

105TH CONGRESS  
1ST SESSION

# H. R. 1871

Making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1997

Mr. LIVINGSTON introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 12, 1997

The Committees on Appropriations and the Budget discharged; considered and passed

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## A BILL

Making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

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

3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for re-

1 covery from natural disasters, and for overseas peacekeep-  
2 ing efforts, including those in Bosnia, for the fiscal year  
3 ending September 30, 1997, and for other purposes,  
4 namely:

5 TITLE I—EMERGENCY SUPPLEMENTAL APPRO-  
6 PRIATIONS FOR THE DEPARTMENT OF DE-  
7 FENSE

8 CHAPTER 1

9 DEPARTMENT OF DEFENSE—MILITARY

10 MILITARY PERSONNEL

11 MILITARY PERSONNEL, ARMY

12 For an additional amount for “Military Personnel,  
13 Army”, \$306,800,000: *Provided*, That such amount is des-  
14 ignated by Congress as an emergency requirement pursu-  
15 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
16 Emergency Deficit Control Act of 1985, as amended.

17 MILITARY PERSONNEL, NAVY

18 For an additional amount for “Military Personnel,  
19 Navy”, \$7,900,000: *Provided*, That such amount is des-  
20 ignated by Congress as an emergency requirement pursu-  
21 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
22 Emergency Deficit Control Act of 1985, as amended.

23 MILITARY PERSONNEL, MARINE CORPS

24 For an additional amount for “Military Personnel,  
25 Marine Corps”, \$300,000: *Provided*, That such amount is

1 designated by Congress as an emergency requirement pur-  
2 suant to section 251(b)(2)(D)(i) of the Balanced Budget  
3 and Emergency Deficit Control Act of 1985, as amended.

4                   MILITARY PERSONNEL, AIR FORCE

5           For an additional amount for “Military Personnel,  
6 Air Force”, \$29,100,000: *Provided*, That such amount is  
7 designated by Congress as an emergency requirement pur-  
8 suant to section 251(b)(2)(D)(i) of the Balanced Budget  
9 and Emergency Deficit Control Act of 1985, as amended.

10                   OPERATION AND MAINTENANCE

11   OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

12                   (INCLUDING TRANSFER OF FUNDS)

13           For an additional amount for “Overseas Contingency  
14 Operations Transfer Fund”, \$1,430,100,000: *Provided*,  
15 That the Secretary of Defense may transfer these funds  
16 only to Department of Defense operation and maintenance  
17 accounts: *Provided further*, That the funds transferred  
18 shall be merged with and shall be available for the same  
19 purposes and for the same time period, as the appropria-  
20 tion to which transferred: *Provided further*, That the  
21 transfer authority provided in this paragraph is in addi-  
22 tion to any other transfer authority available to the De-  
23 partment of Defense: *Provided further*, That such amount  
24 is designated by Congress as an emergency requirement  
25 pursuant to section 251(b)(2)(D)(i) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985, as  
2 amended.

3 OPLAN 34A/35 P.O.W. PAYMENTS

4 For payments to individuals under section 657 of  
5 Public Law 104–201, \$20,000,000, to remain available  
6 until expended.

7 REVOLVING AND MANAGEMENT FUNDS

8 RESERVE MOBILIZATION INCOME INSURANCE FUND

9 For an additional amount for the “Reserve Mobiliza-  
10 tion Income Insurance Fund”, \$72,000,000, to remain  
11 available until expended: *Provided*, That the entire amount  
12 is designated by Congress as an emergency requirement  
13 pursuant to section 251(b)(2)(D)(i) of the Balanced  
14 Budget and Emergency Deficit Control Act of 1985, as  
15 amended.

16 GENERAL PROVISIONS, CHAPTER 1

17 (TRANSFER OF FUNDS)

18 SEC. 101. The Secretary of the Navy shall transfer  
19 up to \$23,000,000 to “Operation and Maintenance, Ma-  
20 rine Corps” from the following accounts in the specified  
21 amounts, to be available only for reimbursing costs in-  
22 curred for repairing damage caused by hurricanes, flood-  
23 ing, and other natural disasters during 1996 and 1997  
24 to real property and facilities at Marine Corps facilities  
25 (including Camp Lejeune, North Carolina; Cherry Point,

1 North Carolina; and the Mountain Warfare Training Cen-  
2 ter, Bridgeport, California);

3 “Military Personnel, Marine Corps”,  
4 \$4,000,000;

5 “Operation and Maintenance, Marine Corps”,  
6 \$11,000,000;

7 “Procurement of Ammunition, Navy and Ma-  
8 rine Corps, 1996/1998”, \$4,000,000; and

9 “Procurement, Marine Corps, 1996/1998”,  
10 \$4,000,000.

11 SEC. 102. In addition to the amounts appropriated  
12 in title VI of the Department of Defense Appropriations  
13 Act, 1997 (as contained in section 101(b) of Public Law  
14 104–208), under the heading “Defense Health Program”,  
15 \$21,000,000 is hereby appropriated and made available  
16 only for the provision of direct patient care at military  
17 treatment facilities.

18 SEC. 103. In addition to the amounts appropriated  
19 in title II of the Department of Defense Appropriations  
20 Act, 1997 (as contained in section 101(b) of Public Law  
21 104–208), under the heading “Operation and Mainte-  
22 nance, Defense-Wide”, \$10,000,000 is hereby appro-  
23 priated and made available only for force protection and  
24 counter-terrorism initiatives.

1        SEC. 104. In addition to the amounts provided in  
2 Public Law 104–208, \$25,800,000 is appropriated under  
3 the heading “Overseas Humanitarian, Disaster and Civic  
4 Aid”: *Provided*, That from the funds available under that  
5 heading, the Secretary of Defense shall make a grant in  
6 the amount of \$25,800,000 to the American Red Cross  
7 for Armed Forces emergency services.

8        SEC. 105. REPORT ON COST AND SOURCE OF FUNDS  
9 FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a)  
10 Not later than 60 days after enactment of this Act, the  
11 President shall submit to Congress the report described  
12 in subsection (b).

13        (b) REPORT ELEMENTS.—The report referred to in  
14 subsection (a) shall include the following:

15            (1) A detailed description of the estimated cu-  
16 mulative cost of all United States activities relating  
17 to Bosnia after December 1, 1995, including—

18                    (A) the cost of all deployments, training  
19 activities, and mobilization and other pre-  
20 paratory activities of the Armed Forces; and

21                    (B) the cost of all other activities relating  
22 to United States policy toward Bosnia, includ-  
23 ing humanitarian assistance, reconstruction as-  
24 sistance, aid and other financial assistance, the  
25 rescheduling or forgiveness of bilateral or multi-

1 lateral aid, in-kind contributions, and any other  
2 activities of the United States Government.

3 (2) A detailed accounting of the source of funds  
4 obligated or expended to meet the costs described in  
5 paragraph (1), including—

6 (A) in the case of expenditures of funds of  
7 Department of Defense, a breakdown of such  
8 expenditures by military service or defense  
9 agency, line item, and program; and

10 (B) in the case of expenditures of funds of  
11 other departments and agencies of the United  
12 States, a breakdown of such expenditures by  
13 department or agency and by program.

14 SEC. 106. For an additional amount for “Family  
15 Housing, Navy and Marine Corps” to cover the incremen-  
16 tal Operation and Maintenance costs arising from hurri-  
17 cane damage to family housing units at Marine Corps  
18 Base Camp Lejeune, North Carolina and Marine Corps  
19 Air Station Cherry Point, North Carolina, \$6,480,000, as  
20 authorized by 10 U.S.C. 2854.

1                                   CHAPTER 2  
2                                   RESCISSIONS  
3           DEPARTMENT OF DEFENSE—MILITARY  
4                                   MILITARY PERSONNEL  
5                                   MILITARY PERSONNEL, ARMY  
6                                   (RESCISSION)

7           Of the funds made available under this heading in  
8 Public Law 104–208, \$57,000,000 are rescinded.

9                                   MILITARY PERSONNEL, NAVY  
10                                  (RESCISSION)

11          Of the funds made available under this heading in  
12 Public Law 104–208, \$18,000,000 are rescinded.

13                                  MILITARY PERSONNEL, MARINE CORPS  
14                                  (RESCISSION)

15          Of the funds made available under this heading in  
16 Public Law 104–208, \$5,000,000 are rescinded.

17                                  MILITARY PERSONNEL, AIR FORCE  
18                                  (RESCISSION)

19          Of the funds made available under this heading in  
20 Public Law 104–208, \$23,000,000 are rescinded.

21                                  OPERATION AND MAINTENANCE  
22                                  OPERATION AND MAINTENANCE, ARMY  
23                                  (RESCISSION)

24          Of the funds made available under this heading in  
25 Public Law 104–208, \$196,000,000 are rescinded.



## 1 OPERATION AND MAINTENANCE, NAVY

2 (RESCISSION)

3 Of the funds made available under this heading in  
4 Public Law 104–208, \$51,000,000 are rescinded.

## 5 OPERATION AND MAINTENANCE, MARINE CORPS

6 (RESCISSION)

7 Of the funds made available under this heading in  
8 Public Law 104–208, \$3,000,000 are rescinded.

## 9 OPERATION AND MAINTENANCE, AIR FORCE

10 (RESCISSION)

11 Of the funds made available under this heading in  
12 Public Law 104–208, \$117,000,000 are rescinded.

## 13 OPERATION AND MAINTENANCE, DEFENSE-WIDE

14 (RESCISSION)

15 Of the funds made available under this heading in  
16 Public Law 104–208, \$25,000,000 are rescinded.

## 17 ENVIRONMENTAL RESTORATION, ARMY

18 (RESCISSION)

19 Of the funds made available under this heading in  
20 Public Law 104–208, \$250,000 are rescinded.

## 21 ENVIRONMENTAL RESTORATION, NAVY

22 (RESCISSION)

23 Of the funds made available under this heading in  
24 Public Law 104–208, \$250,000 are rescinded.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (RESCISSION)

3 Of the funds made available under this heading in  
4 Public Law 104–208, \$250,000 are rescinded.

5 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

6 (RESCISSION)

7 Of the funds made available under this heading in  
8 Public Law 104–208, \$250,000 are rescinded.

9 ENVIRONMENTAL RESTORATION, FORMERLY USED  
10 DEFENSE SITES

11 (RESCISSION)

12 Of the funds made available under this heading in  
13 Public Law 104–208, \$250,000 are rescinded.

14 FORMER SOVIET UNION THREAT REDUCTION

15 (RESCISSION)

16 Of the funds made available under this heading in  
17 Public Law 104–208, \$2,000,000 are rescinded.

18 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

20 (RESCISSIONS)

21 Of the funds made available under this heading in  
22 Public Law 103–335, \$1,085,000 are rescinded.

23 Of the funds made available under this heading in  
24 Public Law 104–61, \$5,000,000 are rescinded.

1 Of the funds made available under this heading in  
2 Public Law 104–208, \$13,000,000 are rescinded.

3 MISSILE PROCUREMENT, ARMY  
4 (RESCISSIONS)

5 Of the funds made available under this heading in  
6 Public Law 103–335, \$2,707,000 are rescinded.

7 Of the funds made available under this heading in  
8 Public Law 104–208, \$24,000,000 are rescinded.

9 PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
10 VEHICLES, ARMY  
11 (RESCISSIONS)

12 Of the funds made available under this heading in  
13 Public Law 103–335, \$2,296,000 are rescinded.

14 Of the funds made available under this heading in  
15 Public Law 104–61, \$15,400,000 are rescinded.

16 Of the funds made available under this heading in  
17 Public Law 104–208, \$5,000,000 are rescinded.

18 PROCUREMENT OF AMMUNITION, ARMY  
19 (RESCISSIONS)

20 Of the funds made available under this heading in  
21 Public Law 103–335, \$3,236,000 are rescinded.

22 Of the funds made available under this heading in  
23 Public Law 104–61, \$18,000,000 are rescinded.

24 Of the funds made available under this heading in  
25 Public Law 104–208, \$11,000,000 are rescinded.

1                   OTHER PROCUREMENT, ARMY

2                                   (RESCISSIONS)

3           Of the funds made available under this heading in  
4 Public Law 103–335, \$2,502,000 are rescinded.

5           Of the funds made available under this heading in  
6 Public Law 104–208, \$21,000,000 are rescinded.

7                   AIRCRAFT PROCUREMENT, NAVY

8                                   (RESCISSIONS)

9           Of the funds made available under this heading in  
10 Public Law 103–335, \$34,000,000 are rescinded.

11          Of the funds made available under this heading in  
12 Public Law 104–208, \$52,000,000 are rescinded.

13                  WEAPONS PROCUREMENT, NAVY

14                                   (RESCISSIONS)

15          Of the funds made available under this heading in  
16 Public Law 103–335, \$16,000,000 are rescinded.

17          Of the funds made available under this heading in  
18 Public Law 104–208, \$6,000,000 are rescinded.

19   PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
20                                   CORPS

21                                   (RESCISSION)

22          Of the funds made available under this heading in  
23 Public Law 103–335, \$812,000 are rescinded.

## 1 SHIPBUILDING AND CONVERSION, NAVY

2 (RESCISSIONS)

3 Of the funds made available under this heading in  
4 Public Law 102–396, \$10,000,000 are rescinded.

5 Of the funds made available under this heading in  
6 Public Law 103–139, \$18,700,000 are rescinded.

7 Of the funds made available under this heading in  
8 Public Law 104–208, \$33,000,000 are rescinded.

## 9 OTHER PROCUREMENT, NAVY

10 (RESCISSIONS)

11 Of the funds made available under this heading in  
12 Public Law 103–335, \$4,237,000 are rescinded.

13 Of the funds made available under this heading in  
14 Public Law 104–61, \$3,000,000 are rescinded.

15 Of the funds made available under this heading in  
16 Public Law 104–208, \$8,000,000 are rescinded.

## 17 PROCUREMENT, MARINE CORPS

18 (RESCISSION)

19 Of the funds made available under this heading in  
20 Public Law 103–335, \$1,207,000 are rescinded.

## 21 AIRCRAFT PROCUREMENT, AIR FORCE

22 (RESCISSIONS)

23 Of the funds made available under this heading in  
24 Public Law 103–335, \$49,376,000 are rescinded.

1       Of the funds made available under this heading in  
2 Public Law 104–61, \$40,000,000 are rescinded.

3       Of the funds made available under this heading in  
4 Public Law 104–208, \$41,000,000 are rescinded.

5                   MISSILE PROCUREMENT, AIR FORCE

6                                   (RESCISSIONS)

7       Of the funds made available under this heading in  
8 Public Law 103–335, \$16,020,000 are rescinded.

9       Of the funds made available under this heading in  
10 Public Law 104–208, \$163,000,000 are rescinded.

11                   PROCUREMENT OF AMMUNITION, AIR FORCE

12                                   (RESCISSION)

13       Of the funds made available under this heading in  
14 Public Law 104–61, \$7,700,000 are rescinded.

15                   OTHER PROCUREMENT, AIR FORCE

16                                   (RESCISSIONS)

17       Of the funds made available under this heading in  
18 Public Law 103–335, \$3,659,000 are rescinded.

19       Of the funds made available under this heading in  
20 Public Law 104–61, \$10,000,000 are rescinded.

21       Of the funds made available under this heading in  
22 Public Law 104–208, \$20,000,000 are rescinded.

1                   PROCUREMENT, DEFENSE-WIDE

2                                   (RESCISSIONS)

3           Of the funds made available under this heading in  
4 Public Law 103–335, \$8,860,000 are rescinded.

5           Of the funds made available under this heading in  
6 Public Law 104–61, \$16,113,000 are rescinded.

7           Of the funds made available under this heading in  
8 Public Law 104–208, \$5,000,000 are rescinded.

9                   NATIONAL GUARD AND RESERVE EQUIPMENT

10                                   (RESCISSIONS)

11           Of the funds made available under this heading in  
12 Public Law 103–335, \$5,029,000 are rescinded.

13           Of the funds made available under this heading in  
14 Public Law 104–208, \$8,000,000 are rescinded.

15                   RESEARCH, DEVELOPMENT, TEST AND

16                                   EVALUATION

17   RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

18                                   ARMY

19                                   (RESCISSIONS)

20           Of the funds made available under this heading in  
21 Public Law 104–61, \$4,366,000 are rescinded.

22           Of the funds made available under this heading in  
23 Public Law 104–208, \$18,000,000 are rescinded.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 NAVY  
3 (RESCISSIONS)

4 Of the funds made available under this heading in  
5 Public Law 104–61, \$16,878,000 are rescinded.

6 Of the funds made available under this heading in  
7 Public Law 104–208, \$9,600,000 are rescinded.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
9 AIR FORCE  
10 (RESCISSIONS)

11 Of the funds made available under this heading in  
12 Public Law 104–61, \$24,245,000 are rescinded.

13 Of the funds made available under this heading in  
14 Public Law 104–208, \$172,000,000 are rescinded.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
16 DEFENSE-WIDE  
17 (RESCISSIONS)

18 Of the funds made available under this heading in  
19 Public Law 104–61, \$95,714,000 are rescinded.

20 Of the funds made available under this heading in  
21 Public Law 104–208, \$87,000,000 are rescinded.

22 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE  
23 (RESCISSION)

24 Of the funds made available under this heading in  
25 Public Law 104–61, \$6,692,000 are rescinded.



1 OPERATIONAL TEST AND EVALUATION, DEFENSE

2 (RESCISSION)

3 Of the funds made available under this heading in

4 Public Law 104–61, \$160,000 are rescinded.

5 REVOLVING AND MANAGEMENT FUNDS

6 NATIONAL DEFENSE SEALIFT FUND

7 (RESCISSION)

8 Of the funds made available under this heading in

9 Public Law 104–208, \$25,200,000 are rescinded.

10 OTHER DEPARTMENT OF DEFENSE PROGRAMS

11 DEFENSE HEALTH PROGRAM

12 (RESCISSION)

13 Of the funds made available under this heading in

14 Public Law 104–208, \$21,000,000 are rescinded.

15 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

16 DEFENSE

17 (RESCISSIONS)

18 Of the funds made available under this heading in

19 Public Law 103–335, \$456,000 are rescinded.

20 Of the funds made available under this heading in

21 Public Law 104–61, \$20,652,000 are rescinded.

22 Of the funds made available under this heading in

23 Public Law 104–208, \$27,000,000 are rescinded.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
2 DEFENSE  
3 (RESCISSION)

4 Of the funds made available under this heading in  
5 Public Law 104–208, \$2,000,000 are rescinded.

6 GENERAL PROVISIONS, CHAPTER 2  
7 (RESCISSIONS)

8 SEC. 201. Of the funds appropriated in the Military  
9 Construction Appropriations Act, 1996 (Public Law 104–  
10 32), amounts are hereby rescinded from the following ac-  
11 counts in the specified amounts:

12 “Military Construction, Air National Guard”,  
13 \$5,000,000;

14 “Military Construction, Defense-wide”,  
15 \$41,000,000;

16 “Base Realignment and Closure Account, Part  
17 II”, \$35,391,000;

18 “Base Realignment and Closure Account, Part  
19 III”, \$75,638,000; and

20 “Base Realignment and Closure Account, Part  
21 IV”, \$22,971,000:

22 *Provided*, That of the funds appropriated in the Military  
23 Construction Appropriations Act, 1997 (Public Law 104–  
24 196), amounts are hereby rescinded from the following ac-  
25 counts in the specified amounts:

1 “Military Construction, Army”, \$1,000,000;  
2 “Military Construction, Navy”, \$2,000,000;  
3 “Military Construction, Air Force”,  
4 \$3,000,000; and  
5 “Military Construction, Defense-wide”,  
6 \$3,000,000.

7 (RESCISSION)

8 SEC. 202. Of the funds appropriated for “Military  
9 Construction, Navy” under Public Law 103–307,  
10 \$6,480,000 is hereby rescinded.

### 11 CHAPTER 3

#### 12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 301. The Department of Defense is directed to  
14 report to the congressional defense committees 30 days  
15 prior to transferring management, development, and ac-  
16 quisition authority over the elements of the National Mis-  
17 sile Defense Program from the Military Services: *Pro-*  
18 *vided*, That the Joint Requirements Oversight Council is  
19 directed to conduct an analysis and submit recommenda-  
20 tions as to the recommended future roles of the Military  
21 Services with respect to development and deployment of  
22 the elements of the National Missile Defense Program:  
23 *Provided further*, That the analysis and recommendations  
24 shall be submitted to the congressional defense committees  
25 within 60 days of enactment of this Act: *Provided further*,  
26 That for 60 days following enactment of this Act, the De-

1 partment of Defense shall take no actions to delay or defer  
2 planned activities under the National Missile Defense Pro-  
3 gram based solely on the conduct of the Joint Require-  
4 ments Oversight Council analysis.

