

Public Law 102-239
102d Congress

An Act

Dec. 17, 1991
[S. 1891]

To permit the Secretary of Health and Human Services to waive certain recovery requirements with respect to the construction or remodeling of facilities, and for other purposes.

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

SECTION 1. WAIVER OF CERTAIN RECOVERY REQUIREMENTS.

Section 2713(d) of the Public Health Service Act (42 U.S.C. 300aaa-12(d)) is amended by striking “(a)(2)” and inserting “(a)”.

SEC. 2. USE BY STATES OF FORFEITED REAL PROPERTY FOR STATE PARKS OR RELATED PURPOSES.

Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended—

(1) in paragraph (1)(B), by striking “sell,” and inserting “except as provided in paragraph (4), sell,”; and

(2) by adding at the end the following new paragraph:

“(4)(A) With respect to real property described in subparagraph (B), if the chief executive officer of the State involved submits to the Attorney General a request for purposes of such subparagraph, the authority established in such subparagraph is in lieu of the authority established in paragraph (1)(B).

“(B) In the case of property described in paragraph (1)(B) that is civilly or criminally forfeited under this title, if the property is real property that is appropriate for use as a public area reserved for recreational or historic purposes or for the preservation of natural conditions, the Attorney General, upon the request of the chief executive officer of the State in which the property is located, may transfer title to the property to the State, either without charge or for a nominal charge, through a legal instrument providing that—

“(i) such use will be the principal use of the property; and

“(ii) title to the property reverts to the United States in the event that the property is used otherwise.”.

Approved December 17, 1991.

LEGISLATIVE HISTORY—S. 1891:

HOUSE REPORTS: No. 102-359 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Oct. 30, considered and passed Senate.

Nov. 23, considered and passed House, amended.

Nov. 25, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Dec. 17, Presidential statement.