

Calendar No. 43105TH CONGRESS
1ST SESSION**S. 672****[Report No. 105-16]**

Making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 1997

Mr. STEVENS, from the Committee on Appropriations, reported the following original bill, which was read twice and placed on the calendar

A BILL

Making supplemental appropriations and rescissions 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, to pro-
5 vide supplemental appropriations and rescissions for the
6 fiscal year ending September 30, 1997, and for other pur-
7 poses, namely:

1 TITLE I—DEPARTMENT OF DEFENSE
2 SUPPLEMENTALS
3 DEPARTMENT OF DEFENSE—MILITARY
4 MILITARY PERSONNEL
5 MILITARY PERSONNEL, ARMY

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

11 MILITARY PERSONNEL, NAVY

12 For an additional amount for “Military Personnel,
13 Navy”, \$7,900,000: *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, MARINE CORPS

18 For an additional amount for “Military Personnel,
19 Marine Corps”, \$300,000: *Provided*, That such amount is
20 designated by Congress as an emergency requirement pur-
21 suant to section 251(b)(2)(D)(i) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985, as amended.

23 MILITARY PERSONNEL, AIR FORCE

24 For an additional amount for “Military Personnel,
25 Air Force”, \$29,100,000: *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 OPERATION AND MAINTENANCE

5 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Overseas Contingency
8 Operations Transfer Fund”, \$1,312,900,000: *Provided*,
9 That the Secretary of Defense may transfer these funds
10 only to operation and maintenance accounts within this
11 title: *Provided further*, That the funds transferred shall be
12 merged with and shall be available for the same purposes
13 and for the same time period, as the appropriation to
14 which transferred: *Provided further*, That the transfer au-
15 thority provided in this paragraph is in addition to any
16 other transfer authority available to the Department of
17 Defense: *Provided further*, That such amount is designated
18 by Congress as an emergency requirement pursuant to
19 section 251(b)(2)(D)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985, as amended.

21 OPLAN 34A/35 POW PAYMENTS

22 For payments to individuals under section 657 of
23 Public Law 104–201, \$20,000,000, to remain available
24 until expended.

1 REVOLVING AND MANAGEMENT FUNDS

2 RESERVE MOBILIZATION INCOME INSURANCE FUND

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

10 GENERAL PROVISIONS

11 (TRANSFER OF FUNDS)

12 SEC. 101. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Manage-
15 ment and Budget, transfer not to exceed \$100,000,000
16 of working capital funds of the Department of Defense
17 and funds made available in Public Law 104–208 to the
18 Department of Defense only for obligations incurred for
19 United States participation in the Bosnia Stabilization
20 Force (SFOR) and for the continuation of enforcing the
21 no-fly zones in northern and southern Iraq (except mili-
22 tary construction) between such appropriations or funds
23 or any subdivision thereof, to be merged with and to be
24 available for the same purposes, and for the same time
25 period, as the appropriation or fund to which transferred:

1 *Provided*, That such authority to transfer may not be used
2 unless for higher priority items, based on unforeseen mili-
3 tary requirements, than those for which originally appro-
4 priated and in no case where the item for which funds
5 are requested has been denied by Congress: *Provided fur-*
6 *ther*, That the Secretary of Defense shall notify the Con-
7 gress promptly of all transfers made pursuant to this au-
8 thority or any other authority in this Act: *Provided further*,
9 That this transfer authority is in addition to transfer au-
10 thority provided in section 8005 of Public Law 104–208
11 (110 Stat. 3009–88).