5       SEC. 302. Notwithstanding section 3612(a) of title  
6 22, United States Code, the incumbent may continue to  
7 serve as the Secretary of Defense designee on the Board  
8 of the Panama Canal Commission if he retires as an offi-  
9 cer of the Department of Defense, until and unless the  
10 Secretary of Defense designates another person to serve  
11 in this position.

12       SEC. 303. AUTHORITY OF SECRETARY OF DEFENSE  
13 TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON  
14 BLUE GRASS STATION, LEXINGTON, KENTUCKY.—

15           (a) AUTHORITY TO ENTER INTO LEASE.—The  
16 Secretary of Defense may enter into an agreement  
17 for the lease of Building No. 1, Lexington Blue  
18 Grass Station, Lexington, Kentucky, and any real  
19 property associated with the building, for purposes  
20 of the use of the building by the Defense Finance  
21 and Accounting Service. The agreement shall meet  
22 the requirements of this section.

23           (b) TERM.—(1) The agreement under this sec-  
24 tion shall provide for a lease term of not to exceed

1 50 years, but may provide for one or more options  
2 to renew or extend the term of the lease.

3 (2) The agreement shall include a provision  
4 specifying that, if the Secretary ceases to require the  
5 leased building for purpose of the use of the building  
6 by the Defense Finance and Accounting Service be-  
7 fore the expiration of the term of the lease (includ-  
8 ing any extension or renewal of the term under an  
9 option provided for in paragraph (1)), the remainder  
10 of the lease term may, upon the approval of the les-  
11 sor of the building, be satisfied by the Secretary or  
12 another department or agency of the Federal Gov-  
13 ernment (including a military department) for an-  
14 other purpose similar to such purpose.

15 (c) CONSIDERATION.—(1) The agreement under  
16 this section may not require rental payments by the  
17 United States under the lease under the agreement.

18 (2) The Secretary or other lessee, if any, under  
19 subsection (b)(2) shall be responsible under the  
20 agreement for payment of any utilities associated  
21 with the lease of the building covered by the agree-  
22 ment and for maintenance and repair of the build-  
23 ing.

24 (d) IMPROVEMENT.—The agreement under this  
25 section may provide for the improvement of the

1 building covered by the agreement by the Secretary  
2 or other lessee, if any, under subsection (b)(2).

3 (e) LIMITATION ON CERTAIN ACTIVITIES.—The  
4 Secretary may not obligate or expend funds for the  
5 costs of any utilities, maintenance and repair, or im-  
6 provements under this lease under this section in  
7 any fiscal year unless funds are appropriated or oth-  
8 erwise made available for the Department of De-  
9 fense for such payment in such fiscal year.

10 SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31  
11 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appro-  
12 priated in Public Law 101–511, Public Law 102–396, and  
13 Public Law 103–139, under the heading “Weapons Pro-  
14 curement, Navy”, that were obligated and expended to set-  
15 tle claims on the MK–50 torpedo program may continue  
16 to be obligated and expended to settle those claims.

17 SEC. 305. None of the funds available to the Depart-  
18 ment of Defense in this or any other Act shall be available  
19 to pay the cost of operating a National Missile Defense  
20 Joint Program Office which includes more than 55 mili-  
21 tary and civilian personnel located in the National Capital  
22 Region.

23 SEC. 306. Funds obligated by the National Aero-  
24 nautics and Space Administration (NASA) in the amount  
25 of \$61,300,000 during fiscal year 1996, pursuant to the

1 “Memorandum of Agreement between the National Aero-  
2 nautics and Space Administration and the United States  
3 Air Force on Titan IV/Centaur Launch Support for the  
4 Cassini Mission,” signed September 8, 1994, and Septem-  
5 ber 23, 1994, and Attachments A, B, and C to that Memo-  
6 randum, shall be merged with Air Force appropriations  
7 available for research, development, test and evaluation  
8 and procurement for fiscal year 1996, and shall be avail-  
9 able for the same time period as the appropriation with  
10 which merged, and shall be available for obligation only  
11 for those Titan IV vehicles and Titan IV-related activities  
12 under contract.

13       SEC. 307. For the purposes of implementing the  
14 1997 Defense Experimental Program to Stimulate Com-  
15 petitive Research (DEPSCoR), the term “State” means  
16 a State of the United States, the District of Columbia,  
17 Puerto Rico, Guam and the Virgin Islands of the United  
18 States, American Samoa and the Commonwealth of the  
19 Northern Mariana Islands.

1 TITLE II—EMERGENCY SUPPLEMENTAL AP-  
2 PROPRIATIONS FOR RECOVERY FROM NAT-  
3 URAL DISASTERS

4 CHAPTER 1

5 DEPARTMENT OF AGRICULTURE

6 FARM SERVICE AGENCY

7 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

8 ACCOUNT

9 For an additional amount for the “Agricultural Cred-  
10 it Insurance Fund Program Account” for the additional  
11 cost of direct and guaranteed loans authorized by 7 U.S.C.  
12 1928–1929, including the cost of modifying such loans as  
13 defined in section 502 of the Congressional Budget Act  
14 of 1974, resulting from flooding and other natural disas-  
15 ters, \$23,000,000, to remain available until expended, of  
16 which \$18,000,000 shall be available for emergency in-  
17 sured loans and \$5,000,000 shall be available for sub-  
18 sidized guaranteed operating loans: *Provided*, That the en-  
19 tire amount shall be available only to the extent that an  
20 official budget request for \$23,000,000 that includes des-  
21 ignation of the entire amount of the request as an emer-  
22 gency requirement as defined in the Balanced Budget and  
23 Emergency Deficit Control Act of 1985, as amended, is  
24 transmitted by the President to the Congress: *Provided*  
25 *further*, That such amount is designated by Congress as



1 an emergency requirement pursuant to section  
2 251(b)(2)(D)(i) of such Act.

3 For an additional amount for the “Agricultural Cred-  
4 it Insurance Fund Program Account” for the additional  
5 cost of direct operating loans authorized by 7 U.S.C.  
6 1928–1929, including the cost of modifying such loans as  
7 defined in section 502 of the Congressional Budget Act  
8 of 1974, \$6,300,000, to remain available until expended.

#### 9 EMERGENCY CONSERVATION PROGRAM

10 For an additional amount for “Emergency Conserva-  
11 tion Program” for expenses, including carcass removal, re-  
12 sulting from flooding and other natural disasters,  
13 \$70,000,000, to remain available until expended: *Pro-*  
14 *vided*, That the entire amount shall be available only to  
15 the extent that an official budget request for \$70,000,000,  
16 that includes designation of the entire amount of the re-  
17 quest as an emergency requirement as defined in the Bal-  
18 anced Budget and Emergency Deficit Control Act of 1985,  
19 as amended, is transmitted by the President to the Con-  
20 gress: *Provided further*, That such amount is designated  
21 by Congress as an emergency requirement pursuant to  
22 section 251(b)(2)(D)(i) of such Act.

#### 23 TREE ASSISTANCE PROGRAM

24 An amount of \$9,000,000 is provided for assistance  
25 to small orchardists to replace or rehabilitate trees and  
26 vineyards damaged by natural disasters: *Provided*, That

1 the entire amount shall be available only to the extent that  
2 an official budget request of \$9,000,000, that includes  
3 designation of the entire amount of the request as an  
4 emergency requirement as defined in the Balanced Budget  
5 and Emergency Deficit Control Act of 1985, as amended,  
6 is transmitted by the President to the Congress: *Provided*  
7 *further*, That such amount is designated by Congress as  
8 an emergency requirement pursuant to section  
9 251(b)(2)(D)(i) of such Act.

10 COMMODITY CREDIT CORPORATION FUND

11 DISASTER RESERVE ASSISTANCE PROGRAM

12 Effective only for losses in the fiscal year beginning  
13 October 1, 1996, through the date of enactment of this  
14 Act, the Secretary may use up to \$50,000,000 from pro-  
15 ceeds earned from the sale of grain in the disaster reserve  
16 established in the Agricultural Act of 1970 to implement  
17 a livestock indemnity program for losses from natural dis-  
18 asters pursuant to a Presidential or Secretarial declara-  
19 tion requested prior to the date of enactment of this Act  
20 in a manner similar to catastrophic loss coverage available  
21 for other commodities under 7 U.S.C. 1508(b): *Provided*,  
22 That in administering a program described in the preced-  
23 ing sentence, the Secretary shall, to the extent practicable,  
24 utilize gross income and payment limitations conditions  
25 established for the Disaster Reserve Assistance Program

1 for the 1996 crop year: *Provided further*, That notwith-  
2 standing any other provision of law, beginning on October  
3 1, 1997, grain in the disaster reserve established in the  
4 Agricultural Act of 1970 shall not exceed 20 million bush-  
5 els: *Provided further*, That the entire amount shall be  
6 available only to the extent an official budget request, that  
7 includes designation of the entire amount of the request  
8 as an emergency requirement as defined in the Balanced  
9 Budget and Emergency Deficit Control Act of 1985, as  
10 amended, is transmitted by the President to the Congress:  
11 *Provided further*, That the entire amount is designated by  
12 Congress as an emergency requirement pursuant to sec-  
13 tion 251(b)(2)(D)(i) of such Act.

14 NATURAL RESOURCES CONSERVATION SERVICE

15 WATERSHED AND FLOOD PREVENTION OPERATIONS

16 For an additional amount for “Watershed and Flood  
17 Prevention Operations” to repair damages to the water-  
18 ways and watersheds, including debris removal that would  
19 not be authorized under the Emergency Watershed Pro-  
20 gram, resulting from flooding and other natural disasters,  
21 including those in prior years, \$166,000,000, to remain  
22 available until expended: *Provided*, That the entire amount  
23 shall be available only to the extent an official budget re-  
24 quest for \$166,000,000, that includes designation of the  
25 entire amount of the request as an emergency requirement

1 as defined in the Balanced Budget and Emergency Deficit  
2 Control Act of 1985, as amended, is transmitted by the  
3 President to the Congress: *Provided further*, That the en-  
4 tire amount is designated by Congress as an emergency  
5 requirement pursuant to section 251(b)(2)(D)(i) of such  
6 Act: *Provided further*, That if the Secretary determines  
7 that the cost of land and farm structures restoration ex-  
8 ceeds the fair market value of an affected agricultural  
9 land, the Secretary may use sufficient amounts, not to ex-  
10 ceed \$15,000,000, from funds provided under this heading  
11 to accept bids from willing sellers to provide floodplain  
12 easements for such agricultural land inundated by floods:  
13 *Provided further*, That none of the funds provided under  
14 this heading shall be used for the salmon memorandum  
15 of understanding.

16 RURAL HOUSING SERVICE

17 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

18 RURAL HOUSING ASSISTANCE PROGRAM

19 Any unobligated balances remaining in the “Rural  
20 Housing Insurance Fund Program Account” from prior  
21 years’ disaster supplementals shall be available until ex-  
22 pended for Section 502 housing loans, Section 504 loans  
23 and grants, Section 515 loans, and domestic farm labor  
24 grants to meet emergency needs resulting from natural  
25 disasters: *Provided*, That such unobligated balances shall

1 be available only to the extent an official budget request  
2 that includes designation of the entire amount of the re-  
3 quest as an emergency requirement as defined in the Bal-  
4 anced Budget and Emergency Deficit Control Act of 1985  
5 is transmitted by the President to the Congress: *Provided*  
6 *further*, That such unobligated balances are designated by  
7 Congress as an emergency requirement pursuant to sec-  
8 tion 251(b)(2)(D)(i) of such Act: *Provided further*, That  
9 notwithstanding section 520 of the Housing Act of 1949,  
10 as amended, (42 U.S.C. 1490) the College Station area  
11 of Pulaski County, Arkansas shall be eligible for loans and  
12 grants available through the Rural Housing Service: *Pro-*  
13 *vided further*, That funds made available in Public Law  
14 104–180 for Community Facility Grants for the Rural  
15 Housing Assistance Program may be provided to any com-  
16 munity otherwise eligible for a Community Facility Loan  
17 for expenses directly or indirectly resulting from flooding  
18 and other natural disasters.

19                                   RURAL UTILITIES SERVICE

20                                   RURAL UTILITIES ASSISTANCE PROGRAM

21           For an additional amount for “Rural Utilities Assist-  
22 ance Program”, for the cost of direct loans, loan guaran-  
23 tees, and grants, including the cost of modifying loans as  
24 defined in section 502 of the Congressional Budget Act  
25 of 1974, for emergency expenses resulting from flooding

1 and other natural disasters, \$4,000,000, to remain avail-  
2 able until September 30, 1998: *Provided*, That the entire  
3 amount shall be available only to the extent that an official  
4 budget request for \$4,000,000, that includes designation  
5 of the entire amount of the request as an emergency re-  
6 quirement as defined in the Balanced Budget and Emer-  
7 gency Deficit Control Act of 1985, as amended, is trans-  
8 mitted by the President to the Congress: *Provided further*,  
9 That the entire amount is designated by Congress as an  
10 emergency requirement pursuant to section  
11 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985, as amended.

13 FOOD AND CONSUMER SERVICE

14 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

15 WOMEN, INFANTS, AND CHILDREN (WIC)

16 For an additional amount for the “Special Supple-  
17 mental Nutrition Program for Women, Infants, and Chil-  
18 dren (WIC)” as authorized by section 17 of the Child Nu-  
19 trition Act of 1966, as amended (42 U.S.C. et seq.),  
20 \$76,000,000, to remain available through September 30,  
21 1998: *Provided*, That the Secretary shall allocate such  
22 funds through the existing formula or, notwithstanding  
23 sections 17(g), (h), or (i) of such Act and the regulations  
24 promulgated thereunder, such other means as the Sec-  
25 retary deems necessary.

1           GENERAL PROVISION, CHAPTER 1  
2 **SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMA-**  
3           **TION ON PRICES RECEIVED FOR BULK**  
4           **CHEESE.**

5           (a) IN GENERAL.—Not later than 30 days after the  
6 date of enactment of this Act, the Secretary of Agriculture  
7 shall collect and disseminate, on a weekly basis, statis-  
8 tically reliable information, obtained from cheese manufac-  
9 turing areas in the United States on prices received and  
10 terms of trade involving bulk cheese, including information  
11 on the national average price for bulk cheese sold through  
12 spot and forward contract transactions. To the maximum  
13 extent practicable, the Secretary shall report the prices  
14 and terms of trade for spot and forward contract trans-  
15 actions separately.

16           (b) CONFIDENTIALITY.—All information provided to,  
17 or acquired by, the Secretary under subsection (a) shall  
18 be kept confidential by each officer and employee of the  
19 Department of Agriculture except that general weekly  
20 statements may be issued that are based on the informa-  
21 tion and that do not identify the information provided by  
22 any person.

23           (c) REPORT.—Not later than 150 days after the date  
24 of enactment of this Act, the Secretary shall report to the  
25 Committee on Agriculture, and the Committee on Appro-

1 priations, of the House of Representatives and the Com-  
 2 mittee on Agriculture, Nutrition, and Forestry, and the  
 3 Committee on Appropriations, of the Senate, on the rate  
 4 of reporting compliance by cheese manufacturers with re-  
 5 spect to the information collected under subsection (a). At  
 6 the time of the report, the Secretary may submit legisla-  
 7 tive recommendations to improve the rate of reporting  
 8 compliance.

9 (d) TERMINATION OF EFFECTIVENESS.—The au-  
 10 thority provided by subsection (a) terminates effective  
 11 April 5, 1999.

## 12 CHAPTER 2

### 13 DEPARTMENT OF COMMERCE

#### 14 ECONOMIC DEVELOPMENT ADMINISTRATION

#### 15 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

16 For an additional amount for “Economic Develop-  
 17 ment Assistance Programs” for emergency infrastructure  
 18 expenses and the capitalization of revolving loan funds re-  
 19 lated to recent flooding and other natural disasters,  
 20 \$52,200,000, to remain available until expended, of which  
 21 not to exceed \$2,000,000 may be available for administra-  
 22 tive expenses and may be transferred to and merged with  
 23 the appropriations for “Salaries and Expenses”: *Provided*,  
 24 That the entire amount is designated by Congress as an  
 25 emergency requirement pursuant to section



1 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985, as amended.

3 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
4 INDUSTRIAL TECHNOLOGY SERVICES

5 Of the amount provided under this heading in Public  
6 Law 104–208 for the Advanced Technology Program, not  
7 to exceed \$35,000,000 shall be available for the award of  
8 new grants.

9 NATIONAL OCEANIC AND ATMOSPHERIC  
10 ADMINISTRATION  
11 OPERATIONS, RESEARCH, AND FACILITIES

12 Within amounts available for “Operations, Research,  
13 and Facilities” for Satellite Observing Systems, not to ex-  
14 ceed \$7,000,000 is available until expended to provide dis-  
15 aster assistance related to recent flooding and red tide  
16 pursuant to section 312(a) of the Magnuson-Stevens Fish-  
17 ery Conservation and Management Act, and not to exceed  
18 \$2,000,000 is available until expended to implement the  
19 Magnuson-Stevens Fishery Conservation and Manage-  
20 ment Act: *Provided*, That the entire amount shall be avail-  
21 able only to the extent that an official budget request for  
22 \$9,000,000, that includes designation of the entire  
23 amount of the request as an emergency requirement as  
24 defined in the Balanced Budget and Emergency Deficit  
25 Control Act of 1985, as amended, is transmitted by the

1 President to Congress: *Provided further*, That the entire  
2 amount is designated by Congress as an emergency re-  
3 quirement pursuant to section 251(b)(2)(D)(i) of such  
4 Act.

#### 5 CONSTRUCTION

6 For an additional amount for “Construction” for  
7 emergency expenses resulting from flooding and other nat-  
8 ural disasters, \$10,800,000, to remain available until ex-  
9 pended: *Provided*, That the entire amount is designated  
10 by Congress as an emergency requirement pursuant to  
11 section 251(b)(2)(D)(i) of the Balanced Budget and  
12 Emergency Deficit Control Act of 1985, as amended.

#### 13 RELATED AGENCY

14 COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW  
15 ENFORCEMENT

16 For an additional amount for the operations of the  
17 Commission on the Advancement of Federal Law Enforce-  
18 ment, \$2,000,000, to remain available until expended.

#### 19 GENERAL PROVISIONS, CHAPTER 2

20 SEC. 2001. Of the funds currently contained within  
21 the “Counterterrorism Fund” of the Department of Jus-  
22 tice, \$3,000,000 is provided for allocation by the Attorney  
23 General to the appropriate unit or units of government  
24 in Ogden, Utah, for necessary expenses, including en-  
25 hancements and upgrade of security and communications  
26 infrastructure, to counter any potential terrorism threat

1 related to the 2002 Winter Olympic games to be held in  
2 Utah.

3 SEC. 2002. EXPANDING SMALL BUSINESS PARTICI-  
4 PATION IN DREDGING.—Section 722(a) of the Small Busi-  
5 ness Competitiveness Demonstration Program Act of 1988  
6 (15 U.S.C. 644 note) is amended by striking “September  
7 30, 1996” and inserting “September 30, 1997”.

8 SEC. 2003. Section 101 of the Marine Mammal Pro-  
9 tection Act of 1972 (16 U.S.C. 1371) is amended by add-  
10 ing at the end thereof the following:

11 “(d) GOOD SAMARITAN EXEMPTION.—It shall not be  
12 a violation of this Act to take a marine mammal if—

13 “(1) such taking is imminently necessary to  
14 avoid serious injury, additional injury, or death to a  
15 marine mammal entangled in fishing gear or debris;

16 “(2) reasonable care is taken to ensure the safe  
17 release of the marine mammal, taking into consider-  
18 ation the equipment, expertise, and conditions at  
19 hand;

20 “(3) reasonable care is exercised to prevent any  
21 further injury to the marine mammal; and

22 “(4) such taking is reported to the Secretary  
23 within 48 hours.”.

