1 cent tax on gasoline. The fund is used to enforce cleanup requirements; conduct cleanups when there is no solvent responsible party, when there is an emergency, or when the responsible party refuses to cooperate; and take cost recovery actions. Only 36 percent of the funds collected since 1987—\$600 million out of \$1.7 billion—have been spent for the program.

EPA gives most of its appropriation to States under cooperative agreements, which spell out exactly what the States will use the money for each year.

H.R. 3391 does two key things.

First, it requires EPA to give at least 85 percent of its appropriation to the States each year. Requiring EPA to give States 85 percent of its appropriation will ensure that the money is going where the tanks are, and where the cleanup work is actually done. EPA already gives an average of 86 percent per year to the States, so 85 percent is no stretch.

Second, the bill authorizes three new uses of the fund, which gives the States more flexibility to make their programs more effective. It allows States to put the money into their financial assurance funds, where they would be

used for tank cleanups in cases of financial hardship. It allows the States to use the money to enforce Federal requirements that underground tanks be brought up to minimum leak detection and prevention standards by 1998. And it allows States to use the Federal money to administer their State assurance funds.

Up to 75 percent of tank owners and operators have not yet come into compliance, even though the regs are 8 years old. We need to help the States meet the financial burdens of the potentially huge enforcement task that is coming down the pike in the next 2 years.

The bill also requires EPA to keep using its current formula for allocating LUST dollars among the States, and prohibits EPA from cost recovering from owners and operators any money given to States for corrective actions under State assurance programs. Finally, it prohibits States from using the money to help someone comply with the 1998 tank requirements, so tax dollars won't be used to put people who have already complied at a competitive disadvantage.

This bill will help make the underground storage tank program even more effective and will help the environment by guaranteeing money will get out to the States, and by giving the States the flexibility to put the money to use in new ways.

I want to add that the requirement that 85 percent of the money be given to the States may help make the case with the appropriators that more money should be spent from the trust fund over the next couple of years to help meet the rising enforcement needs. If we assure that more money means more environmental protection, not more money spent on administrative overhead, there is a better case for increased funding, and I think the 85 percent provision helps make that case.

This legislation is supported by the Association of State and Territorial Solid Waste Management Officials, the Petroleum Marketers Association of America, the Society of Independent Gasoline Marketers of America, the National Association of Convenience Stores, and the National Coalition of Petroleum Retailers. I would like to thank all of these groups for their input.

I want to congratulate Chairman SCHAEFER for authoring the bill and thank members for making this a bipartisan success, passing by voice vote at the subcommittee and the full committee.

Mr. Speaker, I also would like to thank the gentleman from New York [Mr. MANTON], my ranking member, and the gentleman from Michigan [Mr. STUPAK], for their leadership on this very important issue.

Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MANTON asked and was given permission to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I rise today in support of H.R. 3391, the Leaking Underground Storage Tank Amendment Act. By adopting this bill, the House will make some incremental improvement to the distribution and utilization of Federal leaking underground storage tank trust fund money by the States.

I would like to commend my colleagues, Chairman OXLEY and SCHAEFER and Mr. STUPAK, for their hard work on this measure and for working closely with other members of the Commerce Committee to gain strong bipartisan support of the bill. Their efforts greatly facilitated negotiations regarding this legislation and I believe members of the committee agree that its provisions do meet the needs expressed by stakeholders in this issue.

Mr. Speaker, EPA reports that currently there are approximately 300,000 faulty underground storage tanks, confirming the widespread impact of this problem. In an effort to address this problem, H.R. 3391 amends the Resource Conservation and Recovery Act to offer States more Federal assistance in helping to cleanup the leaking tanks.

Primarily, this legislation establishes a dedicated funding source from EPA to the States and expands the allowable uses of Federal funds.

One of these new uses includes enforcement of underground storage tank standards as directed under local, State, or Federal programs. Using the LUST trust funds for this new enforcement activity, in addition to existing uses under the program, should perhaps take top priority over other applications of the funds, in my opinion. I should also add, that I am pleased that this bill limits the use of Federal funds for cleanup purposes by the States to owners and operators of leaking tanks who do not have the financial resources to address the problem themselves. In these times of limited Federal dollars, it is important that we direct funds in ways that will do the most good.

Again, I want to thank Chairman OXLEY and Mr. SCHAEFER for working to address the concerns raised by the minority on the Commerce Committee. This bill should enable States to better distribute the limited resources that they have for leaking underground storage tanks, and I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER], the author of the legislation who is the chairman of the Subcommittee on Energy and Power.

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, last spring, Congressman BART STUPAK and I introduced H.R. 3391, the Leaking Underground Storage Tank Trust Fund Amendments Act of 1996. The bill's objectives are to give States more financial stability in operating their underground storage tank programs and greater flexibility to address unique environmental problems, particularly in rural America. H.R. 3391 has substantial bipartisan co-sponsorship and diverse private sector support.

Among the bill's supporters:

The Association of State and Territorial Solid Waste Management Officials;

The National School Boards Association;

The Petroleum Marketers Association of America;

The National Association of Convenience Stores;

The Society of Independent Gasoline Marketers of America;

The Service Station Dealers of America; and

The National Automobile Dealers Association.