12 SEC. 102. None of the funds available to the Depart-
13 ment of Defense shall be obligated or expended to transfer
14 management, development, and acquisition authority over
15 the elements of the National Missile Defense Program
16 from the Military Services until the contract for a Lead
17 System Integrator for the National Missile Defense Pro-
18 gram is awarded: *Provided*, That the Joint Requirements
19 Oversight Council, with the advisement of the Joint Chiefs
20 of Staff, is directed to conduct an analysis and submit rec-
21 ommendations as to the recommended future roles of the
22 Services with respect to the management, technical devel-
23 opment, cost, schedule, and acquisition plan for the ele-
24 ments in the National Missile Defense Program and to
25 certify that the Lead System Integrator contract will con-

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

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

6 (A) the cost of all deployments, training
7 activities, and mobilization and other pre-
8 paratory activities of the Armed Forces; and

9 (B) the cost of all other activities relating
10 to United States policy toward Bosnia, includ-
11 ing humanitarian assistance, reconstruction as-
12 sistance, aid and other financial assistance, the
13 rescheduling or forgiveness of bilateral or multi-
14 lateral aid, in-kind contributions, and any other
15 activities of the United States Government.

16 (2) A detailed accounting of the source of funds
17 obligated or expended to meet the costs described in
18 paragraph (1), including—

19 (A) in the case of expenditures of funds of
20 Department of Defense, a breakdown of such
21 expenditures by military service or defense
22 agency, line item, and program; and

23 (B) in the case of expenditures of funds of
24 other departments and agencies of the United

1 States, a breakdown of such expenditures by
 2 department or agency and by program.

3 SEC. 107. Notwithstanding section 3612(a) of title
 4 22, United States Code, the incumbent may continue to
 5 serve as the Secretary of Defense designee on the Board
 6 of the Panama Canal Commission if he retires as an offi-
 7 cer of the Department of Defense, until and unless the
 8 Secretary of Defense designates another person to serve
 9 in this position.

10 TITLE II—NATURAL DISASTERS AND OTHER

11 EMERGENCIES

12 CHAPTER 1

13 SUBCOMMITTEE ON AGRICULTURE, RURAL

14 DEVELOPMENT, AND RELATED AGENCIES

15 DEPARTMENT OF AGRICULTURE

16 FARM SERVICE AGENCY

17 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

18 ACCOUNT

19 For an additional amount for the “Agricultural Cred-
 20 it Insurance Fund Program Account” for the additional
 21 cost of emergency insured loans authorized by 7 U.S.C.
 22 1928–1929, including the cost of modifying such loans as
 23 defined in section 502 of the Congressional Budget Act
 24 of 1974, resulting from flooding and other natural disas-
 25 ters, to remain available until expended, \$18,000,000:

1 *Provided*, That the entire amount shall be available only
2 to the extent that an official budget request for
3 \$18,000,000 that includes designation of the entire
4 amount of the request as an emergency requirement as
5 defined in the Balanced Budget and Emergency Deficit
6 Control Act of 1985, as amended, is transmitted by the
7 President to the Congress: *Provided further*, That such
8 amount is designated by Congress as an emergency re-
9 quirement pursuant to section 251(b)(2)(D)(i) of such
10 Act.

11 EMERGENCY CONSERVATION PROGRAM

12 For an additional amount for “Emergency Conserva-
13 tion Program” for expenses, including carcass removal, re-
14 sulting from flooding and other natural disasters,
15 \$77,000,000, to remain available until expended: *Pro-*
16 *vided*, That the entire amount shall be available only to
17 the extent that an official budget request for \$77,000,000,
18 that includes designation of the entire amount of the re-
19 quest as an emergency requirement as defined in the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985,
21 as amended, is transmitted by the President to the Con-
22 gress: *Provided further*, That such amount is designated
23 by Congress as an emergency requirement pursuant to
24 section 251(b)(2)(D)(i) of such Act.

1 TREE ASSISTANCE PROGRAM

2 An amount of \$9,500,000 is provided for assistance
3 to small orchardists to replace or rehabilitate trees and
4 vineyards damaged by natural disasters, of which
5 \$500,000 may be available through the Forestry Incen-
6 tives Program for replanting of trees damaged by torna-
7 does in 1997: *Provided*, That the entire amount shall be
8 available only to the extent that an official budget request
9 of \$9,500,000, that includes designation of the entire
10 amount of the request as an emergency requirement as
11 defined in the Balanced Budget and Emergency Deficit
12 Control Act of 1985, as amended, is transmitted by the
13 President to the Congress: *Provided further*, That such
14 amount is designated by Congress as an emergency re-
15 quirement pursuant to section 251(b)(2)(D)(i) of such
16 Act.