24 SEC. 2004. Notwithstanding any other provision of  
25 law, the Secretary of Commerce shall have the authority

1 to reprogram or transfer up to \$41,000,000 of the  
 2 amounts provided under “National Oceanic and Atmos-  
 3 pheric Administration, Operations, Research, and Facili-  
 4 ties” for Satellite Observing Systems in Public Law 104–  
 5 208 for other programmatic and operational requirements  
 6 of the National Oceanic and Atmospheric Administration  
 7 and the Department of Commerce subject to notification  
 8 of the Committees on Appropriations of the House of Rep-  
 9 resentatives and the Senate in accordance with section 605  
 10 of the Departments of Commerce, Justice, and State, the  
 11 Judiciary, and Related Agencies Appropriations Act, 1997  
 12 and which shall not be available for obligation or expendi-  
 13 ture except in compliance with the procedure set forth in  
 14 that section.

### 15 CHAPTER 3

#### 16 DEPARTMENT OF DEFENSE—CIVIL

#### 17 DEPARTMENT OF THE ARMY

#### 18 CORPS OF ENGINEERS—CIVIL

19 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,  
 20 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-  
 21 SSISSIPPI, MISSOURI, AND TENNESSEE

22 For an additional amount for “Flood Control, Mis-  
 23 sissippi River and Tributaries, Arkansas, Illinois, Ken-  
 24 tucky, Louisiana, Mississippi, Missouri, and Tennessee”  
 25 for emergency expenses due to flooding and other natural

1 disasters, \$20,000,000, to remain available until ex-  
2 pended: *Provided*, That the entire amount is designated  
3 by Congress as an emergency requirement pursuant to  
4 section 251(b)(2)(D)(i) of the Balanced Budget and  
5 Emergency Deficit Control Act of 1985, as amended.

6 OPERATION AND MAINTENANCE, GENERAL

7 For an additional amount for “Operation and Main-  
8 tenance, General” for emergency expenses due to flooding  
9 and other natural disasters, \$150,000,000, to remain  
10 available until expended: *Provided*, That of the total  
11 amount appropriated, the amount for eligible navigation  
12 projects which may be derived from the Harbor Mainte-  
13 nance Trust Fund pursuant to Public Law 99–662, shall  
14 be derived from that fund: *Provided further*, That of the  
15 total amount appropriated, \$5,000,000 shall be available  
16 solely for the Secretary of the Army, acting through the  
17 Chief of Engineers, to pay the costs of the Corps of Engi-  
18 neers and other Federal agencies associated with the de-  
19 velopment of necessary studies, an interagency manage-  
20 ment plan, environmental documentation, continued mon-  
21 itoring, and other activities related to allocations of water  
22 in the Alabama-Coosa-Tallapoosa and Apalachicola-  
23 Chattahoochee-Flint River Basins: *Provided further*, That  
24 no portion of such \$5,000,000 may be used by the Corps  
25 of Engineers to revise its master operational manuals or  
26 water control plans for operation of the reservoirs for the

1 two river basins until (1) the interstate compacts for the  
2 two river basins are ratified by the Congress by law; and  
3 (2) the water allocation formulas for the two river basins  
4 have been agreed to by the States of Alabama, Georgia,  
5 and Florida and the Federal representative to the com-  
6 pacts: *Provided further*, That the preceding proviso shall  
7 not apply to the use of such funds for any environmental  
8 reviews necessary for the Federal representative to ap-  
9 prove the water allocation formulas for the two river ba-  
10 sins: *Provided further*, That the entire amount is des-  
11 ignated by Congress as an emergency requirement pursu-  
12 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
13 Emergency Deficit Control Act of 1985, as amended.

14 FLOOD CONTROL AND COASTAL EMERGENCIES

15 For an additional amount for “Flood Control and  
16 Coastal Emergencies” due to flooding and other natural  
17 disasters, \$415,000,000, to remain available until ex-  
18 pended: *Provided*, That the entire amount is designated  
19 by Congress as an emergency requirement pursuant to  
20 section 251(b)(2)(D)(i) of the Balanced Budget and  
21 Emergency Deficit Control Act of 1985, as amended: *Pro-*  
22 *vided further*, That with \$5,000,000 of the funds appro-  
23 priated herein, the Secretary of the Army is directed to  
24 initiate and complete preconstruction engineering and de-  
25 sign and the associated Environmental Impact Statement  
26 for an emergency outlet from Devils Lake, North Dakota,

1 to the Sheyenne River: *Provided further*, That of the funds  
2 appropriated under this paragraph, \$5,000,000 shall be  
3 used for the project consisting of channel restoration and  
4 improvements on the James River authorized by section  
5 401(b) of the Water Resources Development Act of 1986  
6 (Public Law 99–662; 100 Stat. 4128) if the Secretary of  
7 the Army determines that the need for such restoration  
8 and improvements constitutes an emergency.

9 DEPARTMENT OF THE INTERIOR

10 BUREAU OF RECLAMATION

11 OPERATION AND MAINTENANCE

12 For an additional amount for “Operation and Main-  
13 tenance”, \$7,355,000, to remain available until expended,  
14 to repair damage caused by floods and other natural disas-  
15 ters: *Provided*, That of the total appropriated, the amount  
16 for program activities that can be financed by the Rec-  
17 lamation Fund shall be derived from that fund: *Provided*  
18 *further*, That the entire amount is designated by Congress  
19 as an emergency requirement pursuant to section  
20 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
21 Deficit Control Act of 1985, as amended.

22 GENERAL PROVISIONS, CHAPTER 3

23 SEC. 3001. (a) Beginning in fiscal year 1997 and  
24 thereafter, the United States members and the alternate  
25 members appointed under the Susquehanna River Basin

1 Compact (Public Law 91–575), and the Delaware River  
2 Basin Compact (Public Law 87–328), shall be officers of  
3 the U.S. Army Corps of Engineers, who hold Presidential  
4 appointments as Regular Army officers with Senate con-  
5 firmation, and who shall serve without additional com-  
6 pensation.

7 (b) Section 2, Reservations, Paragraph (u) of Public  
8 Law 91–575 (84 Stat. 1509) and section 15.1, Reserva-  
9 tions, Paragraph (d) of Public Law 87–328 (75 Stat. 688,  
10 691) are hereby repealed.

11 (c) Section 2.2 of Public Law 87–328 (75 Stat. 688,  
12 691) is amended by striking the words “during the term  
13 of office of the President” and inserting the words “at  
14 the pleasure of the President”.

15 SEC. 3002. Notwithstanding section 5 of the Rec-  
16 lamation Safety of Dams Act of 1978, Public Law 95–  
17 578, as amended, the Secretary of the Interior is author-  
18 ized to obligate up to \$1,200,000 for carrying out actual  
19 construction for safety of dam purposes to modify the Wil-  
20 low Creek Dam, Sun River Project, Montana.

21 SEC. 3003. (a) CONSULTATION AND CONFERENC-  
22 ING.—As provided by regulations issued under the Endan-  
23 gered Species Act (16 U.S.C. 1531 et seq.) for emergency  
24 situations, formal consultation or conferencing under sec-  
25 tion 7(a)(2) or section 7(a)(4) of the Act for any action



1 authorized, funded or carried out by any Federal agency  
2 to repair a Federal or non-Federal flood control project,  
3 facility or structure may be deferred by the Federal agen-  
4 cy authorizing, funding or carrying out the action, if the  
5 agency determines that the repair is needed to respond  
6 to an emergency causing an imminent threat to human  
7 lives and property in 1996 or 1997. Formal consultation  
8 or conferencing shall be deferred until the imminent threat  
9 to human lives and property has been abated. For pur-  
10 poses of this section, the term repair shall include preven-  
11 tive and remedial measures to restore the project, facility  
12 or structure to remove an imminent threat to human lives  
13 and property.

14 (b) REASONABLE AND PRUDENT MEASURES.—Any  
15 reasonable and prudent measures specified under section  
16 7 of the Endangered Species Act (16 U.S.C. 1536) to min-  
17 imize the impact of an action taken under this section  
18 shall be related both in nature and extent to the effect  
19 of the action taken to repair the flood control project, fa-  
20 cility or structure.

1 CHAPTER 4  
2 FOREIGN OPERATIONS, EXPORT FINANCING,  
3 AND RELATED PROGRAMS  
4 ASSISTANCE TO UKRAINE

5 SEC. 4001. The President may waive the minimum  
6 funding requirements contained in subsection (k) under  
7 the heading “Assistance for the New Independent States  
8 of the Former Soviet Union” contained in the Foreign Op-  
9 erations, Export Financing, and Related Programs Appro-  
10 priations Act, 1997, as included in Public Law 104–208,  
11 for activities for the government of Ukraine funded in that  
12 subsection, if he determines and so reports to the Commit-  
13 tees on Appropriations that the government of Ukraine:

14 (1) has not made progress toward implementa-  
15 tion of comprehensive economic reform;

16 (2) is not taking steps to ensure that United  
17 States businesses and individuals are able to operate  
18 according to generally accepted business principles;  
19 or

20 (3) is not taking steps to cease the illegal  
21 dumping of steel plate.

1 CHAPTER 5  
2 DEPARTMENT OF THE INTERIOR  
3 BUREAU OF LAND MANAGEMENT  
4 CONSTRUCTION  
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Construction” to re-  
7 pair damage caused by floods and other natural disasters,  
8 \$4,796,000, to remain available until expended, of which  
9 \$4,403,000 is to be derived by transfer from unobligated  
10 balances of funds under the heading, “Oregon and Califor-  
11 nia Grant Lands”, made available as supplemental appro-  
12 priations in Public Law 104–134: *Provided*, That the en-  
13 tire amount is designated by Congress as an emergency  
14 requirement pursuant to section 251(b)(2)(D)(i) of the  
15 Balanced Budget and Emergency Deficit Control Act of  
16 1985, as amended.

17 OREGON AND CALIFORNIA GRANT LANDS

18 For an additional amount for “Oregon and California  
19 Grant Lands” to repair damage caused by floods and  
20 other natural disasters, \$2,694,000, to remain available  
21 until expended and to be derived from unobligated bal-  
22 ances of funds under the heading, “Oregon and California  
23 Grant Lands”, made available as supplemental appropria-  
24 tions in Public Law 104–134: *Provided*, That the entire  
25 amount is designated by Congress as an emergency re-  
26 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985,  
2 as amended.

3 UNITED STATES FISH AND WILDLIFE SERVICE

4 RESOURCE MANAGEMENT

5 For an additional amount for “Resource Manage-  
6 ment”, \$5,300,000, to remain available until expended, for  
7 technical assistance and fish replacement made necessary  
8 by floods and other natural disasters, for restoration of  
9 public lands damaged by fire, and for payments to private  
10 landowners for the voluntary use of private land to store  
11 water in restored wetlands: *Provided*, That the entire  
12 amount is designated by Congress as an emergency re-  
13 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-  
14 anced Budget and Emergency Deficit Control Act of 1985,  
15 as amended.

16 CONSTRUCTION

17 For an additional amount for “Construction”,  
18 \$88,000,000, to remain available until expended, to repair  
19 damage caused by floods and other natural disasters: *Pro-*  
20 *vided*, That the entire amount is designated by Congress  
21 as an emergency requirement pursuant to section  
22 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
23 Deficit Control Act of 1985, as amended.

24 LAND ACQUISITION

25 For an additional amount for “Land Acquisition”,  
26 \$10,000,000, to remain available until expended, for the

1 cost-effective emergency acquisition of land and water  
2 rights necessitated by floods and other natural disasters:  
3 *Provided*, That the entire amount is designated by Con-  
4 gress as an emergency requirement pursuant to section  
5 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
6 Deficit Control Act of 1985, as amended.

7 NATIONAL PARK SERVICE

8 CONSTRUCTION

9 For an additional amount for “Construction” for  
10 emergency expenses resulting from flooding and other nat-  
11 ural disasters, \$187,321,000, to remain available until ex-  
12 pended: *Provided*, That the entire amount is designated  
13 by Congress as an emergency requirement pursuant to  
14 section 251(b)(2)(D)(i) of the Balanced Budget and  
15 Emergency Deficit Control Act of 1985, as amended: *Pro-*  
16 *vided further*, That of this amount, \$30,000,000 shall be  
17 available only to the extent an official budget request for  
18 a specific dollar amount, that includes designation of the  
19 entire amount of the request as an emergency requirement  
20 as defined in such Act, is transmitted by the President  
21 to Congress, and upon certification by the Secretary of  
22 the Interior to the President that a specific amount of  
23 such funds is required for (1) repair or replacement of  
24 concession use facilities at Yosemite National Park if the  
25 Secretary determines, after consulting with the Director

1 of the Office of Management and Budget, that the repair  
2 or replacement of those facilities cannot be postponed until  
3 completion of an agreement with the Yosemite Conces-  
4 sions Services Corporation or any responsible third party  
5 to satisfy its repair or replacement obligations for the fa-  
6 cilities, or (2) the Federal portion, if any, of the costs of  
7 repair or replacement of such concession use facilities:  
8 *Provided further*, That nothing herein should be construed  
9 as impairing in any way the rights of the United States  
10 against the Yosemite Concession Services Corporation or  
11 any other party or as relieving the Corporation or any  
12 other party of its obligations to the United States: *Pro-*  
13 *vided further*, That prior to any final agreement by the  
14 Secretary with the Corporation or any other party con-  
15 cerning its obligation to repair or replace concession use  
16 facilities, the Solicitor of the Department of the Interior  
17 shall certify that the agreement fully satisfies the obliga-  
18 tions of the Corporation or third party: *Provided further*,  
19 That nothing herein, or any payments, repairs, or replace-  
20 ments made by the Corporation or a third party in fulfill-  
21 ment of the Corporation's obligations to the United States  
22 to repair and replace damaged facilities, shall create any  
23 possessory interest for the Corporation or such third party  
24 in such repaired or replaced facilities: *Provided further*,  
25 That any payments made to the United States by the Cor-

1 poration or a third party for repair or replacement of con-  
2 cession use facilities shall be deposited in the General  
3 Fund of the Treasury or, where facilities are repaired or  
4 replaced by the Corporation or any other third party, an  
5 equal amount of appropriations for “Construction” shall  
6 be rescinded.

7 For an additional amount for “Construction”,  
8 \$10,000,000, to remain available until expended, to make  
9 repairs, construct facilities, and provide visitor transpor-  
10 tation and for related purposes at Yosemite National  
11 Park.

12 UNITED STATES GEOLOGICAL SURVEY

13 SURVEYS, INVESTIGATIONS, AND RESEARCH

14 For an additional amount for “Surveys, Investiga-  
15 tions, and Research”, \$4,650,000, to remain available  
16 until September 30, 1998, to repair or replace damaged  
17 equipment and facilities caused by floods and other natu-  
18 ral disasters: *Provided*, That the entire amount is des-  
19 ignated by Congress as an emergency requirement pursu-  
20 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
21 Emergency Deficit Control Act of 1985, as amended.

22 BUREAU OF INDIAN AFFAIRS

23 OPERATION OF INDIAN PROGRAMS

24 For an additional amount for “Operation of Indian  
25 Programs”, \$14,317,000, to remain available until Sep-

1 tember 30, 1998, for emergency response activities, in-  
2 cluding emergency school operations, heating costs, emer-  
3 gency welfare assistance, and to repair and replace facili-  
4 ties and resources damaged by snow, floods, and other  
5 natural disasters: *Provided*, That the entire amount is des-  
6 ignated by Congress as an emergency requirement pursu-  
7 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
8 Emergency Deficit Control Act of 1985, as amended.

9 CONSTRUCTION

10 For an additional amount for “Construction”,  
11 \$6,249,000, to remain available until expended, to repair  
12 damages caused by floods and other natural disasters:  
13 *Provided*, That the entire amount is designated by Con-  
14 gress as an emergency requirement pursuant to section  
15 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
16 Deficit Control Act of 1985, as amended: *Provided further*,  
17 That notwithstanding any other provision of law, funds  
18 appropriated herein and in Public Law 104–208 to the  
19 Bureau of Indian Affairs for repair of the Wapato irriga-  
20 tion project shall be made available on a nonreimbursable  
21 basis.



1                                   RELATED AGENCIES  
2                           DEPARTMENT OF AGRICULTURE  
3                                   FOREST SERVICE  
4                                   NATIONAL FOREST SYSTEM

5           For an additional amount for “National Forest Sys-  
6 tem” for emergency expenses resulting from flooding and  
7 other natural disasters, \$39,677,000, to remain available  
8 until expended: *Provided*, That the entire amount is des-  
9 ignated by Congress as an emergency requirement pursu-  
10 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985, as amended.

12                                   RECONSTRUCTION AND CONSTRUCTION

13           For an additional amount for “Reconstruction and  
14 Construction” for emergency expenses resulting from  
15 flooding and other natural disasters, \$27,685,000, to re-  
16 main available until expended: *Provided*, That the entire  
17 amount is designated by Congress as an emergency re-  
18 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-  
19 anced Budget and Emergency Deficit Control Act of 1985,  
20 as amended.

21                           DEPARTMENT OF HEALTH AND HUMAN  
22                                   SERVICES

23                                   INDIAN HEALTH SERVICE  
24                                   INDIAN HEALTH SERVICES

25           For an additional amount for “Indian Health Serv-  
26 ices” for emergency expenses resulting from flooding and

1 other natural disasters, \$1,000,000, to remain available  
 2 until expended: *Provided*, That the entire amount is des-  
 3 ignated by Congress as an emergency requirement pursu-  
 4 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
 5 Emergency Deficit Control Act of 1985, as amended.

6 INDIAN HEALTH FACILITIES

7 For an additional amount for “Indian Health Facili-  
 8 ties” for emergency expenses resulting from flooding and  
 9 other natural disasters, \$2,000,000, to remain available  
 10 until expended: *Provided*, That the entire amount is des-  
 11 ignated by Congress as an emergency requirement pursu-  
 12 ant to section 251(b)(2)(D)(i) of the Balanced Budget and  
 13 Emergency Deficit Control Act of 1985, as amended.

14 GENERAL PROVISIONS, CHAPTER 5

15 SEC. 5001. Section 101(c) of Public Law 104–134  
 16 is amended as follows: Under the heading “Title III—  
 17 General Provisions” amend sections 315(c)(1)(A) and  
 18 315(c)(1)(B) by striking in each of those sections “104%”  
 19 and inserting in lieu thereof “100%”; by striking in each  
 20 of those sections “1995” and inserting in lieu thereof  
 21 “1994”; and by striking in each of those sections “and  
 22 thereafter annually adjusted upward by 4%,”.

23 SEC. 5002. Section 101(d) of Public Law 104–208  
 24 is amended as follows: Under the heading “Administrative  
 25 Provisions, Indian Health Service” strike the seventh pro-  
 26 viso and insert the following in lieu thereof: “: *Provided*

1 *further*, That with respect to functions transferred by the  
2 Indian Health Service to tribes or tribal organizations, the  
3 Indian Health Service is authorized to provide goods and  
4 services to those entities, on a reimbursable basis, includ-  
5 ing payment in advance with subsequent adjustment, and  
6 the reimbursements received therefrom, along with the  
7 funds received from those entities pursuant to the Indian  
8 Self Determination Act, may be credited to the same or  
9 subsequent appropriation account which provided the  
10 funding, said amounts to remain available until ex-  
11 pended”.

12       SEC. 5003. (a) EXTENSION AND EFFECTIVE  
13 DATE.—Section 3711(b)(1) of the San Carlos Apache  
14 Tribe Water Rights Settlement Act of 1992 (106 Stat.  
15 4752) is amended by striking “June 30, 1997” and insert-  
16 ing “March 31, 1999”.

17       (b) EXTENSION FOR RIVER SYSTEM GENERAL ADJU-  
18 DICATION.—Section 3711 of such Act is amended by add-  
19 ing at the end the following new subsection:

20       “(c) EXTENSION FOR RIVER SYSTEM GENERAL AD-  
21 JUDICATION.—If, at any time prior to March 31, 1999,  
22 the Secretary notifies the Committee on Indian Affairs of  
23 the United States Senate or the Committee on Resources  
24 in the United States House of Representatives that the  
25 Settlement Agreement, as executed by the Secretary, has

1 been submitted to the Superior Court of the State of Ari-  
2 zona in and for Maricopa County for consideration and  
3 approval as part of the General Adjudication of the Gila  
4 River System and Source, the March 31, 1999, referred  
5 to in subsection (b)(1) shall be deemed to be changed to  
6 December 31, 1999.”.

7 (c) COUNTIES.—Section 3706(b)(3) of such Act is  
8 amended by inserting “Gila, Graham, Greenlee,” after  
9 “Maricopa,”.