Prior to introduction and as the bill moved forward, we solicited and received suggestions on how best to achieve our objectives—program flexibility and stability. EPA, Members from both parties, State regulators and industry all made meaningful contributions to H.R. 3391. As a result, the final product we have before us today meets our initial goals, with a strong emphasis on quicker cleanups and stricter enforcement.

The so-called LUST Program was first enacted in 1984. The trust fund followed in 1986. The current LUST statute allows States to spend the Federal LUST trust fund money in a limited number of instances—mainly for corrective actions where an owner is unable or unwilling to clean up a leak.

Along with the corrective action standards for leaking tanks, the LUST statute also requires owners and operators of underground storage tanks to meet certain standards. The deadline for compliance with these tank standards is 1998. When implemented, the tank standards will provide an important preventative protection against many future leaks. Federal LUST trust fund money cannot currently be used for this enforcement.

The LUST Program has largely been a success. The regulated industry and the EPA tank office share a good working relationship. However, over the next few years the nature of the program will change dramatically. EPA has stated it envisions States becoming the primary enforcers for the tank standards and supervising corrective action where leaks have occurred. In fact, EPA maintains its Federal tank office will be phased out. H.R. 3391 helps to make that transition.

I support this progression. However, if we expect States to carry out more duties, it is critical that they be given more freedom to use LUST trust fund money where most needed.

Finally, EPA has traditionally dedicated about 85 percent of its annual

LUST trust fund appropriation to States. But, as State responsibilities increase, we need to give them peace of mind that this tradition will continue. H.R. 3391 gives this financial stability.

I want to thank all those involved in crafting this bill. The process has embodied the spirit of bipartisan compromise. Our final product increases enforcement and enhances site cleanups with the broad-based support of the regulated industry. The State-centered model setup by EPA is reinforced with a stronger Federal financial commitment.

□ 2115

Mr. Speaker, I urge my colleagues to support this sound environmental proposal, and I want to thank the gentleman from Ohio [Mr. OXLEY] for moving this through his subcommittee and through the full committee, and the gentleman from New York [Mr. MANTON] and certainly the gentleman from Michigan [Mr. STUPAK] for helping out tremendously in getting the final language into this legislation. I would certainly want to encourage the passage of this bill.

Mr. MANTON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise in support of H.R. 3391, the Schaefer-Stupak Leaking Underground Storage Tank Amendments Act. This bill will provide the States and the Federal Government the flexibility they need to continue the cleanup of leaking underground storage tanks all across this country.

First, I want to thank Chairmen TOM BLILEY and MIKE OXLEY, ranking members JOHN DINGELL and TOM MANTON, for all the support this bill has received in subcommittee and the full committee to bring it before the House today.

Most of all, I would like to thank Energy and Power chairman, Mr. SCHAEFER, for his determination to reach a strong bipartisan consensus on this very important bill. I very much appreciate his efforts to work with me on this measure.

The Leaking Underground Storage Tank Program is one of the most important and least known environmental programs run by the Federal Government and the States. The 1994 report to Congress of the National Water Quality Inventory states that leaking underground storage tanks are the most frequent cause of groundwater contamination. Unfortunately, the Committee on Appropriations does not feel our Nation's ground water is such a high priority. Last year the Committee on Appropriations cut the President's request by 40 percent. This year, the Committee on Appropriations once again cut the President's request by more than 33 percent.

The Committee on Appropriations' actions are even more frustrating because the Leaking Underground Stor-

age tank Program is funded through a tax collected on petroleum products. Currently, the leaking underground storage tank, or LUST, trust fund, has a \$1 billion surplus.

I will continue to join with my colleagues, especially the gentleman from Colorado [Mr. SCHAEFER], in the fight to increase the appropriation to this program.

This program came to my attention based upon concerns by my constituents, especially up in Trenary, MI, when I discovered that my State's Leaking Underground Storage Tank Program became insolvent due to improper management and improper funding. In Michigan, the fund is not accepting new claims, and cleanups on leaking tanks have all but ceased.

Although I believe that this legislation being discussed today is a very important step in cleaning up leaking tanks, it is my hope that States, and Michigan in particular, will renew their commitment to this program.

Beyond any doubt, H.R. 3391 will make improvements to the program. The improvements will increase the amount of funding available for contaminated sites, increase the amount of money for State enforcement, and guarantee that money the Congress appropriates for this program is received by the States.

This legislation does not completely turn this program over to the States. We have maintained a strong role for the EPA in this legislation by preserving the current cooperative agreement process between the States and the Federal Government. This bill will uphold the Federal role in the LUST Program and strengthens the Federal-State partnership that has been so successful since the program's inception.

Mr. Speaker, I once again want to thank the leadership of the Committee on Commerce and this House for expediting this legislation offered by the gentleman from Colorado [Mr. SCHAEFER] and myself. It remains our intent to encourage a more flexible use of Federal resources while continuing to hold polluters responsible for their waste.