10 (d) PARTIES TO AGREEMENT.—Section 3703(2) of  
11 such Act is amended by adding at the end the following  
12 new sentence: “The Gila Valley Irrigation District and the  
13 Franklin Irrigation District shall be added as parties to  
14 the Agreement, but only so long as none of the aforemen-  
15 tioned parties objects to adding the Gila Valley Irrigation  
16 and/or the Franklin Irrigation District as parties to the  
17 Agreement.”.

18 (e) DEFINITIONS.—Section 3703 of such Act is  
19 amended by adding the following new paragraphs:

20 “(12) ‘Morenci mine complex’ means the lands owned  
21 or leased by Phelps Dodge Corporation, now or in the fu-  
22 ture, delineated in a map as ‘Phelps Dodge Mining, Min-  
23 eral Processing, and Auxiliary Facilities Water Use Area’,  
24 which map is dated March 19, 1996, and is on file with  
25 the Secretary of the Interior.

1       “(13) ‘Upper Eagle Creek Wellfield’ means that area  
2 in Greenlee County which is bounded by the eastern  
3 boundary of Graham County on the west, the southern  
4 boundary of the Black River watershed on the north, a  
5 line running north and south 5 miles east of the eastern  
6 boundary of Graham County on the east, and the southern  
7 boundary of the natural drainage of Cottonwood Canyon  
8 on the south.”.

9       (f) BLACK RIVER FACILITIES.—Section 3711 of such  
10 Act, as amended by subsection (b) of this Act, is further  
11 amended by adding at the end the following:

12       “(d) BLACK RIVER FACILITIES.—

13               “(1) IN GENERAL.—The provisions and agree-  
14 ments set forth or referred to in paragraphs (2), (3),  
15 and (4) below shall be enforceable against the Unit-  
16 ed States in United States district court, and the  
17 immunity of the United States for such purposes  
18 and for no other purpose is hereby waived. The pro-  
19 visions and agreements set forth or referred to in  
20 paragraphs (2)(A), (3), and (4) below shall be en-  
21 forceable against the Tribe in United States district  
22 court, and the immunity of the Tribe for such pur-  
23 poses and for no other purpose, is hereby waived.  
24 The specific agreements made by the Tribe and set  
25 forth in paragraph (5) shall be enforceable against

1 the Tribe in United States district court, and the  
2 immunity of the Tribe is hereby waived as to such  
3 specific agreements and for no other purpose.

4 “(2) INTERIM PERIOD.—

5 “(A) As of July 23, 1997, Phelps Dodge  
6 shall vacate the reservation and no longer rely  
7 upon permit #2000089, dated July 25, 1944.  
8 On such date the United States, through the  
9 Bureau of Reclamation, shall enter, operate,  
10 and maintain the Black River pump station,  
11 outbuildings, the pipeline, related facilities, and  
12 certain caretaker quarters (hereinafter referred  
13 to collectively as the ‘Black River facilities’).

14 “(B) The United States and Phelps Dodge  
15 shall enter into a contract for delivery of water  
16 pursuant to subparagraph (C), below. Water for  
17 delivery to Phelps Dodge from the Black River  
18 shall not exceed an annual average of 40 acre  
19 feet per day, or 14,000 acre feet per year. All  
20 diversions from Black River to Phelps Dodge  
21 shall be junior to the diversion and use of up  
22 to 7,300 acre feet per year by the San Carlos  
23 Apache Tribe, and no such diversion for Phelps  
24 Dodge shall cause the flow of Black River to  
25 fall below 20 cubic feet per second. The United

1 States shall account for the costs for operating  
2 and maintaining the Black River facilities, and  
3 Phelps Dodge shall reimburse the United States  
4 for such costs. Phelps Dodge shall pay to the  
5 United States, for delivery to the Tribe, the  
6 sum of \$20,000 per month, with an annual CPI  
7 adjustment from July 23, 1997, for purposes of  
8 compensating the Tribe for United States use  
9 and occupancy of the Black River facilities.  
10 Phelps Dodge and the Tribe shall cooperate  
11 with the United States in effectuating an or-  
12 derly transfer of the operations of the Black  
13 River facilities from Phelps Dodge to the Unit-  
14 ed States.

15 “(C) Notwithstanding any other provision  
16 of law, the contract referred to in subparagraph  
17 (B) between the United States and Phelps  
18 Dodge which provides for the diversion of water  
19 from the Black River into the Black River fa-  
20 cilities, and the delivery of such water to Phelps  
21 Dodge at that location where the channel of  
22 Eagle Creek last exits the reservation for use in  
23 the Morenci mine complex and the towns of  
24 Clifton and Morenci and at no other location, is  
25 ratified and confirmed.

1           “(D) The power line right-of-way over the  
2           Tribe’s Reservation which currently is held by  
3           Phelps Dodge shall remain in place. During the  
4           interim period, Phelps Dodge shall provide  
5           power to the United States for operation of the  
6           pump station and related facilities without  
7           charge, and Phelps Dodge shall pay a monthly  
8           right-of-way fee to the Tribe of \$5,000 per  
9           month, with an annual CPI adjustment from  
10          July 23, 1997.

11          “(E) Any questions regarding the water  
12          claims associated with Phelps Dodge’s use of  
13          the Upper Eagle Creek Wellfield, its diversions  
14          of surface water from Eagle Creek, the San  
15          Francisco River, Chase Creek, and/or its use of  
16          other water supplies are not addressed in this  
17          title. No provision in this subsection shall affect  
18          or be construed to affect any claims by the  
19          Tribe, the United States, or Phelps Dodge to  
20          groundwater or surface water.

21          “(3) FINAL ARRANGEMENTS AND TERMS.—The  
22          interim period described in paragraph (2) shall ex-  
23          tend until all conditions set forth in paragraph  
24          (3)(B) have been satisfied. At such time, the follow-  
25          ing final arrangements shall apply, based on the



1 terms set forth below. Such terms shall bind the  
2 Tribe, the United States, and Phelps Dodge, and  
3 shall be enforceable pursuant to subsection (d)(1) of  
4 this Act.

5 “(A) The United States shall hold the  
6 Black River facilities in trust for the Tribe,  
7 without cost to the Tribe or the United States.

8 “(B) Responsibility for operation of the  
9 Black River facilities shall be transferred from  
10 the United States to the Tribe. The United  
11 States shall train Tribal members during the  
12 interim period, and the responsibility to operate  
13 the Black River facilities shall be transferred  
14 upon satisfaction of 2 conditions—

15 “(i) a finding by the United States  
16 that the Tribe has completed necessary  
17 training and is qualified to operate the  
18 Black River facilities; and

19 “(ii) execution of the contract de-  
20 scribed in paragraph (3)(E), which con-  
21 tract shall be executed on or before De-  
22 cember 31, 1998. In the event that the  
23 contract is not executed by December 31,  
24 1998, the transfer described in this sub-  
25 section shall occur on December 31, 1998

1 (so long as condition (i) of this subpara-  
2 graph has been satisfied), based on appli-  
3 cation of the contract terms described in  
4 paragraph (3)(E), which terms shall be en-  
5 forceable under this Act. Upon the ap-  
6 proval of the Secretary, the Tribe may con-  
7 tract with third parties to operate the  
8 Black River facilities.

9 “(C) Power lines currently operated by  
10 Phelps Dodge on the Tribe’s Reservation, and  
11 the right-of-way associated with such power  
12 lines, shall be surrendered by Phelps Dodge to  
13 the Tribe, without cost to the Tribe. Prior to  
14 the surrender of the power lines, the Bureau of  
15 Reclamation shall arrange for an inspection of  
16 the power lines and associated facilities by a  
17 qualified third party and shall obtain a certifi-  
18 cation that such power lines and facilities are of  
19 sound design and are in good working order.  
20 Phelps Dodge shall pay for the cost of such in-  
21 spection and certification. Concurrently with  
22 the surrender of the power lines and the right-  
23 of-way, Phelps Dodge shall construct a switch  
24 station at the boundary of the Reservation at  
25 which the Tribe may switch power on or off and

1 shall deliver ownership and control of such  
2 switch station to the Tribe. Subsequent to the  
3 transfer of the power lines and the right-of-way  
4 and the delivery of ownership and control of the  
5 switch station to the Tribe, Phelps Dodge shall  
6 have no further obligation or liability of any na-  
7 ture with respect to the ownership, operation,  
8 or maintenance of the power lines, the right-of-  
9 way, or the switch station.

10 “(D) The Tribe and the United States will  
11 enter into an exchange agreement with the Salt  
12 River Project which will deliver CAP water con-  
13 trolled by the Tribe to the Salt River Project in  
14 return for the diversion of water from the Black  
15 River into the Black River facilities. The ex-  
16 change agreement shall be subject to review and  
17 approval by Phelps Dodge, which approval shall  
18 not be unreasonably withheld. Notwithstanding  
19 any other provision of law, the contract referred  
20 to in this subparagraph is ratified and con-  
21 firmed.

22 “(E) The Tribe, the United States, and  
23 Phelps Dodge will execute a contract covering  
24 the lease and delivery of CAP water from the  
25 Tribe to Phelps Dodge on the following terms:

1           “(i) The Tribe will lease to Phelps  
2           Dodge 14,000 acre feet of CAP water per  
3           year as of the date on which the interim  
4           period referred to in paragraph (2) expires.  
5           The lease shall be subject to the terms and  
6           conditions identified in the Tribal CAP De-  
7           livery Contract referenced in section  
8           3706(b). The leased CAP water shall be  
9           delivered to Phelps Dodge from the Black  
10          River pursuant to the exchange referred to  
11          in subparagraph (D) above, based on di-  
12          versions from the Black River that shall  
13          not exceed an annual average of 40 acre  
14          feet per day and shall not cause the flow  
15          of Black River to fall below 20 cubic feet  
16          per second. Such CAP water shall be deliv-  
17          ered to Phelps Dodge at that location  
18          where the channel of Eagle Creek last exits  
19          the Reservation, to be utilized in the  
20          Morenci mine complex and the towns of  
21          Clifton and Morenci, and at no other loca-  
22          tion.

23           “(ii) The leased CAP water shall be  
24           junior to the diversion and use of up to  
25           7,300 acre feet per year from the Black

1 and Salt Rivers by the San Carlos Apache  
2 Tribe.

3 “(iii) The lease will be for a term of  
4 50 years or, if earlier, the date upon which  
5 mining activities at the Morenci mine com-  
6 plex cease, with a right to renew for an ad-  
7 ditional 50 years upon a finding by the  
8 Secretary that the water is needed for con-  
9 tinued mining activities at the Morenci  
10 mine complex. The lease shall have the fol-  
11 lowing financial terms:

12 “(I) The Tribe will lease CAP  
13 water at a cost of \$1,200 per acre  
14 foot. Phelps Dodge shall pay to the  
15 United States, on behalf of the Tribe,  
16 the sum of \$5,000,000 upon the ear-  
17 lier of the execution of the agreement,  
18 or upon the expiration of the interim  
19 period referred to in paragraph (2)  
20 hereof, which amount shall be a pre-  
21 payment for and applicable to the  
22 first 4,166 acre feet of CAP water to  
23 be delivered in each year during the  
24 term of the lease.

1                   “(II) Phelps Dodge shall pay the  
2                   United States, on behalf of the Tribe,  
3                   the sum of \$65 per acre foot per year,  
4                   with an annual CPI adjustment for  
5                   the remaining 9,834 acre feet of water  
6                   to be delivered pursuant to the lease  
7                   each year. Such payments shall be  
8                   made in advance on January 1 of  
9                   each year, with a reconciliation made  
10                  at year-end, if necessary, in the event  
11                  that less than 14,000 acre feet of  
12                  CAP water is diverted from the Black  
13                  River due to shortages in the CAP  
14                  system or on the Black River.

15                  “(III) Phelps Dodge shall pay in  
16                  advance each month the Tribe’s rea-  
17                  sonable costs associated with the  
18                  Tribe’s operation, maintenance, and  
19                  replacement of the Black River facili-  
20                  ties for purposes of delivering water to  
21                  Phelps Dodge pursuant to the lease,  
22                  which costs shall be based upon the  
23                  experience of the Bureau of Reclama-  
24                  tion in operating the Black River fa-  
25                  cilities during the interim period re-

1                   ferred to in paragraph (2), subject to  
2                   an annual CPI adjustment, and pro-  
3                   viding for a credit for power provided  
4                   by Phelps Dodge to the Tribe. In ad-  
5                   dition, Phelps Dodge shall pay a  
6                   monthly fee of \$30,000 to the United  
7                   States, on behalf of the Tribe, to ac-  
8                   count for the use of the Tribe’s dis-  
9                   tribution system.

10                   “(IV) Phelps Dodge shall pay the  
11                   United States operation, maintenance,  
12                   and replacement charges associated  
13                   with the leased CAP water and such  
14                   reasonable interconnection charges as  
15                   may be imposed by Salt River Project  
16                   in connection with the exchange re-  
17                   ferred to in subparagraph (D) above.

18                   “(iv) Notwithstanding the provisions  
19                   of section 3707(b), any moneys, except  
20                   Black River facilities OM&R, CAP OM&R  
21                   and any charges associated with an ex-  
22                   change agreement with Salt River Project,  
23                   paid to the United States on behalf of the  
24                   Tribe from the lease referred to under  
25                   paragraph (3)(D)(iii) shall be held in trust

1 by the United States for the benefit of the  
2 Tribe. There is hereby established in the  
3 Treasury of the United States a fund to be  
4 known as the ‘San Carlos Apache Tribe  
5 Lease Fund’ for such purpose. Interest ac-  
6 cruing to the Fund may be used by the  
7 Tribe for economic and community devel-  
8 opment purposes upon presentation to the  
9 Secretary of a certified copy of a duly en-  
10 acted resolution of the Tribal Council re-  
11 questing distribution and a written budget  
12 approved by the Tribal Council. Such in-  
13 come may thereafter be expended only in  
14 accordance with such budget. Income not  
15 distributed shall be added to principal. The  
16 United States shall not be liable for any  
17 claim or causes of action arising from the  
18 Tribe’s use or expenditure of moneys dis-  
19 tributed from the Fund.

20 “(v) The lease is not assignable to any  
21 third party, except with the consent of the  
22 Tribe and Phelps Dodge, and with the ap-  
23 proval of the Secretary.

24 “(vi) Notwithstanding subsection (b)  
25 hereof, section 3706 shall be fully effective



1 immediately with respect to the CAP water  
2 lease provided for in this subparagraph  
3 and the Secretary shall take all actions au-  
4 thorized by section 3706 necessary for pur-  
5 poses of implementing this subparagraph.  
6 Notwithstanding any other provision of  
7 law, the contract referred to in this sub-  
8 paragraph is ratified and confirmed and  
9 shall be enforceable in United States dis-  
10 trict court. In the event that no lease au-  
11 thorized by this subparagraph is executed,  
12 this subparagraph, notwithstanding any  
13 other provision of law, shall be enforceable  
14 as a lease among the Tribe, the United  
15 States, and Phelps Dodge in the United  
16 States district court, and the Secretary  
17 shall take all action authorized by section  
18 3706 for purposes of implementing this  
19 subparagraph in such an event.

20 “(F) Any questions regarding the water  
21 claims associated with Phelps Dodge’s use of  
22 the Eagle Creek Wellfield, its diversions of sur-  
23 face water from lower Eagle Creek, the San  
24 Francisco River, Chase Creek, and/or its use of  
25 other water supplies are not addressed by this

1 title. No provision in this subsection shall affect  
2 or be construed to affect any claims by the  
3 Tribe, the United States, or Phelps Dodge to  
4 groundwater or surface water.

5 “(4) EAGLE CREEK.—From the effective date  
6 of this subsection, and during the Interim Period,  
7 the Tribe shall not, in any way, impede, restrict, or  
8 sue the United States regarding the passage of  
9 water from the Black River facilities into those por-  
10 tions of the channels of Willow Creek and Eagle  
11 Creek which flow through the Reservation. Phelps  
12 Dodge agrees to limit pumping from the Upper  
13 Eagle Creek Wellfield so that the combination of  
14 water from the Black River facilities and water  
15 pumped from the Upper Eagle Creek Wellfield does  
16 not exceed 22,000 acre feet per year of delivered  
17 water at the Phelps Dodge Lower Eagle Creek  
18 Pump Station below the Reservation. In calculating  
19 the pumping rates allowed under this subparagraph,  
20 transmission losses from Black River and the Upper  
21 Eagle Creek Wellfield shall be estimated, but in no  
22 event shall such transmission losses be more than 10  
23 percent of the Black River or Upper Eagle Creek  
24 Wellfield water. Based on this agreement, the Tribe  
25 shall not, in any way, impede, restrict, or sue Phelps

1 Dodge regarding the passage of water from the  
2 Phelps Dodge Upper Eagle Creek Wellfield, except  
3 that—

4 “(A) Phelps Dodge shall pay to the United  
5 States, on behalf of the Tribe, \$5,000 per  
6 month, with an annual CPI adjustment from  
7 July 23, 1997, to account for the passage of  
8 such flows; and

9 “(B) the Tribe and the United States re-  
10 serve the right to challenge Phelps Dodge’s  
11 claims regarding the pumping of groundwater  
12 from the Upper Eagle Creek Wellfield, in ac-  
13 cordance with paragraphs (2)(E) and (3)(F)  
14 above. In the event that a court determines that  
15 Phelps Dodge does not have the right to pump  
16 the Upper Eagle Creek Wellfield, the Tribe will  
17 no longer be subject to the restriction set forth  
18 in this subparagraph regarding the passage of  
19 water from the Wellfield through the Reserva-  
20 tion. Nothing in this subsection shall affect the  
21 rights, if any, that Phelps Dodge might claim  
22 regarding the flow of water in the channel of  
23 Eagle Creek in the absence of this subsection.

24 “(5) PAST CLAIMS.—The Act does not address  
25 claims relating to Phelps Dodge’s prior occupancy

1 and operation of the Black River facilities. The  
2 Tribe agrees not to bring any such claims against  
3 the United States. The Tribe also agrees that within  
4 30 days after Phelps Dodge has vacated the Res-  
5 ervation, it shall dismiss with prejudice the suit that  
6 it has filed in Tribal Court against Phelps Dodge  
7 (The San Carlos Apache Tribe v. Phelps Dodge, et  
8 al., Case No. C-97-118), which such dismissal shall  
9 not be considered a decision on the merits, and any  
10 claims that it might assert against Phelps Dodge in  
11 connection with Phelps Dodge's prior occupancy and  
12 operation of the Black River facilities shall be  
13 brought exclusively in the United States district  
14 court.

15 “(6) RELATIONSHIP TO SETTLEMENT.—

16 “(A) The term ‘Agreement’, as defined by  
17 section 3703(2), shall not include Phelps  
18 Dodge.

19 “(B) Section 3706(j) and section 3705(f)  
20 shall be repealed and shall have no effect.

21 “(7) RATIFICATION OF SETTLEMENT.—The  
22 agreement between the San Carlos Apache Tribe,  
23 the Phelps Dodge Corporation, and the Secretary of  
24 the Interior, as set forth in this subsection, is hereby  
25 ratified and approved.”.

1           (g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is  
2 amended by striking “qualification” and inserting “quan-  
3 tification”.

4           SEC. 5004. Paragraph (5) of section 104(c) of the  
5 Marine Mammal Protection Act of 1972 (16 U.S.C.  
6 1374(c)(5)) is amended as follows:

7           (1) In subparagraph (A), by striking “, includ-  
8 ing polar bears taken but not imported prior to the  
9 date of enactment of the Marine Mammal Protection  
10 Act Amendments of 1994,”.

11           (2) By adding the following new subparagraph  
12 at the end thereof:

13           “(D) The Secretary of the Interior shall, expedi-  
14 tiously after the expiration of the applicable 30 day period  
15 under subsection (d)(2), issue a permit for the importation  
16 of polar bear parts (other than internal organs) from polar  
17 bears taken in sport hunts in Canada before the date of  
18 enactment of the Marine Mammal Protection Act Amend-  
19 ments of 1994, to each applicant who submits, with the  
20 permit application, proof that the polar bear was legally  
21 harvested in Canada by the applicant. The Secretary shall  
22 issue such permits without regard to the provisions of sub-  
23 paragraphs (A) and (C)(ii) of this paragraph, subsection  
24 (d)(3) of this section, and sections 101 and 102. This sub-

1 paragraph shall not apply to polar bear parts that were  
2 imported before the effective date of this subparagraph.”.

3 CHAPTER 6

4 DEPARTMENT OF HEALTH AND HUMAN  
5 SERVICES

6 HEALTH RESOURCES AND SERVICES ADMINISTRATION

7 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

8 Public Law 104–208, under the heading “Health  
9 Education Assistance Loans Program” is amended by in-  
10 serting after “\$140,000,000” the following: “: *Provided*  
11 *further*, That the Secretary may use up to \$499,000 de-  
12 rived by transfer from insurance premiums collected from  
13 guaranteed loans made under title VII of the Public  
14 Health Service Act for the purpose of carrying out section  
15 709 of that Act”.

16 ADMINISTRATION FOR CHILDREN AND FAMILIES

17 CHILDREN AND FAMILIES SERVICES PROGRAMS

18 Public Law 104–208, under the heading titled “Chil-  
19 dren and Families Services Programs” is amended by in-  
20 serting after the reference to “part B(1) of title IV” the  
21 following: “and section 1110”.

1                                   OFFICE OF THE SECRETARY  
2           PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY  
3                                   FUND

4           For expenses necessary to support high priority  
5 health research, \$15,000,000, to remain available until ex-  
6 pended: *Provided*, That the Secretary shall award such  
7 funds on a competitive basis.

8                                   DEPARTMENT OF EDUCATION  
9                                   EDUCATION FOR THE DISADVANTAGED

10          For additional amounts to carry out subpart 2 of part  
11 A of title I of the Elementary and Secondary Education  
12 Act of 1965, \$101,133,000, of which \$78,362,000 shall  
13 be for Basic Grants and \$22,771,000 shall be for Con-  
14 centration Grants, which shall be allocated, notwithstand-  
15 ing any other provision of law, only to those States, and  
16 counties within those States, that will receive, from funds  
17 available under the Department of Education Appropria-  
18 tions Act, 1997, smaller allocations for Grants to Local  
19 Educational Agencies than they would have received had  
20 those allocations been calculated entirely on the basis of  
21 child poverty counts from the 1990 census: *Provided*, That  
22 the Secretary of Education shall use these additional  
23 funds to provide those States with 50 percent of the dif-  
24 ference between the allocations they would have received  
25 had the allocations under that Appropriations Act been

1 calculated entirely on the basis of the 1990 census data  
2 and the allocations under the 1997 Appropriations Act:  
3 *Provided further*, That if any State's total allocation under  
4 that Appropriations Act and this paragraph is less than  
5 its 1996 allocation for that subpart, that State shall re-  
6 ceive, under this paragraph, the amount the State would  
7 have received had that allocation been calculated entirely  
8 on the basis of child poverty counts from the 1990 census:  
9 *Provided further*, That the Secretary shall ratably reduce  
10 the allocations to States under the preceding proviso for  
11 either Basic Grants or Concentration Grants, or both, as  
12 the case may be, if the funds available are insufficient to  
13 make those allocations in full: *Provided further*, That the  
14 Secretary shall allocate, to such counties in each such  
15 State, additional amounts for Basic Grants and Con-  
16 centration Grants that are in the same proportion, respec-  
17 tively, to the total amounts allocated to the State, as the  
18 differences between such counties' initial allocations for  
19 Basic Grants and Concentration Grants, respectively  
20 (compared to what they would have received had the initial  
21 allocations been calculated entirely on the basis of 1990  
22 census data), are to the differences between the State's  
23 initial allocations for Basic Grants and Concentration  
24 Grants, respectively (compared to the amounts the State  
25 would have received had the initial allocations been cal-



1 culated entirely on the basis of 1990 census data): *Pro-*  
2 *vided further*, That the funds appropriated under this  
3 paragraph shall become available on July 1, 1997 and  
4 shall remain available through September 30, 1998: *Pro-*  
5 *vided further*, That the additional amounts appropriated  
6 under this paragraph shall not be taken into account in  
7 determining State allocations under any other program  
8 administered by the Secretary.

#### 9 RELATED AGENCY

10 NATIONAL COMMISSION ON THE COST OF HIGHER

11 EDUCATION

12 SALARIES AND EXPENSES

13 For necessary expenses for the National Commission  
14 on the Cost of Higher Education, \$650,000, to remain  
15 available until expended.

#### 16 GENERAL PROVISIONS, CHAPTER 6

17 SEC. 6001. Notwithstanding any other provision of  
18 law, fiscal year 1995 funds awarded under State-adminis-  
19 tered programs of the Department of Education and funds  
20 awarded for fiscal year 1996 for State-administered pro-  
21 grams under the Rehabilitation Act of the Department of  
22 Education to recipients in Presidentially declared disaster  
23 areas, which were declared as such during fiscal year  
24 1997, are available to those recipients for obligation until  
25 September 30, 1998: *Provided*, That for the purposes of

1 assisting those recipients, the Secretary's waiver authority  
2 under section 14401 of the Elementary and Secondary  
3 Education Act of 1965 shall be extended to all State-ad-  
4 ministered programs of the Department of Education.  
5 This special waiver authority applies only to funds award-  
6 ed for fiscal years 1995, 1996, and 1997.

7       SEC. 6002. Notwithstanding any other provision of  
8 law, the Secretary of Education may waive or modify any  
9 statutory or regulatory provision applicable to the student  
10 financial aid programs under title IV of the Higher Edu-  
11 cation Act that the Secretary deems necessary to assist  
12 individuals and other program participants who suffered  
13 financial harm from natural disasters and who, at the time  
14 the disaster struck were operating, residing at, or attend-  
15 ing an institution of higher education, or employed within  
16 these areas on the date which the President declared the  
17 existence of a major disaster (or, in the case of an individ-  
18 ual who is a dependent student, whose parent or step-  
19 parent suffered financial harm from such disaster, and  
20 who resided, or was employed in such an area at that  
21 time): *Provided further*, That such authority shall be in  
22 effect only for awards for award years 1996–1997 and  
23 1997–1998.

24       SEC. 6003. None of the funds provided in this Act  
25 or in any other Act making appropriations for fiscal year

1 1997 may be used to administer or implement in Denver,  
2 Colorado, the Medicare Competitive Pricing/Open Enroll-  
3 ment Demonstration, as titled in the April 1, 1997, Final  
4 Request for Proposals (RFP).

5 **SEC. 6004. EMERGENCY USE OF CHILD CARE FUNDS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-  
7 sion of law, during the period beginning on April 30, 1997,  
8 and ending on July 30, 1997, the Governors of the States  
9 described in paragraph (1) of subsection (b) may, subject  
10 to subsection (c), use amounts received for the provision  
11 of child care assistance or services under the Child Care  
12 and Development Block Grant Act of 1990 (42 U.S.C.  
13 9801 et seq.) to provide emergency child care services to  
14 individuals described in paragraph (2) of subsection (b).

15 (b) ELIGIBILITY.—

16 (1) OF STATES.—A State described in this  
17 paragraph is a State in which the President, pursu-  
18 ant to section 401 of the Robert T. Stafford Disas-  
19 ter Relief and Emergency Assistance Act (42 U.S.C.  
20 5121), has determined that a major disaster exists,  
21 or that an area within the State is determined to be  
22 eligible for disaster relief under other Federal law by  
23 reason of damage related to flooding in 1997.

24 (2) OF INDIVIDUALS.—An individual described  
25 in this subsection is an individual who—

1 (A) resides within any area in which the  
2 President, pursuant to section 401 of the Rob-  
3 ert T. Stafford Disaster Relief and Emergency  
4 Assistance Act (42 U.S.C. 5121), has deter-  
5 mined that a major disaster exists, or within an  
6 area determined to be eligible for disaster relief  
7 under other Federal law by reason of damage  
8 related to flooding in 1997; and

9 (B) is involved in unpaid work activities  
10 (including the cleaning, repair, restoration, and  
11 rebuilding of homes, businesses, and schools)  
12 resulting from the flood emergency described in  
13 subparagraph (A).

14 (c) LIMITATIONS.—

15 (1) REQUIREMENTS.—With respect to assist-  
16 ance provided to individuals under this section, the  
17 quality, certification and licensure, health and safe-  
18 ty, nondiscrimination, and other requirements appli-  
19 cable under the Federal programs referred to in sub-  
20 section (a) shall apply to child care provided or ob-  
21 tained under this section.

22 (2) AMOUNT OF FUNDS.—The total amount uti-  
23 lized by each of the States under subsection (a) dur-  
24 ing the period referred to in such subsection shall  
25 not exceed the total amount of such assistance that,

1       notwithstanding the enactment of this section, would  
2       otherwise have been expended by each such State in  
3       the affected region during such period.

4       (d) PRIORITY.—In making assistance available under  
5 this section, the Governors described in subsection (a)  
6 shall give priority to eligible individuals who do not have  
7 access to income, assets, or resources as a direct result  
8 of the flooding referred to in subsection (b)(2)(A).

9       EXTENSION OF SSI REDETERMINATION PROVISIONS

10       SEC. 6005. (a) Section 402(a)(2)(D)(i) of the Per-  
11 sonal Responsibility and Work Opportunity Reconciliation  
12 Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

13               (1) in subclause (I), by striking “the date which  
14       is 1 year after such date of enactment,” and insert-  
15       ing “September 30, 1997,”; and

16               (2) in subclause (III), by striking “the date of  
17       the redetermination with respect to such individual”  
18       and inserting “September 30, 1997,”.

19       (b) The amendment made by subsection (a) shall be  
20 effective as if included in the enactment of section 402  
21 of the Personal Responsibility and Work Opportunity Rec-  
22 onciliation Act of 1996.

1                                   CHAPTER 7  
2                                   CONGRESSIONAL OPERATIONS  
3                                   SENATE  
4                                   CONTINGENT EXPENSES OF THE SENATE  
5                                   SECRETARY OF THE SENATE  
6                                   (TRANSFER OF FUNDS)

7           For an additional amount for expenses of the “Office  
8 of the Secretary of the Senate”, to carry out the provisions  
9 of section 8 of the Legislative Branch Appropriations Act,  
10 1997, \$5,000,000, to remain available until September 30,  
11 2000, to be derived by transfer from funds previously ap-  
12 propriated from fiscal year 1997 funds under the heading  
13 “SENATE”, subject to the approval of the Committee on  
14 Appropriations.

15                                   HOUSE OF REPRESENTATIVES  
16                                   PAYMENTS TO WIDOWS AND HEIRS OF DECEASED  
17                                   MEMBERS OF CONGRESS

18           For payment to Marissa, Sonya, and Frank (III)  
19 Tejeda, children of Frank Tejeda, late a Representative  
20 from the State of Texas, \$133,600.

21                                   OTHER AGENCY  
22                                   BOTANIC GARDEN  
23                                   SALARIES AND EXPENSES

24           For an additional amount for “Salaries and Ex-  
25 penses, Botanic Garden”, \$33,500,000, to remain avail-

1 able until expended, for emergency repair and renovation  
2 of the Conservatory.

3           GENERAL PROVISIONS, CHAPTER 7

4           SEC. 7001. Section 105(f) of the Legislative Branch  
5 Appropriation Act, 1968 (2 U.S.C. 61–1(f)) is amended  
6 by adding at the end the following: “The limitation on the  
7 minimum rate of gross compensation under this sub-  
8 section shall not apply to any member or civilian employee  
9 of the Capitol Police whose compensation is disbursed by  
10 the Secretary of the Senate.”.

11          SEC. 7002. (a) Notwithstanding any other provision  
12 of law or regulation, with the approval of the Committee  
13 on Rules and Administration of the Senate, the Sergeant  
14 at Arms and Doorkeeper of the Senate is authorized to  
15 provide additional facilities, services, equipment, and office  
16 space for use by a Senator in that Senator’s State in con-  
17 nection with a disaster or emergency declared by the  
18 President under the Robert T. Stafford Disaster Relief  
19 and Emergency Assistance Act. Expenses incurred by the  
20 Sergeant at Arms and Doorkeeper of the Senate under  
21 this section shall be paid from the appropriation account,  
22 within the contingent fund of the Senate, for expenses of  
23 the Office of the Sergeant at Arms and Doorkeeper of the  
24 Senate, upon vouchers signed by the Sergeant at Arms

1 and Doorkeeper of the Senate with the approval of the  
2 Committee on Rules and Administration of the Senate.

3 (b) This section is effective on and after the date of  
4 enactment of this Act.

5 SEC. 7003. (a) Section 2 of Public Law 100–71 (2  
6 U.S.C. 65f) is amended by adding at the end the following:

7 “(c) Upon the written request of the Secretary of the  
8 Senate, with the approval of the Committee on Appropria-  
9 tions of the Senate, there shall be transferred any amount  
10 of funds available under subsection (a) specified in the re-  
11 quest, but not to exceed \$10,000 in any fiscal year, from  
12 the appropriation account (within the contingent fund of  
13 the Senate) for expenses of the Office of the Secretary  
14 of the Senate to the appropriation account for the expense  
15 allowance of the Secretary of the Senate. Any funds so  
16 transferred shall be available in like manner and for the  
17 same purposes as are other funds in the account to which  
18 the funds are transferred.”.

19 (b) The amendment made by subsection (a) shall be  
20 effective with respect to appropriations for fiscal years be-  
21 ginning on or after October 1, 1996.

22 SEC. 7004. The Comptroller General may use avail-  
23 able funds, now and hereafter, to enter into contracts for  
24 the acquisition of severable services for a period that be-  
25 gins in one fiscal year and ends in the next fiscal year



1 and to enter in multiyear contracts for the acquisition of  
 2 property and nonaudit-related services, to the same extent  
 3 as executive agencies under the authority of sections 303L  
 4 and 304B, respectively, of the Federal Property and Ad-  
 5 ministrative Services Act (41 U.S.C. 253l and 254c).

6 CHAPTER 8

7 DEPARTMENT OF TRANSPORTATION

8 COAST GUARD

9 OPERATING EXPENSES

10 For an additional amount for “Operating Expenses”,  
 11 \$1,600,000, for necessary expenses directly related to sup-  
 12 port activities in the TWA Flight 800 crash investigation,  
 13 to remain available until expended.

14 RETIRED PAY

15 For an additional amount for “Retired Pay”,  
 16 \$9,200,000.

17 FEDERAL HIGHWAY ADMINISTRATION

18 FEDERAL-AID HIGHWAYS

19 EMERGENCY RELIEF PROGRAM

20 (HIGHWAY TRUST FUND)

21 For an additional amount for the Emergency Relief  
 22 Program for emergency expenses resulting from flooding  
 23 and other natural disasters, as authorized by 23 U.S.C.  
 24 125, \$650,000,000, to be derived from the Highway Trust  
 25 Fund and to remain available until expended: *Provided*,  
 26 That the entire amount is designated by the Congress as

1 an emergency requirement pursuant to section  
2 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
3 Deficit Control Act of 1985, as amended: *Provided further*,  
4 That 23 U.S.C. 125(b)(1) shall not apply to projects re-  
5 sulting from the December 1996 and January 1997 flood-  
6 ing in the western States.

7 FEDERAL-AID HIGHWAYS

8 (LIMITATION ON OBLIGATIONS)

9 (HIGHWAY TRUST FUND)

10 The limitation under this heading in Public Law  
11 104–205 is increased by \$694,810,534: *Provided*, That  
12 such additional authority shall remain available during fis-  
13 cal year 1997: *Provided further*, That notwithstanding any  
14 other provision of law, the authority provided herein above  
15 shall be distributed to ensure that States receive an  
16 amount they would have received had the Highway Trust  
17 Fund fiscal year 1994 income statement not been under-  
18 stated prior to the revision on December 24, 1996: *Pro-*  
19 *vided further*, That notwithstanding any other provision of  
20 law, \$318,077,043 of the amount provided herein above  
21 shall be distributed to assure that States receive obligation  
22 authority that they would have received had the Highway  
23 Trust Fund fiscal year 1995 income statement not been  
24 revised on December 24, 1996: *Provided further*, That the  
25 remaining authority provided herein above shall be distrib-  
26 uted to those States whose share of Federal-aid obligation

1 limitation under section 310 of Public Law 104–205 is  
2 less than the amount such States received under section  
3 310(a) of Public Law 104–50 in fiscal year 1996 in a ratio  
4 equal to the amounts necessary to bring each such State  
5 to the Federal-aid obligation limitation distributed under  
6 section 310(a) of Public Law 104–50.

7           FEDERAL RAILROAD ADMINISTRATION

8       EMERGENCY RAILROAD REHABILITATION AND REPAIR

9       For necessary expenses to repair and rebuild freight  
10 rail lines of regional and short line railroads or a State  
11 entity damaged by floods, \$18,900,000, to be awarded  
12 subject to the discretion of the Secretary on a case-by-  
13 case basis: *Provided*, That up to \$900,000 shall be solely  
14 for damage incurred in West Virginia in September 1996  
15 and \$18,000,000 shall be solely for damage incurred in  
16 the Northern Plains States in March and April 1997: *Pro-*  
17 *vided further*, That funds provided under this head shall  
18 be available for rehabilitation of railroad rights-of-way,  
19 bridges, and other facilities which are part of the general  
20 railroad system of transportation, and primarily used by  
21 railroads to move freight traffic: *Provided further*, That  
22 railroad rights-of-way, bridges, and other facilities owned  
23 by class I railroads are not eligible for funding under this  
24 head unless the rights-of-way, bridges or other facilities  
25 are under contract lease to a class II or class III railroad

1 under which the lessee is responsible for all maintenance  
2 costs of the line: *Provided further*, That railroad rights-  
3 of-way, bridges and other facilities owned by passenger  
4 railroads, or by tourist, scenic, or historic railroads are  
5 not eligible for funding under this head: *Provided further*,  
6 That these funds shall be available only to the extent an  
7 official budget request, for a specific dollar amount, that  
8 includes designation of the entire amount as an emergency  
9 requirement as defined in the Balanced Budget and Emer-  
10 gency Deficit Control Act of 1985, as amended, is trans-  
11 mitted by the President to the Congress: *Provided further*,  
12 That the entire amount is designated by Congress as an  
13 emergency requirement pursuant to section  
14 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
15 Deficit Control Act of 1985, as amended: *Provided further*,  
16 That all funds made available under this head are to re-  
17 main available until September 30, 1997.

18 RELATED AGENCY

19 NATIONAL TRANSPORTATION SAFETY BOARD

20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-  
22 penses”, for emergency expenses resulting from the crash-  
23 es of TWA Flight 800, ValuJet Flight 592, and Comair  
24 Flight 3272, and for assistance to families of victims of  
25 aviation accidents as authorized by Public Law 104–264,

1 \$29,859,000, of which \$4,877,000 shall remain available  
2 until expended: *Provided*, That these funds shall be avail-  
3 able only to the extent an official budget request, for a  
4 specific dollar amount, that includes designation of the en-  
5 tire amount as an emergency requirement as defined in  
6 the Balanced Budget and Emergency Deficit Control Act  
7 of 1985, as amended, is transmitted by the President to  
8 the Congress: *Provided further*, That the entire amount  
9 is designated by Congress as an emergency requirement  
10 pursuant to section 251(b)(2)(D)(i) of the Balanced  
11 Budget and Emergency Deficit Control Act of 1985, as  
12 amended: *Provided further*, That notwithstanding any  
13 other provision of law, not more than \$10,330,000 shall  
14 be provided by the National Transportation Safety Board  
15 to the Department of the Navy as reimbursement for costs  
16 incurred in connection with recovery of wreckage from  
17 TWA Flight 800 and shall be credited to the appropriation  
18 contained in the Omnibus Consolidated Appropriations  
19 Act, 1997, which is available for the same purpose as the  
20 appropriation originally charged for the expense for which  
21 the reimbursements are received, to be merged with, and  
22 to be available for the same purpose as the appropriation  
23 to which such reimbursements are credited: *Provided fur-*  
24 *ther*, That notwithstanding any other provision of law, of  
25 the amount provided to the National Transportation Safe-

1 ty Board, not more than \$6,059,000 shall be made avail-  
2 able to the State of New York and local counties in New  
3 York, as reimbursement for costs incurred in connection  
4 with the crash of TWA Flight 800: *Provided further*, That  
5 notwithstanding any other provision of law, of the amount  
6 provided, not more than \$3,100,000 shall be made avail-  
7 able to Metropolitan Dade County, Florida as reimburse-  
8 ment for costs incurred in connection with the crash of  
9 ValuJet Flight 592: *Provided further*, That notwithstand-  
10 ing any other provision of law, of the amount provided,  
11 not more than \$300,000 shall be made available to Monroe  
12 County, Michigan as reimbursement for costs incurred in  
13 connection with the crash of Comair Flight 3272.