Mr. MANTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NORWOOD. Mr. Speaker, I rise today in support of H.R. 3391, The Leaking Underground Storage Tank Trust Fund Amendments. As you may know, I am a cosponsor of this legislation. This bill is designed to ensure that 85 percent of the funds in the Federal Underground Storage Tank Trust Fund are allocated to the States via cooperative agreements.

While I am fully supportive of this legislation, I do want to clarify one point in order to prevent any potential confusion down the road. My constituents have been concerned that the prohibition on the use of Federal funds in State financial assistance programs is not misinterpreted.

Under existing law, use of Federal funds for the purpose of providing financial assistance to tank owners and operators is not a specifically authorized use of the fund. This is an

area that Washington has thankfully stayed out of, leaving the issue of what type of financial assistance programs to design to the States. I wish to emphasize that the prohibition is simply designed to maintain the historic balance of State and Federal concerns, and there is no suggestion, either express or implied, that States should not set up financial assistance programs.

Mr. Speaker, this is a good bill, and I urge all of my colleagues to support H.R. 3391.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 3391, the Leaking Underground Storage Tank Amendments Act. As a cosponsor of the legislation, this Member would like to commend the distinguished gentleman from Colorado [Mr. SCHAEFER] and the distinguished gentleman from Michigan [Mr. STUPAK] for introducing this bill and working for its enactment.

Across the Nation, leaking underground storage tanks present a hazard which must be addressed. Unfortunately, less than half of the identified leaking tanks have been remedied. In addition, there are likely thousands of other unidentified leaking tanks which require action.

This legislation improves the current situation by distributing more money from the existing trust fund to the States where it belongs. The trust fund was established by Congress in 1986 and currently contains about \$1 billion. Although the trust fund is intended to provide assistance in the cleanup of underground storage tanks, far too much of the money in the trust fund has been used to offset general Federal spending.

This Member certainly believes that the money in the trust fund should be used for the purposes for which it was originally intended; money simply accumulating in the trust fund obviously does not address the current needs. The large number of remaining leaking underground storage tank sites to be addressed is evidence that the States certainly could use this money which is currently accumulating in the trust fund. This bill would assist States in more efficiently receiving and disbursing money from the trust fund. It would also give the States increased flexibility in the use of money from the trust fund.

This Member urges his colleagues to support H.R. 3391.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 3391, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4167 and H.R. 3391, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FEDERAL EMPLOYEES EMERGENCY LEAVE TRANSFER ACT OF 1996

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 868) to provide authority for leave transfer for Federal employees who are adversely affected by disasters or emergencies, and for other purposes, as amended.

The Clerk read as follows:

S. 868

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

TITLE I—EMERGENCY LEAVE TRANSFERS

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Employees Emergency Leave Transfer Act of 1996".

SEC. 102. AUTHORITY.

(a) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following new subchapter:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—
"(1) 'employee' means an employee as defined in section 6331(1); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office of Personnel Management shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office of Personnel Management, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office of Personnel Management may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section."

(b) CLERICAL AMENDMENT.—The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§6391. Authority for leave transfer program in disasters and emergencies"

SEC. 103. EFFECTIVE DATE.

The amendments made by section 102 shall take effect on the date of enactment of this Act.

TITLE II—VETERANS' PREFERENCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Veterans Employment Opportunities Act of 1996".

SEC. 202. EQUAL ACCESS FOR VETERANS.

(a) COMPETITIVE SERVICE.—Section 3304 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) No preference eligible, and no individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—

"(A) not having acquired competitive status; or

"(B) not being an employee of such agency.

"(2) Nothing in this subsection shall prevent an agency from filling a vacant position (whether by appointment or otherwise) solely from individuals on a priority placement list consisting of individuals who have been separated from the agency due to a reduction in force and surplus employees (as defined under regulations prescribed by the Office)."

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—

(1) VACANT POSITIONS.—Section 3327(b) of title 5, United States Code, is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) each vacant position in the agency for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position under paragraph (1), and".

(2) ADDITIONAL INFORMATION.—Section 3327 of title 5, United States Code, is amended by adding at the end the following:

"(c) Any notification provided under this section shall, for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

"(d) In consultation with the Secretary of Labor, the Office shall submit to Congress and the President, no less frequently than every 2 years, a report detailing, with respect to the period covered by such report—

"(1) the number of positions listed under this section during such period;

"(2) the number of preference eligibles and other individuals described in section 3304(f)(1) referred to such positions during such period; and

"(3) the number of preference eligibles and other individuals described in section 3304(f)(1) appointed to such positions during such period."

(c) GOVERNMENTWIDE LISTS.—

(1) VACANT POSITIONS.—Section 3330(b) of title 5, United States Code, is amended to read as follows:

"(b) The Office of Personnel Management shall cause to be established and kept current—

"(1) a comprehensive list of all announcements of vacant positions (in the competitive service and the excepted service, respectively) within each agency that are to be filled by appointment for more than 1 year and for which applications are being or will soon be accepted from outside the agency's work force; and

"(2) a comprehensive list of all announcements of vacant positions within each agency for which applications are being or will soon be accepted and for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position required to be listed under paragraph (1)."