14           GENERAL PROVISIONS, CHAPTER 8

15           SEC. 8001. Title I of the Department of Transpor-  
16 tation and Related Agencies Appropriations Act, 1997  
17 (Public Law 104–205) is amended under the heading  
18 “Federal Transit Administration—Discretionary Grants”  
19 by striking “\$661,000,000” and inserting “\$661,000”.

20           SEC. 8002. Section 325 of title III of the Department  
21 of Transportation and Related Agencies Appropriations  
22 Act, 1997 (Public Law 104–205) is amended by deleting  
23 all text following: “*Provided*, That such funds shall not  
24 be subject to the obligation limitation for Federal-aid  
25 highways and highway safety construction.”.

1 SEC. 8003. Section 410(j) of title 23, United States  
2 Code, is amended by striking the period after “1997” and  
3 inserting “, and an additional \$500,000 for fiscal year  
4 1997.”.

5 SEC. 8004. Section 30308(a) of title 49, United  
6 States Code, is amended by striking “and 1996” and in-  
7 serting “, 1996, and 1997”.

8 CHAPTER 9  
9 DEPARTMENT OF THE TREASURY  
10 DEPARTMENTAL OFFICES  
11 SALARIES AND EXPENSES

12 For an additional amount under the heading “De-  
13 partmental Offices, Salaries and Expenses”, \$1,950,000:  
14 *Provided*, That the Secretary of the Treasury may utilize  
15 the law enforcement services, personnel, equipment, and  
16 facilities of the State of Colorado, the County of Denver,  
17 and the City of Denver, with their consent, and shall reim-  
18 burse the State of Colorado, the County of Denver, and  
19 the City of Denver for the utilization of such law enforce-  
20 ment services, personnel (for salaries, overtime, and bene-  
21 fits), equipment, and facilities for security arrangements  
22 for the Denver Summit of Eight being held June 20  
23 through June 22, 1997, in Denver, Colorado subject to  
24 verification of appropriate costs.

1           COUNTER-TERRORISM AND DRUG LAW  
2                           ENFORCEMENT  
3           DEPARTMENT OF THE TREASURY  
4                           UNITED STATES CUSTOMS SERVICE  
5                           SALARIES AND EXPENSES

6           Of the funds made available under this heading in  
7 Public Law 104–208, \$16,000,000 shall be available until  
8 September 30, 1998 to develop further the Automated  
9 Targeting System.

10                           U.S. POSTAL SERVICE

11                           PAYMENT TO THE POSTAL SERVICE FUND

12           For an additional amount for the Postal Service  
13 Fund for revenue forgone on free and reduced rate mail,  
14 pursuant to subsection (d) of section 2401 of title 39,  
15 United States Code, \$5,383,000.

16                           GENERAL PROVISIONS, CHAPTER 9

17           SEC. 9001. The Administrator of General Services is  
18 authorized to obligate the funds appropriated in Public  
19 Law 104–208 for construction of the Montgomery, Ala-  
20 bama courthouse.

21           SEC. 9002. None of the funds appropriated or made  
22 available in this Act or any other Act may be used by the  
23 General Services Administration to implement section  
24 1555 of the Federal Acquisition Streamlining Act of 1994



1 (Public Law 103–355) prior to the date of adjournment  
2 of the first session of the 105th Congress.

3       SEC. 9003. (a) The Bureau of Engraving and Print-  
4 ing and the Department of the Treasury shall not award  
5 a contract for Solicitation No. BEP–97–13(TN) or Solici-  
6 tation No. BEP–96–13(TN) until the General Accounting  
7 Office (GAO) has completed a comprehensive analysis of  
8 the optimum circumstances for government procurement  
9 of distinctive currency paper. The GAO shall report its  
10 findings to the House and Senate Committees on Appro-  
11 priations no later than August 1, 1998.

12       (b) The contractual term of the distinctive currency  
13 paper “bridge” contract shall not exceed 24 months, and  
14 the contract shall not be effective until the Secretary of  
15 the Department of the Treasury certifies that the price  
16 under the terms of any “bridge” contract is fair and rea-  
17 sonable and that the terms of any “bridge” contract are  
18 customary and appropriate according to Federal procure-  
19 ment regulations. In addition, the Secretary of the Treas-  
20 ury shall report to the Committees on Appropriations on  
21 the price and profit levels of any “bridge” contract at the  
22 time of certification.

23       SEC. 9004. (a) Chapter 63 of title 5, United States  
24 Code, is amended by adding after subchapter V the follow-  
25 ing:

1       “SUBCHAPTER VI—LEAVE TRANSFER IN  
2                   DISASTERS AND EMERGENCIES

3   **“§ 6391. Authority for leave transfer program in dis-**  
4                   **asters and emergencies**

5       “(a) For the purpose of this section—

6               “(1) ‘employee’ means an employee as defined  
7       in section 6331(1); and

8               “(2) ‘agency’ means an Executive agency.

9       “(b) In the event of a major disaster or emergency,  
10 as declared by the President, that results in severe adverse  
11 effects for a substantial number of employees, the Presi-  
12 dent may direct the Office of Personnel Management to  
13 establish an emergency leave transfer program under  
14 which any employee in any agency may donate unused an-  
15 nual leave for transfer to employees of the same or other  
16 agencies who are adversely affected by such disaster or  
17 emergency.

18       “(c) The Office shall establish appropriate require-  
19 ments for the operation of the emergency leave transfer  
20 program under subsection (b), including appropriate limi-  
21 tations on the donation and use of annual leave under the  
22 program. An employee may receive and use leave under  
23 the program without regard to any requirement that any  
24 annual leave and sick leave to a leave recipient’s credit

1 must be exhausted before any transferred annual leave  
2 may be used.

3 “(d) A leave bank established under subchapter IV  
4 may, to the extent provided in regulations prescribed by  
5 the Office, donate annual leave to the emergency leave  
6 transfer program established under subsection (b).

7 “(e) Except to the extent that the Office may pre-  
8 scribe by regulation, nothing in section 7351 shall apply  
9 to any solicitation, donation, or acceptance of leave under  
10 this section.

11 “(f) The Office shall prescribe regulations necessary  
12 for the administration of this section.”.

13 (b) The analysis for chapter 63 of title 5, United  
14 States Code, is amended by adding at the end the follow-  
15 ing:

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND  
EMERGENCIES

“6391. Authority for leave transfer program in disasters and emergencies.”.

16 CHAPTER 10

17 DEPARTMENT OF VETERANS AFFAIRS

18 VETERANS BENEFITS ADMINISTRATION

19 COMPENSATION AND PENSIONS

20 For an additional amount for “Compensation and  
21 pensions”, \$928,000,000, to remain available until ex-  
22 pended.

## 1 ADMINISTRATIVE PROVISION

2 The Secretary of Veterans Affairs may carry out the  
3 construction of a multi-story parking garage at the De-  
4 partment of Veterans Affairs medical center in Cleveland,  
5 Ohio, in the amount of \$12,300,000, and there is author-  
6 ized to be appropriated for fiscal year 1997 for the Park-  
7 ing Revolving Fund account, a total of \$12,300,000 for  
8 this project.

9 DEPARTMENT OF HOUSING AND URBAN  
10 DEVELOPMENT  
11 HOUSING PROGRAMS

## 12 ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

13 Notwithstanding any other provision of law, of the  
14 \$1,000,000 appropriated for special purpose grants in  
15 Public Law 102-139, for a parking garage in Ashland,  
16 Kentucky, \$500,000 shall be made available instead for  
17 use in acquiring parking in Ashland, Kentucky and  
18 \$500,000 shall be made available instead for the restora-  
19 tion of the Paramount Theater in Ashland, Kentucky.

## 20 PRESERVING EXISTING HOUSING INVESTMENT

21 For an additional amount for “Preserving existing  
22 housing investment”, to be made available for use in con-  
23 junction with properties that are eligible for assistance  
24 under the Low-Income Housing Preservation and Resi-  
25 dent Homeownership Act of 1990 or the Emergency Low  
26 Income Housing Preservation Act of 1987, \$3,500,000,

1 to remain available until expended: *Provided*, That up to  
2 such amount shall be for a project in Syracuse, New York,  
3 the processing for which was suspended, deferred or inter-  
4 rupted for a period of nine months or more because of  
5 differing interpretations, by the Secretary of Housing and  
6 Urban Development and an owner, concerning the timing  
7 of the ability of an uninsured section 236 property to pre-  
8 pay, or by the Secretary and a State rent regulatory agen-  
9 cy concerning the effect of a presumptively applicable  
10 State rent control law or regulation on the determination  
11 of preservation value under section 213 of such Act, if the  
12 owner of such project filed a notice of intent to extend  
13 the low-income affordability restrictions of the housing on  
14 or before August 23, 1993, and the Secretary approved  
15 the plan of action on or before July 25, 1996.

16 CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT  
17 AND AFFORDABLE HOUSING  
18 (TRANSFER OF FUNDS)

19 For “Capacity building for community development  
20 and affordable housing”, as authorized by section 4 of the  
21 HUD Demonstration Act of 1993 (Public Law 103–120),  
22 \$30,200,000, to remain available until expended, and to  
23 be derived by transfer from the Homeownership and Op-  
24 portunity for People Everywhere Grants account: *Pro-*  
25 *vided*, That at least \$10,000,000 of the funding under this  
26 head be used in rural areas, including tribal areas.

1           COMMUNITY PLANNING AND DEVELOPMENT

2           COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

3           For an additional amount for “Community develop-  
4 ment block grants fund”, as authorized under title I of  
5 the Housing and Community Development Act of 1974,  
6 \$500,000,000, of which \$250,000,000 shall become avail-  
7 able for obligation on October 1, 1997, all of which shall  
8 remain available until September 30, 2000, for use only  
9 for buyouts, relocation, long-term recovery, and mitigation  
10 in communities affected by the flooding in the upper Mid-  
11 west and other disasters in fiscal year 1997 and such nat-  
12 ural disasters designated 30 days prior to the start of fis-  
13 cal year 1997, except those activities reimbursable or for  
14 which funds are made available by the Federal Emergency  
15 Management Agency, the Small Business Administration,  
16 or the Army Corps of Engineers: *Provided*, That in admin-  
17 istering these amounts, the Secretary may waive, or speci-  
18 fy alternative requirements for, any provision of any stat-  
19 ute or regulation that the Secretary administers in connec-  
20 tion with the obligation by the Secretary or the use by  
21 the recipient of these funds, except for statutory require-  
22 ments related to civil rights, fair housing and non-  
23 discrimination, the environment, and labor standards,  
24 upon a finding that such waiver is required to facilitate  
25 the use of such funds, and would not be inconsistent with

1 the overall purpose of the statute: *Provided further*, That  
2 the Secretary of Housing and Urban Development shall  
3 publish a notice in the Federal Register governing the use  
4 of community development block grants funds in conjunc-  
5 tion with any program administered by the Director of the  
6 Federal Emergency Management Agency for buyouts for  
7 structures in disaster areas: *Provided further*, That for any  
8 funds under this head used for buyouts in conjunction  
9 with any program administered by the Director of the  
10 Federal Emergency Management Agency, each State or  
11 unit of general local government requesting funds from the  
12 Secretary of Housing and Urban Development for buyouts  
13 shall submit a plan to the Secretary which must be ap-  
14 proved by the Secretary as consistent with the require-  
15 ments of this program: *Provided further*, That the Sec-  
16 retary of Housing and Urban Development and the Direc-  
17 tor of the Federal Emergency Management Agency shall  
18 submit quarterly reports to the House and Senate Com-  
19 mittees on Appropriations on all disbursements and uses  
20 of funds for or associated with buyouts: *Provided further*,  
21 That for purposes of disasters eligible under this head the  
22 Secretary of Housing and Urban Development may waive,  
23 on a case-by-case basis and upon such other terms as the  
24 Secretary may specify, in whole or in part, the require-  
25 ments that activities benefit persons of low- and moderate-

1 income pursuant to section 122 of the Housing and Com-  
2 munity Development Act of 1974, and may waive, in whole  
3 or in part, the requirements that housing qualify as af-  
4 fordable housing pursuant to section 290 of the HOME  
5 Investment Partnerships Act: *Provided further*, That the  
6 entire amount shall be available only to the extent an offi-  
7 cial budget request, that includes designation of the entire  
8 amount of the request as an emergency requirement as  
9 defined by the Balanced Budget and Emergency Deficit  
10 Control Act of 1985, as amended, is transmitted by the  
11 President to the Congress: *Provided further*, That the en-  
12 tire amount is designated by the Congress as an emer-  
13 gency requirement pursuant to section 251(b)(2)(D)(i) of  
14 the Balanced Budget and Emergency Deficit Control Act  
15 of 1985, as amended.

16 MANAGEMENT AND ADMINISTRATION

17 SALARIES AND EXPENSES

18 Of the funds appropriated under this head in Public  
19 Law 104–204, the Secretary of Housing and Urban Devel-  
20 opment shall enter into a contract with the National Acad-  
21 emy of Public Administration not to exceed \$1,000,000  
22 no later than one month after enactment of this Act for  
23 an evaluation of the Department of Housing and Urban  
24 Development’s management systems.



1                                   INDEPENDENT AGENCIES  
2                                   ENVIRONMENTAL PROTECTION AGENCY  
3                                   BUILDINGS AND FACILITIES

4           From the amounts appropriated under this heading  
5 in prior appropriation Acts for the Center for Ecology Re-  
6 search and Training (CERT), the Environmental Protec-  
7 tion Agency (EPA) shall, after the closing of the period  
8 for filing CERT-related claims pursuant to the Uniform  
9 Relocation Assistance and Real Property Acquisition Poli-  
10 cies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the  
11 maximum amount of funds necessary to settle all out-  
12 standing CERT-related claims against the EPA pursuant  
13 to such Act. To the extent that unobligated balances then  
14 remain from such amounts previously appropriated, the  
15 EPA is authorized beginning in fiscal year 1997 to make  
16 grants to the City of Bay City, Michigan, for the purpose  
17 of EPA-approved environmental remediation and rehabili-  
18 tation of publicly owned real property included in the  
19 boundaries of the CERT project.

20                                   STATE AND TRIBAL ASSISTANCE GRANTS

21           The funds appropriated in Public Law 104–204 to  
22 the Environmental Protection Agency under this heading  
23 for grants to States and federally recognized tribes for  
24 multi-media or single media pollution prevention, control,  
25 and abatement and related activities, \$674,207,000, may  
26 also be used for the direct implementation by the Federal

1 Government of a program required by law in the absence  
2 of an acceptable State or tribal program.

3 FEDERAL EMERGENCY MANAGEMENT AGENCY

4 DISASTER RELIEF

5 For an additional amount for “Disaster relief”,  
6 \$3,300,000,000, to remain available until expended: *Pro-*  
7 *vided*, That \$2,300,000,000 shall become available for ob-  
8 ligation on September 30, 1997, but shall not become  
9 available until the Director of the Federal Emergency  
10 Management Agency submits to the Congress a legislative  
11 proposal to control disaster relief expenditures including  
12 the elimination of funding for certain revenue producing  
13 facilities: *Provided further*, That of the funds made avail-  
14 able under this heading, up to \$20,000,000 may be trans-  
15 ferred to the Disaster Assistance Direct Loan Program  
16 for the cost of direct loans as authorized under section  
17 417 of the Robert T. Stafford Disaster Relief and Emer-  
18 gency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*  
19 *further*, That such transfer may be made to subsidize gross  
20 obligations for the principal amount of direct loans not  
21 to exceed \$21,000,000 under section 417 of the Stafford  
22 Act: *Provided further*, That any such transfer of funds  
23 shall be made only upon certification by the Director of  
24 the Federal Emergency Management Agency that all re-  
25 quirements of section 417 of the Stafford Act will be com-

1 plied with: *Provided further*, That the entire amount ap-  
2 propriated herein shall be available only to the extent that  
3 an official budget request for a specific dollar amount,  
4 that includes designation of the entire amount of the re-  
5 quest as an emergency requirement as defined in the Bal-  
6 anced Budget and Emergency Deficit Control Act of 1985,  
7 as amended, is transmitted by the President to Congress:  
8 *Provided further*, That the entire amount appropriated  
9 herein is designated by Congress as an emergency require-  
10 ment pursuant to section 251(b)(2)(D)(i) of the Balanced  
11 Budget and Emergency Deficit Control Act of 1985, as  
12 amended.

13           GENERAL PROVISIONS, CHAPTER 10

14           SEC. 10001. The Secretary shall submit semi-annu-  
15 ally to the Committees on Appropriations a list of all con-  
16 tracts and task orders issued under such contracts in ex-  
17 cess of \$250,000 which were entered into during the prior  
18 6-month period by the Secretary, the Government Na-  
19 tional Mortgage Association, and the Office of Federal  
20 Housing Enterprise Oversight (or by any officer of the De-  
21 partment of Housing and Urban Development, the Gov-  
22 ernment National Mortgage Association, or the Office of  
23 Federal Housing Enterprise Oversight acting in his or her  
24 capacity to represent the Secretary or these entities). Each  
25 listing shall identify the parties to the contract, the term

1 and amount of the contract, and the subject matter and  
2 responsibilities of the parties to the contract.

3 SEC. 10002. Section 8(c)(9) of the United States  
4 Housing Act of 1937 is amended by striking out “Not less  
5 than one year prior to terminating any contract” and in-  
6 serting in lieu thereof: “Not less than 180 days prior to  
7 terminating any contract”.

8 SEC. 10003. The first sentence of section 542(c)(4)  
9 of the Housing and Community Development Act of 1992  
10 is amended by striking out “on not more than 12,000  
11 units during fiscal year 1996” and inserting in lieu there-  
12 of: “on not more than 12,000 units during fiscal year  
13 1996 and not more than an additional 7,500 units during  
14 fiscal year 1997”.

15 SEC. 10004. Section 4(a) and (b)(3) of the HUD  
16 Demonstration Act of 1993 is amended by inserting after  
17 “National Community Development Initiative”: “, Local  
18 Initiatives Support Corporation, The Enterprise Founda-  
19 tion, Habitat for Humanity, and Youthbuild USA”.

20 SEC. 10005. Section 234(c) of the National Housing  
21 Act is amended by inserting after “203(b)(2)” the follow-  
22 ing: “or pursuant to section 203(h) under the conditions  
23 described in section 203(h)”.

24 SEC. 10006. Section 211(b)(4)(B) of the Depart-  
25 ments of Veterans Affairs and Housing and Urban Devel-

1 opment, and Independent Agencies Appropriations Act,  
2 1997 (Public Law 104–204) is amended by inserting the  
3 following at the end: “The term ‘owner’, as used in this  
4 subparagraph, in addition to it having the same meaning  
5 as in section 8(f) of the United States Housing Act of  
6 1937, also means an affiliate of the owner. The term ‘affil-  
7 iate of the owner’ means any person or entity (including,  
8 but not limited to, a general partner or managing member,  
9 or an officer of either) that controls an owner, is controlled  
10 by an owner, or is under common control with the owner.  
11 The term ‘control’ means the direct or indirect power  
12 (under contract, equity ownership, the right to vote or de-  
13 termine a vote, or otherwise) to direct the financial, legal,  
14 beneficial, or other interests of the owner.”.

15 CHAPTER 11

16 OFFSETS AND RESCISSIONS

17 DEPARTMENT OF AGRICULTURE

18 OFFICE OF THE SECRETARY

19 FUND FOR RURAL AMERICA

20 Of the funds provided on January 1, 1997 for section  
21 793 of Public Law 104–127, Fund for Rural America, not  
22 more than \$80,000,000 shall be available.

1                   FOOD AND CONSUMER SERVICE  
2                   THE EMERGENCY FOOD ASSISTANCE PROGRAM  
3           Notwithstanding section 27(a) of the Food Stamp  
4 Act, the amount specified for allocation under such section  
5 for fiscal year 1997 shall be \$80,000,000.

6 FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES  
7                   MANAGER  
8                   EXPORT CREDIT

9           None of the funds made available in the Agriculture,  
10 Rural Development, Food and Drug Administration, and  
11 Related Agencies Appropriations Act, 1997, Public Law  
12 104–180, may be used to pay the salaries and expenses  
13 of personnel to carry out a combined program for export  
14 credit guarantees, supplier credit guarantees, and emerg-  
15 ing democracies facilities guarantees at a level which ex-  
16 ceeds \$3,500,000,000.

17                   EXPORT ENHANCEMENT PROGRAM  
18           None of the funds appropriated or otherwise made  
19 available in Public Law 104–180 shall be used to pay the  
20 salaries and expenses of personnel to carry out an export  
21 enhancement program if the aggregate amount of funds  
22 and/or commodities under such program exceeds  
23 \$10,000,000.

## 1 DEPARTMENT OF JUSTICE

## 2 GENERAL ADMINISTRATION

## 3 WORKING CAPITAL FUND

## 4 (RESCISSION)

5 Of the unobligated balances available under this  
6 heading, \$6,400,000 are rescinded.

## 7 LEGAL ACTIVITIES

## 8 ASSETS FORFEITURE FUND

## 9 (RESCISSION)

10 Of the amounts made available to the Attorney Gen-  
11 eral on October 1, 1996, from surplus balances declared  
12 in prior years pursuant to 28 U.S.C. 524(c), authority to  
13 obligate \$3,000,000 of such funds in fiscal year 1997 is  
14 rescinded.

## 15 IMMIGRATION AND NATURALIZATION SERVICE

## 16 CONSTRUCTION

## 17 (RESCISSION)

18 Of the unobligated balances under this heading from  
19 amounts made available in Public Law 103-317,  
20 \$1,000,000 are rescinded.

1 DEPARTMENT OF COMMERCE  
2 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
3 INDUSTRIAL TECHNOLOGY SERVICES  
4 (RESCISSION)

5 Of the unobligated balances available under this  
6 heading for the Advanced Technology Program,  
7 \$7,000,000 are rescinded.

8 RELATED AGENCIES  
9 FEDERAL COMMUNICATIONS COMMISSION  
10 SALARIES AND EXPENSES  
11 (RESCISSION)

12 Of the unobligated balances available under this  
13 heading, \$1,000,000 are rescinded.

14 OUNCE OF PREVENTION COUNCIL  
15 (RESCISSION)

16 Of the amounts made available under this heading  
17 in Public Law 104–208, \$1,000,000 are rescinded.

18 DEPARTMENT OF ENERGY  
19 ENERGY PROGRAMS  
20 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT  
21 ACTIVITIES  
22 (RESCISSION)

23 Of the funds made available under this heading in  
24 Public Law 104–206 and prior years' Energy and Water  
25 Development Appropriations Acts, \$11,180,000 are re-  
26 scinded.



## 1 CLEAN COAL TECHNOLOGY

2 (RESCISSION)

3 Of the funds made available under this heading for  
4 obligation in fiscal year 1997 or prior years, \$17,000,000  
5 are rescinded: *Provided*, That funds made available in pre-  
6 vious appropriations Acts shall be available for any ongo-  
7 ing project regardless of the separate request for proposal  
8 under which the project was selected.

## 9 STRATEGIC PETROLEUM RESERVE

10 (RESCISSION)

11 Of the funds made available under this heading in  
12 previous appropriations Acts, \$11,000,000 are rescinded.

## 13 POWER MARKETING ADMINISTRATIONS

14 CONSTRUCTION, REHABILITATION, OPERATION AND

15 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

16 (RESCISSION)

17 Of the funds made available under this heading in  
18 Public Law 104–206 and prior years' Energy and Water  
19 Development Appropriations Acts, \$11,352,000 are re-  
20 scinded.

1           DEPARTMENT OF HEALTH AND HUMAN  
2                           SERVICES  
3           ADMINISTRATION FOR CHILDREN AND FAMILIES  
4                           JOB OPPORTUNITIES AND BASIC SKILLS  
5                           (RESCISSION)

6           Of the funds made available under this heading in  
7 Public Law 104–208, there is rescinded an amount equal  
8 to the total of the funds within each State’s limitation for  
9 fiscal year 1997 that are not necessary to pay such State’s  
10 allowable claims for such fiscal year.

11           Section 403(k)(3)(F) of the Social Security Act (as  
12 in effect on October 1, 1996) is amended by adding after  
13 the “,” the following: “reduced by an amount equal to the  
14 total of those funds that are within each State’s limitation  
15 for fiscal year 1997 that are not necessary to pay such  
16 State’s allowable claims for such fiscal year (except that  
17 such amount for such year shall be deemed to be  
18 \$1,000,000,000 for the purpose of determining the  
19 amount of the payment under subsection (1) to which each  
20 State is entitled),”.

## 1 DEPARTMENT OF TRANSPORTATION

## 2 FEDERAL AVIATION ADMINISTRATION

## 3 GRANTS-IN-AID FOR AIRPORTS

## 4 (AIRPORT AND AIRWAY TRUST FUND)

## 5 (RESCISSION OF CONTRACT AUTHORIZATION)

6 Of the unobligated balances authorized under 49  
7 U.S.C. 48103 as amended, \$750,000,000 are rescinded.

## 8 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

## 9 HIGHWAY TRAFFIC SAFETY GRANTS

## 10 (HIGHWAY TRUST FUND)

## 11 (RESCISSION OF CONTRACT AUTHORIZATION)

12 Of the available balances of contract authority under  
13 this heading, \$13,000,000 are rescinded.

## 14 FEDERAL TRANSIT ADMINISTRATION

## 15 TRUST FUND SHARE OF EXPENSES

## 16 (HIGHWAY TRUST FUND)

## 17 (RESCISSION OF CONTRACT AUTHORIZATION)

18 Of the available balances of contract authority under  
19 this heading, \$271,000,000 are rescinded.

## 20 DISCRETIONARY GRANTS

## 21 (HIGHWAY TRUST FUND)

## 22 (RESCISSION OF CONTRACT AUTHORIZATION)

23 Of the available balances of contract authority under  
24 this heading, for fixed guideway modernization and bus  
25 activities under 49 U.S.C. 5309(m)(A) and (C),  
26 \$588,000,000 are rescinded.

1                               INDEPENDENT AGENCY  
2                               GENERAL SERVICES ADMINISTRATION  
3                               EXPENSES, PRESIDENTIAL TRANSITION  
4                               (RESCISSION)

5           Of the amounts made available under this heading  
6 in Public Law 104–208, \$5,600,000 are rescinded.

7                               DEPARTMENT OF HOUSING AND URBAN  
8                               DEVELOPMENT  
9                               HOUSING PROGRAMS  
10                              ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING  
11                              (INCLUDING RESCISSION)

12           Of the amounts recaptured under this heading during  
13 fiscal year 1997 and prior years, \$3,650,000,000 are re-  
14 scinded: *Provided*, That the Secretary of Housing and  
15 Urban Development shall recapture at least  
16 \$5,800,000,000 in amounts heretofore maintained as sec-  
17 tion 8 reserves made available to housing agencies for ten-  
18 ant-based assistance under the section 8 existing housing  
19 certificate and housing voucher programs: *Provided fur-*  
20 *ther*, That all additional section 8 reserve funds of an  
21 amount not less than \$2,150,000,000 and any recaptures  
22 (other than funds already designated for other uses) speci-  
23 fied in section 214 of Public Law 104–204 shall be pre-  
24 served under the head “Section 8 Reserve Preservation  
25 Account” for use in extending section 8 contracts expiring  
26 in fiscal year 1998 and thereafter: *Provided further*, That

1 the Secretary may recapture less than \$5,800,000,000  
2 and reserve less than \$2,150,000,000 where the Secretary  
3 determines that insufficient section 8 funds are available  
4 for current fiscal year contract obligations: *Provided fur-*  
5 *ther*, That the Comptroller General of the United States  
6 shall conduct an audit of all accounts of the Department  
7 of Housing and Urban Development to determine whether  
8 the Department's systems for budgeting and accounting  
9 for section 8 rental assistance ensure that unexpended  
10 funds do not reach unreasonable levels and that obliga-  
11 tions are spent in a timely manner.

12 INDEPENDENT AGENCY

13 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 NATIONAL AERONAUTICS FACILITIES

15 (RESCISSION)

16 Of the funds made available under this heading in  
17 Public Law 103–327, \$365,000,000 are rescinded.

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 UNANTICIPATED NEEDS

20 (RESCISSION)

21 Of the funds made available under this heading in  
22 Public Law 103–211 to NASA for “Space flight, control,  
23 and data communications”, \$4,200,000 are rescinded.

## TITLE III

1

## GENERAL PROVISIONS—THIS ACT

2

3 SEC. 30001. No part of any appropriation contained  
4 in this Act shall remain available for obligation beyond  
5 the current fiscal year unless expressly so provided herein.

6

## BUY-AMERICAN REQUIREMENTS

7 SEC. 30002. (a) COMPLIANCE WITH BUY AMERICAN  
8 ACT.—None of the funds made available in this Act may  
9 be expended by an entity unless the entity agrees that in  
10 expending the funds the entity will comply with the Buy  
11 American Act (41 U.S.C. 10a–10c).

12 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-  
13 ING NOTICE.—

14 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT  
15 AND PRODUCTS.—In the case of any equipment or  
16 product that may be authorized to be purchased  
17 with financial assistance provided using funds made  
18 available in this Act, it is the sense of the Congress  
19 that entities receiving the assistance should, in ex-  
20 pending the assistance, purchase only American-  
21 made equipment and products.

22 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—  
23 In providing financial assistance using funds made  
24 available in this Act, the head of each Federal agen-  
25 cy shall provide to each recipient of the assistance

1 a notice describing the statement made in paragraph  
2 (1) by the Congress.

3 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
4 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—  
5 If it has been finally determined by a court or Federal  
6 agency that any person intentionally affixed a label bear-  
7 ing a “Made in America” inscription, or any inscription  
8 with the same meaning, to any product sold in or shipped  
9 to the United States that is not made in the United  
10 States, the person shall be ineligible to receive any con-  
11 tract or subcontract made with funds made available in  
12 this Act, pursuant to the debarment, suspension, and ineli-  
13 gibility procedures described in sections 9.400 through  
14 9.409 of title 48, Code of Federal Regulations.

15 SEC. 30003. The Office of Management and Budget  
16 is directed to work with Federal agencies, as appropriate,  
17 to support the extension and revision of Federal grants,  
18 contracts, and cooperative agreements at universities af-  
19 fected by flooding in designated Federal disaster areas  
20 where work on such grants, contracts, and cooperative  
21 agreements was suspended as a result of the flood disas-  
22 ter.

1 TITLE IV—COST OF HIGHER EDUCATION  
2 REVIEW

3 **SEC. 40001. SHORT TITLE; FINDINGS.**

4 (a) **SHORT TITLE.**—This title may be cited as the  
5 “Cost of Higher Education Review Act of 1997”.

6 (b) **FINDINGS.**—The Congress finds the following:

7 (1) According to a report issued by the General  
8 Accounting Office, tuition at 4-year public colleges  
9 and universities increased 234 percent from school  
10 year 1980–1981 through school year 1994–1995,  
11 while median household income rose 82 percent and  
12 the cost of consumer goods as measured by the  
13 Consumer Price Index rose 74 percent over the same  
14 time period.

15 (2) A 1995 survey of college freshmen found  
16 that concern about college affordability was the  
17 highest it has been in the last 30 years.

18 (3) Paying for a college education now ranks as  
19 one of the most costly investments for American  
20 families.

21 **SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION**  
22 **ON THE COST OF HIGHER EDUCATION.**

23 There is established a Commission to be known as  
24 the “National Commission on the Cost of Higher Edu-



1 cation” (hereafter in this title referred to as the “Commis-  
2 sion”).

3 **SEC. 40003. MEMBERSHIP OF COMMISSION.**

4 (a) APPOINTMENT.—The Commission shall be com-  
5 posed of 11 members as follows:

6 (1) Three individuals shall be appointed by the  
7 Speaker of the House.

8 (2) Two individuals shall be appointed by the  
9 Minority Leader of the House.

10 (3) Three individuals shall be appointed by the  
11 Majority Leader of the Senate.

12 (4) Two individuals shall be appointed by the  
13 Minority Leader of the Senate.

14 (5) One individual shall be appointed by the  
15 Secretary of Education.

16 (b) ADDITIONAL QUALIFICATIONS.—Each of the in-  
17 dividuals appointed under subsection (a) shall be an indi-  
18 vidual with expertise and experience in higher education  
19 finance (including the financing of State institutions of  
20 higher education), Federal financial aid programs, edu-  
21 cation economics research, public or private higher edu-  
22 cation administration, or business executives who have  
23 managed successful cost reduction programs.

24 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The  
25 members of the Commission shall elect a Chairperson and

1 a Vice Chairperson. In the absence of the Chairperson,  
2 the Vice Chairperson will assume the duties of the Chair-  
3 person.

4 (d) QUORUM.—A majority of the members of the  
5 Commission shall constitute a quorum for the transaction  
6 of business.

7 (e) APPOINTMENTS.—All appointments under sub-  
8 section (a) shall be made within 30 days after the date  
9 of enactment of this Act. In the event that an officer au-  
10 thorized to make an appointment under subsection (a) has  
11 not made such appointment within such 30 days, the ap-  
12 pointment may be made for such officer as follows:

13 (1) the Chairman of the Committee on Edu-  
14 cation and the Workforce may act under such sub-  
15 section for the Speaker of the House of Representa-  
16 tives;

17 (2) the Ranking Minority Member of the Com-  
18 mittee on Education and the Workforce may act  
19 under such subsection for the Minority Leader of  
20 the House of Representatives;

21 (3) the Chairman of the Committee on Labor  
22 and Human Resources may act under such sub-  
23 section for the Majority Leader of the Senate; and

24 (4) the Ranking Minority Member of the Com-  
25 mittee on Labor and Human Resources may act

1 under such subsection for the Minority Leader of  
2 the Senate.

3 (f) VOTING.—Each member of the Commission shall  
4 be entitled to one vote, which shall be equal to the vote  
5 of every other member of the Commission.

6 (g) VACANCIES.—Any vacancy on the Commission  
7 shall not affect its powers, but shall be filled in the manner  
8 in which the original appointment was made.

9 (h) PROHIBITION OF ADDITIONAL PAY.—Members of  
10 the Commission shall receive no additional pay, allow-  
11 ances, or benefits by reason of their service on the Com-  
12 mission. Members appointed from among private citizens  
13 of the United States may be allowed travel expenses, in-  
14 cluding per diem, in lieu of subsistence, as authorized by  
15 law for persons serving intermittently in the government  
16 service to the extent funds are available for such expenses.

17 (i) INITIAL MEETING.—The initial meeting of the  
18 Commission shall occur within 40 days after the date of  
19 enactment of this Act.

20 **SEC. 40004. FUNCTIONS OF COMMISSION.**

21 (a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—  
22 The Commission shall study and make findings and spe-  
23 cific recommendations regarding the following:

24 (1) The increase in tuition compared with other  
25 commodities and services.

1           (2) Innovative methods of reducing or stabiliz-  
2           ing tuition.

3           (3) Trends in college and university administra-  
4           tive costs, including administrative staffing, ratio of  
5           administrative staff to instructors, ratio of adminis-  
6           trative staff to students, remuneration of adminis-  
7           trative staff, and remuneration of college and univer-  
8           sity presidents or chancellors.

9           (4) Trends in (A) faculty workload and remu-  
10          neration (including the use of adjunct faculty), (B)  
11          faculty-to-student ratios, (C) number of hours spent  
12          in the classroom by faculty, and (D) tenure prac-  
13          tices, and the impact of such trends on tuition.

14          (5) Trends in (A) the construction and renova-  
15          tion of academic and other collegiate facilities, and  
16          (B) the modernization of facilities to access and uti-  
17          lize new technologies, and the impact of such trends  
18          on tuition.

19          (6) The extent to which increases in institu-  
20          tional financial aid and tuition discounting have af-  
21          fected tuition increases, including the demographics  
22          of students receiving such aid, the extent to which  
23          such aid is provided to students with limited need in  
24          order to attract such students to particular institu-  
25          tions or major fields of study, and the extent to

1 which Federal financial aid, including loan aid, has  
2 been used to offset such increases.

3 (7) The extent to which Federal, State, and  
4 local laws, regulations, or other mandates contribute  
5 to increasing tuition, and recommendations on re-  
6 ducing those mandates.

7 (8) The establishment of a mechanism for a  
8 more timely and widespread distribution of data on  
9 tuition trends and other costs of operating colleges  
10 and universities.

11 (9) The extent to which student financial aid  
12 programs have contributed to changes in tuition.

13 (10) Trends in State fiscal policies that have af-  
14 fected college costs.

15 (11) The adequacy of existing Federal and  
16 State financial aid programs in meeting the costs of  
17 attending colleges and universities.

18 (12) Other related topics determined to be ap-  
19 propriate by the Commission.

20 (b) FINAL REPORT.—

21 (1) IN GENERAL.—Subject to paragraph (2),  
22 the Commission shall submit to the President and to  
23 the Congress, not later than 120 days after the date  
24 of the first meeting of the Commission, a report  
25 which shall contain a detailed statement of the find-

1        ings and conclusions of the Commission, including  
2        the Commission's recommendations for administra-  
3        tive and legislative action that the Commission con-  
4        siders advisable.

5            (2) MAJORITY VOTE REQUIRED FOR REC-  
6        OMMENDATIONS.—Any recommendation described in  
7        paragraph (1) shall be made by the Commission to  
8        the President and to the Congress only if such rec-  
9        ommendation is adopted by a majority vote of the  
10       members of the Commission who are present and  
11       voting.

12           (3) EVALUATION OF DIFFERENT CIR-  
13        CUMSTANCES.—In making any findings under sub-  
14        section (a) of this section, the Commission shall take  
15        into account differences between public and private  
16        colleges and universities, the length of the academic  
17        program, the size of the institution's student popu-  
18        lation, and the availability of the institution's re-  
19        sources, including the size of the institution's endow-  
20        ment.

21 **SEC. 40005. POWERS OF COMMISSION.**

22        (a) HEARINGS.—The Commission may, for the pur-  
23        pose of carrying out this title, hold such hearings and sit  
24        and act at such times and places, as the Commission may  
25        find advisable.

1       (b) RULES AND REGULATIONS.—The Commission  
2 may adopt such rules and regulations as may be necessary  
3 to establish the Commission’s procedures and to govern  
4 the manner of the Commission’s operations, organization,  
5 and personnel.

6       (c) ASSISTANCE FROM FEDERAL AGENCIES.—

7           (1) INFORMATION.—The Commission may re-  
8 quest from the head of any Federal agency or in-  
9 strumentality such information as the Commission  
10 may require for the purpose of this title. Each such  
11 agency or instrumentality shall, to the extent per-  
12 mitted by law and subject to the exceptions set forth  
13 in section 552 of title 5, United States Code (com-  
14 monly referred to as the Freedom of Information  
15 Act), furnish such information to the Commission,  
16 upon request made by the Chairperson of the Com-  
17 mission.

18           (2) FACILITIES AND SERVICES, PERSONNEL DE-  
19 TAIL AUTHORIZED.—Upon request of the Chair-  
20 person of the Commission, the head of any Federal  
21 agency or instrumentality shall, to the extent pos-  
22 sible and subject to the discretion of such head—

23           (A) make any of the facilities and services  
24 of such agency or instrumentality available to  
25 the Commission; and

1           (B) detail any of the personnel of such  
2           agency or instrumentality to the Commission,  
3           on a nonreimbursable basis, to assist the Com-  
4           mission in carrying out the Commission's duties  
5           under this title.

6           (d) **MAILS.**—The Commission may use the United  
7           States mails in the same manner and under the same con-  
8           ditions as other Federal agencies.

9           (e) **CONTRACTING.**—The Commission, to such extent  
10          and in such amounts as are provided in appropriation  
11          Acts, may enter into contracts with State agencies, private  
12          firms, institutions, and individuals for the purpose of con-  
13          ducting research or surveys necessary to enable the Com-  
14          mission to discharge the Commission's duties under this  
15          title.

16          (f) **STAFF.**—Subject to such rules and regulations as  
17          may be adopted by the Commission, and to such extent  
18          and in such amounts as are provided in appropriation  
19          Acts, the Chairperson of the Commission shall have the  
20          power to appoint, terminate, and fix the compensation  
21          (without regard to the provisions of title 5, United States  
22          Code, governing appointments in the competitive service,  
23          and without regard to the provisions of chapter 51 and  
24          subchapter III of chapter 53 of such title, or of any other  
25          provision, or of any other provision of law, relating to the



1 number, classification, and General Schedule rates) of an  
2 Executive Director, and of such additional staff as the  
3 Chairperson deems advisable to assist the Commission, at  
4 rates not to exceed a rate equal to the maximum rate for  
5 level IV of the Executive Schedule under section 5332 of  
6 such title.

7 **SEC. 40006. FUNDING OF COMMISSION.**

8       There is authorized to be appropriated for fiscal year  
9 1997 for carrying out this title, \$650,000, to remain avail-  
10 able until expended, or until one year after the termination  
11 of the Commission pursuant to section 40007, whichever  
12 occurs first.

13 **SEC. 40007. TERMINATION OF COMMISSION.**

14       The Commission shall cease to exist on the date that  
15 is 60 days after the date on which the Commission is re-  
16 quired to submit its final report in accordance with section  
17 40004(b).

18 **TITLE V—DEPOSITORY INSTITUTION DISASTER**

19 **RELIEF**

20 **SEC. 50001. SHORT TITLE.**

21       This title may be cited as the “Depository Institu-  
22 tions Disaster Relief Act of 1997”.

1 **SEC. 50002. TRUTH IN LENDING ACT; EXPEDITED FUNDS**  
2 **AVAILABILITY ACT.**

3 (a) TRUTH IN LENDING ACT.—During the 240-day  
4 period beginning on the date of enactment of this Act, the  
5 Board of Governors of the Federal Reserve System may  
6 make exceptions to the Truth in Lending Act for trans-  
7 actions within an area in which the President, pursuant  
8 to section 401 of the Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act, has determined, on or  
10 after February 28, 1997, that a major disaster exists, or  
11 within an area determined to be eligible for disaster relief  
12 under other Federal law by reason of damage related to  
13 the 1997 flooding of the Red River of the North, the Min-  
14 nesota River, and the tributaries of such rivers, if the  
15 Board determines that the exception can reasonably be ex-  
16 pected to alleviate hardships to the public resulting from  
17 such disaster that outweigh possible adverse effects.

18 (b) EXPEDITED FUNDS AVAILABILITY ACT.—During  
19 the 240-day period beginning on the date of enactment  
20 of this Act, the Board of Governors of the Federal Reserve  
21 System may make exceptions to the Expedited Funds  
22 Availability Act for depository institution offices located  
23 within any area referred to in subsection (a) of this section  
24 if the Board determines that the exception can reasonably  
25 be expected to alleviate hardships to the public resulting  
26 from such disaster that outweigh possible adverse effects.

1 (c) TIME LIMIT ON EXCEPTIONS.—Any exception  
2 made under this section shall expire not later than Sep-  
3 tember 1, 1998.

4 (d) PUBLICATION REQUIRED.—The Board of Gov-  
5 ernors of the Federal Reserve System shall publish in the  
6 Federal Register a statement that—

7 (1) describes any exception made under this  
8 section; and

9 (2) explains how the exception can reasonably  
10 be expected to produce benefits to the public that  
11 outweigh possible adverse effects.

12 **SEC. 50003. DEPOSIT OF INSURANCE PROCEEDS.**

13 (a) IN GENERAL.—The appropriate Federal banking  
14 agency may, by order, permit an insured depository insti-  
15 tution to subtract from the institution's total assets, in  
16 calculating compliance with the leverage limit prescribed  
17 under section 38 of the Federal Deposit Insurance Act,  
18 an amount not exceeding the qualifying amount attrib-  
19 utable to insurance proceeds, if the agency determines  
20 that—

21 (1) the institution—

22 (A) had its principal place of business  
23 within an area in which the President, pursuant  
24 to section 401 of the Robert T. Stafford Disas-  
25 ter Relief and Emergency Assistance Act, has

1 determined, on or after February 28, 1997,  
2 that a major disaster exists, or within an area  
3 determined to be eligible for disaster relief  
4 under other Federal law by reason of damage  
5 related to the 1997 flooding of the Red River  
6 of the North, the Minnesota River, and the trib-  
7 utaries of such rivers, on the day before the  
8 date of any such determination;

9 (B) derives more than 60 percent of its  
10 total deposits from persons who normally reside  
11 within, or whose principal place of business is  
12 normally within, areas of intense devastation  
13 caused by the major disaster;

14 (C) was adequately capitalized (as defined  
15 in section 38 of the Federal Deposit Insurance  
16 Act) before the major disaster; and

17 (D) has an acceptable plan for managing  
18 the increase in its total assets and total depos-  
19 its; and

20 (2) the subtraction is consistent with the pur-  
21 pose of section 38 of the Federal Deposit Insurance  
22 Act.

23 (b) TIME LIMIT ON EXCEPTIONS.—Any exception  
24 made under this section shall expire not later than Feb-  
25 ruary 28, 1999.

1 (c) DEFINITIONS.—For purposes of this section:

2 (1) APPROPRIATE FEDERAL BANKING AGEN-  
3 CY.—The term “appropriate Federal banking agen-  
4 cy” has the same meaning as in section 3 of the  
5 Federal Deposit Insurance Act.

6 (2) INSURED DEPOSITORY INSTITUTION.—The  
7 term “insured depository institution” has the same  
8 meaning as in section 3 of the Federal Deposit In-  
9 surance Act.

10 (3) LEVERAGE LIMIT.—The term “leverage  
11 limit” has the same meaning as in section 38 of the  
12 Federal Deposit Insurance Act.

13 (4) QUALIFYING AMOUNT ATTRIBUTABLE TO  
14 INSURANCE PROCEEDS.—The term “qualifying  
15 amount attributable to insurance proceeds” means  
16 the amount (if any) by which the institution’s total  
17 assets exceed the institution’s average total assets  
18 during the calendar quarter ending before the date  
19 of any determination referred to in subsection  
20 (a)(1)(A), because of the deposit of insurance pay-  
21 ments or governmental assistance made with respect  
22 to damage caused by, or other costs resulting from,  
23 the major disaster.

1 **SEC. 50004. BANKING AGENCY PUBLICATION REQUIRE-**  
2 **MENTS.**

3 (a) IN GENERAL.—A qualifying regulatory agency  
4 may take any of the following actions with respect to de-  
5 pository institutions or other regulated entities whose  
6 principal place of business is within, or with respect to  
7 transactions or activities within, an area in which the  
8 President, pursuant to section 401 of the Robert T. Staf-  
9 ford Disaster Relief and Emergency Assistance Act, has  
10 determined, on or after February 28, 1997, that a major  
11 disaster exists, or within an area determined to be eligible  
12 for disaster relief under other Federal law by reason of  
13 damage related to the 1997 flooding of the Red River of  
14 the North, the Minnesota River, and the tributaries of  
15 such rivers, if the agency determines that the action would  
16 facilitate recovery from the major disaster:

17 (1) PROCEDURE.—Exercising the agency’s au-  
18 thority under provisions of law other than this sec-  
19 tion without complying with—

20 (A) any requirement of section 553 of title  
21 5, United States Code; or

22 (B) any provision of law that requires no-  
23 tice or opportunity for hearing or sets maxi-  
24 mum or minimum time limits with respect to  
25 agency action.

1           (2) PUBLICATION REQUIREMENTS.—Making ex-  
2           ceptions, with respect to institutions or other entities  
3           for which the agency is the primary Federal regu-  
4           lator, to—

5                   (A) any publication requirement with re-  
6                   spect to establishing branches or other deposit-  
7                   taking facilities; or

8                   (B) any similar publication requirement.

9           (b) PUBLICATION REQUIRED.—A qualifying regu-  
10          latory agency shall publish in the Federal Register a state-  
11          ment that—

12                   (1) describes any action taken under this sec-  
13                   tion; and

14                   (2) explains the need for the action.

15          (c) QUALIFYING REGULATORY AGENCY DEFINED.—  
16          For purposes of this section, the term “qualifying regu-  
17          latory agency” means—

18                   (1) the Board of Governors of the Federal Re-  
19                   serve System;

20                   (2) the Comptroller of the Currency;

21                   (3) the Director of the Office of Thrift Super-  
22                   vision;

23                   (4) the Federal Deposit Insurance Corporation;

24                   (5) the Financial Institutions Examination  
25                   Council;

1           (6) the National Credit Union Administration;  
2           and

3           (7) with respect to chapter 53 of title 31, Unit-  
4           ed States Code, the Secretary of the Treasury.

5           (d) EXPIRATION.—Any exception made under this  
6           section shall expire not later than February 28, 1998.

7           **SEC. 50005. SENSE OF THE CONGRESS.**

8           (a) FINANCIAL SERVICES.—It is the sense of the  
9           Congress that the Board of Governors of the Federal Re-  
10          serve System, the Comptroller of the Currency, the Direc-  
11          tor of the Office of Thrift Supervision, the Federal De-  
12          posit Insurance Corporation, and the National Credit  
13          Union Administration should encourage depository insti-  
14          tutions to meet the financial services needs of their com-  
15          munities and customers located in areas affected by the  
16          1997 flooding of the Red River of the North, the Min-  
17          nesota River, and the tributaries of such rivers.

18          (b) APPRAISAL STANDARDS.—It is the sense of the  
19          Congress that each Federal financial institutions regu-  
20          latory agency should, by regulation or order, make excep-  
21          tions to the appraisal standards prescribed by title XI of  
22          the Financial Institutions Reform, Recovery, and Enforce-  
23          ment Act of 1989 (12 U.S.C. 3331 et seq.) for trans-  
24          actions involving institutions for which the agency is the  
25          primary Federal regulator with respect to real property



1 located within a disaster area pursuant to section 1123  
2 of the Financial Institutions Reform, Recovery, and En-  
3 forcement Act of 1989 (12 U.S.C. 3352), if the agency  
4 determines that the exceptions can reasonably be expected  
5 to alleviate hardships to the public resulting from such dis-  
6 aster that outweigh possible adverse effects.

7 **SEC. 50006. OTHER AUTHORITY NOT AFFECTED.**

8 No provision of this title shall be construed as limit-  
9 ing the authority of any department or agency under any  
10 other provision of law.

11 TITLE VI—TECHNICAL AMENDMENTS WITH  
12 RESPECT TO EDUCATION

13 **SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DIS-**  
14 **CLOSURES REQUIRED WITH RESPECT TO**  
15 **GRADUATION RATES.**

16 (a) AMENDMENTS.—Section 485 of the Higher Edu-  
17 cation Act of 1965 (20 U.S.C. 1092) is amended—

18 (1) in subsection (a)(3)(B), by striking “June  
19 30” and inserting “August 31”; and

20 (2) in subsection (e)(9), by striking “August  
21 30” and inserting “August 31”.

22 (b) EFFECTIVE DATES.—

23 (1) IN GENERAL.—Except as provided in para-  
24 graph (2), the amendments made by subsection (a)  
25 are effective upon enactment.

1           (2) INFORMATION DISSEMINATION.—No institu-  
2           tion shall be required to comply with the amendment  
3           made by subsection (a)(1) before July 1, 1998.

4 **SEC. 60002. DATE EXTENSION.**

5           Section 1501(a)(4) of the Elementary and Secondary  
6           Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended  
7           by striking “January 1, 1998” and inserting “January 1,  
8           1999”.

9 **SEC. 60003. TIMELY FILING OF NOTICE.**

10          Notwithstanding any other provision of law, the Sec-  
11          retary of Education shall deem Kansas and New Mexico  
12          to have timely submitted under section 8009(c)(1) of the  
13          Elementary and Secondary Education Act of 1965 (20  
14          U.S.C. 7709(c)(1)) the States’ written notices of intent  
15          to consider payments described in section 8009(b)(1) of  
16          the Act (20 U.S.C. 7709(b)(1)) in providing State aid to  
17          local educational agencies for school year 1997–1998, ex-  
18          cept that the Secretary may require the States to submit  
19          such additional information as the Secretary may require,  
20          which information shall be considered part of the notices.

21 **SEC. 60004. HOLD HARMLESS PAYMENTS.**

22          Section 8002(h)(1) of the Elementary and Secondary  
23          Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amend-  
24          ed—

1           (1) in subparagraph (A), by striking “or” after  
2           the semicolon;

3           (2) in subparagraph (B), by striking the period  
4           and inserting “; and”; and

5           (3) by adding at the end the following:

6                   “(C) for fiscal year 1997 and each suc-  
7                   ceeding fiscal year through fiscal year 2000  
8                   shall not be less than 85 percent of the amount  
9                   such agency received for fiscal year 1996 under  
10                  subsection (b).”.

11 **SEC. 60005. DATA.**

12           (a) IN GENERAL.—Section 8003(f)(4) of the Elemen-  
13           tary and Secondary Education Act of 1965 (20 U.S.C.  
14           7703(f)(4)) is amended—

15                   (1) in subparagraph (A)—

16                           (A) by inserting “expenditure,” after “rev-  
17                           enue,”; and

18                           (B) by striking the semicolon and inserting  
19                           a period;

20                   (2) by striking “the Secretary” and all that fol-  
21                   lows through “shall use” and inserting “the Sec-  
22                   retary shall use”; and

23                   (3) by striking subparagraph (B).

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall apply with respect to fiscal years after  
3 fiscal year 1997.

4 **SEC. 60006. PAYMENTS RELATING TO FEDERAL PROPERTY.**

5 Section 8002(i) of the Elementary and Secondary  
6 Education Act of 1965 (20 U.S.C. 7702(i)) is amended  
7 to read as follows:

8 “(i) PRIORITY PAYMENTS.—

9 “(1) IN GENERAL.—Notwithstanding subsection  
10 (b)(1)(B), and for any fiscal year beginning with fis-  
11 cal year 1997 for which the amount appropriated to  
12 carry out this section exceeds the amount so appro-  
13 priated for fiscal year 1996—

14 “(A) the Secretary shall first use the ex-  
15 cess amount (not to exceed the amount equal to  
16 the difference of (i) the amount appropriated to  
17 carry out this section for fiscal year 1997, and  
18 (ii) the amount appropriated to carry out this  
19 section for fiscal year 1996) to increase the  
20 payment that would otherwise be made under  
21 this section to not more than 50 percent of the  
22 maximum amount determined under subsection  
23 (b) for any local educational agency described  
24 in paragraph (2); and

1           “(B) the Secretary shall use the remainder  
2 of the excess amount to increase the payments  
3 to each eligible local educational agency under  
4 this section.

5           “(2) LOCAL EDUCATIONAL AGENCY DE-  
6 SCRIBED.—A local educational agency described in  
7 this paragraph is a local educational agency that—

8           “(A) received a payment under this section  
9 for fiscal year 1996;

10           “(B) serves a school district that contains  
11 all or a portion of a United States military  
12 academy;

13           “(C) serves a school district in which the  
14 local tax assessor has certified that at least 60  
15 percent of the real property is federally owned;  
16 and

17           “(D) demonstrates to the satisfaction of  
18 the Secretary that such agency’s per-pupil reve-  
19 nue derived from local sources for current ex-  
20 penditures is not less than that revenue for the  
21 preceding fiscal year.”.

22 **SEC. 60007. TIMELY FILING UNDER SECTION 8003.**

23           The Secretary of Education shall treat as timely filed,  
24 and shall process for payment, an amendment to an appli-  
25 cation for a fiscal year 1997 payment from a local edu-

1 cational agency under section 8003 of the Elementary and  
 2 Secondary Education Act of 1965 if—

3 (1) that agency is described in subsection (a)(3)  
 4 of that section, as amended by section 376 of the  
 5 National Defense Authorization Act for Fiscal Year  
 6 1997 (Public Law 104–201);

7 (2) that agency was not described in that sub-  
 8 section prior to that amendment; and

9 (3) the Secretary received the amendment to  
 10 the agency’s application prior to the enactment of  
 11 this Act.

## 12 TITLE VII—FOOD STAMP PROGRAM

### 13 STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO 14 CERTAIN INDIVIDUALS MADE INELIGIBLE BY WEL- 15 FARE REFORM

16 (a) IN GENERAL.—Section 7 of the Food Stamp Act  
 17 of 1977 (7 U.S.C. 2016) is amended—

18 (1) in subsection (a), by inserting after “nec-  
 19 essary, and” the following: “(except as provided in  
 20 subsection (j))”; and

21 (2) by adding at the end the following:

22 “(j) STATE OPTION TO ISSUE BENEFITS TO CERTAIN  
 23 INDIVIDUALS MADE INELIGIBLE BY WELFARE RE-  
 24 FORM.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2 provision of law, a State agency may, with the ap-  
3 proval of the Secretary, issue benefits under this Act  
4 to an individual who is ineligible to participate in the  
5 food stamp program solely as a result of section  
6 6(o)(2) of this Act or section 402 or 403 of the Per-  
7 sonal Responsibility and Work Opportunity Rec-  
8 onciliation Act of 1996 (8 U.S.C. 1612 or 1613).

9           “(2) STATE PAYMENTS TO SECRETARY.—

10           “(A) IN GENERAL.—Not later than the  
11 date the State agency issues benefits to individ-  
12 uals under this subsection, the State agency  
13 shall pay the Secretary, in accordance with pro-  
14 cedures established by the Secretary, an  
15 amount that is equal to—

16                   “(i) the value of the benefits; and

17                   “(ii) the costs of printing, shipping,  
18 and redeeming coupons, and other Federal  
19 costs, incurred in providing the benefits, as  
20 determined by the Secretary.

21           “(B) CREDITING.—Notwithstanding sec-  
22 tion 3302(b) of title 31, United States Code,  
23 payments received under subparagraph (A)  
24 shall be credited to the food stamp program ap-  
25 propriation account or the account from which

1           the costs were drawn, as appropriate, for the  
2           fiscal year in which the payment is received.

3           “(3) REPORTING.—To be eligible to issue bene-  
4           fits under this subsection, a State agency shall com-  
5           ply with reporting requirements established by the  
6           Secretary to carry out this subsection.

7           “(4) PLAN.—To be eligible to issue benefits  
8           under this subsection, a State agency shall—

9                   “(A) submit a plan to the Secretary that  
10                   describes the conditions and procedures under  
11                   which the benefits will be issued, including eligi-  
12                   bility standards, benefit levels, and the meth-  
13                   odology the State agency will use to determine  
14                   amounts due the Secretary under paragraph  
15                   (2); and

16                   “(B) obtain the approval of the Secretary  
17                   for the plan.

18           “(5) VIOLATIONS.—A sanction, disqualification,  
19           fine, or other penalty prescribed under Federal law  
20           (including sections 12 and 15) shall apply to a viola-  
21           tion committed in connection with a coupon issued  
22           under this subsection.

23           “(6) INELIGIBILITY FOR ADMINISTRATIVE RE-  
24           IMBURSEMENT.—Administrative and other costs in-  
25           curred in issuing a benefit under this subsection



1 shall not be eligible for Federal funding under this  
2 Act.

3 “(7) EXCLUSION FROM ENHANCED PAYMENT  
4 ACCURACY SYSTEMS.—Section 16(c) shall not apply  
5 to benefits issued under this subsection.”.

6 (b) CONFORMING AMENDMENTS.—Section  
7 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C.  
8 2026(b)(1)(B)(iv)) is amended—

9 (1) in subclause (V), by striking “or” at the  
10 end;

11 (2) in subclause (VI), by striking the period at  
12 the end and inserting “; or”; and

13 (3) by adding at the end the following:

14 “(VII) waives a provision of sec-  
15 tion 7(j).”.

## 16 TITLE VIII—2000 DECENNIAL CENSUS

17 The Department of Commerce is directed within thir-  
18 ty days of enactment of this Act to provide to the Congress  
19 a comprehensive and detailed plan outlining its proposed  
20 methodologies for conducting the 2000 decennial Census  
21 and available methods to conduct an actual enumeration  
22 of the population. This plan description shall specifically  
23 include:

24 (1) a list of all statistical methodologies that  
25 may be used in conducting the Census;

1           (2) an explanation of these statistical meth-  
2           odologies;

3           (3) a list of statistical errors which may occur  
4           as a result of the use of each statistical methodol-  
5           ogy;

6           (4) the estimated error rate down to the census  
7           tract level;

8           (5) a cost estimation showing cost allocations  
9           for each census activity plan; and

10          (6) an analysis of all available options for  
11          counting hard-to-enumerate individuals, without uti-  
12          lizing sampling or any other statistical methodology,  
13          including efforts like the Milwaukee Complete Count  
14          project. The Department of Commerce is also di-  
15          rected within thirty days of enactment of this Act to  
16          provide to the Congress an estimate and explanation  
17          of the error rate at the census block level based  
18          upon the 1995 test data.

19          This Act may be cited as the “1997 Emergency Sup-  
20          plemental Appropriations Act for Recovery from Natural  
21          Disasters, and for Overseas Peacekeeping Efforts, Includ-  
22          ing Those in Bosnia”.

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