17 COMMODITY CREDIT CORPORATION FUND

18 DISASTER RESERVE ASSISTANCE PROGRAM

19 Effective only for losses in the fiscal year beginning
20 October 1, 1996, through the date of enactment of this
21 Act, the Secretary may use up to \$50,000,000 from pro-
22 ceeds earned from the sale of grain in the disaster reserve
23 established in the Agricultural Act of 1970 to implement
24 a livestock indemnity program for losses from natural dis-
25 asters in a manner similar (as to loss thresholds, payment
26 calculations and other parameters) to catastrophic loss

1 coverage available for other commodities under 7 U.S.C.
2 1508(b): *Provided*, That in administering a program de-
3 scribed in the preceding sentence, the Secretary shall, to
4 the extent practicable, utilize the eligibility conditions es-
5 tablished for the Disaster Reserve Assistance Program for
6 the 1996 crop year: *Provided further*, That notwithstand-
7 ing any other provision of law, beginning on October 1,
8 1997, grain in the disaster reserve established in the Agri-
9 cultural Act of 1970 shall not exceed 20 million bushels:
10 *Provided further*, That the entire amount shall be available
11 only to the extent an official budget request, that includes
12 designation of the entire amount of the request as an
13 emergency requirement as defined in the Balanced Budget
14 and Emergency Deficit Control Act of 1985, as amended,
15 is transmitted by the President to the Congress: *Provided*
16 *further*, That the entire amount is designated by Congress
17 as an emergency requirement pursuant to section
18 251(b)(2)(D)(i) of such Act.

19 NATURAL RESOURCES CONSERVATION SERVICE

20 WATERSHED AND FLOOD PREVENTION OPERATIONS

21 For an additional amount for “Watershed and Flood
22 Prevention Operations” to repair damages to the water-
23 ways and watersheds, including debris removal that would
24 not be authorized under the Emergency Watershed Pro-
25 gram, resulting from flooding and other natural disasters,

1 including those in prior years, \$161,000,000, to remain
 2 available until expended: *Provided*, That the entire amount
 3 shall be available only to the extent an official budget re-
 4 quest for \$161,000,000, that includes designation of the
 5 entire amount of the request as an emergency requirement
 6 as defined in the Balanced Budget and Emergency Deficit
 7 Control Act of 1985, as amended, is transmitted by the
 8 President to the Congress: *Provided further*, That the en-
 9 tire amount is designated by Congress as an emergency
 10 requirement pursuant to section 251(b)(2)(D)(i) of such
 11 Act: *Provided further*, That if the Secretary determines
 12 that the cost of land and farm structures restoration ex-
 13 ceeds the fair market value of an affected cropland, the
 14 Secretary may use sufficient amounts, not to exceed
 15 \$10,000,000, from funds provided under this heading to
 16 accept bids from willing sellers to provide floodplain ease-
 17 ments for such cropland inundated by floods.

18 **RURAL HOUSING SERVICE**

19 **RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT**

20 For an additional amount for “Rural Housing Insur-
 21 ance Fund Program Account”, \$250,000, for the cost of
 22 section 515 direct loans, including the cost of modifying
 23 loans as defined in section 502 of the Congressional Budg-
 24 et Act of 1974, for emergency expenses resulting from
 25 flooding and other natural disasters, to remain available

1 until September 30, 1998: *Provided*, That the entire
2 amount is designated by Congress as an emergency re-
3 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985,
5 as amended.

6 Any unobligated balances remaining in the Rural
7 Housing Insurance Fund program account from prior
8 years' disaster supplementals shall be available until ex-
9 pended for Section 502 housing loans, Section 504 loans
10 and grants, and Section 515 loans to meet emergency
11 needs resulting from natural disasters: *Provided*, That
12 such unobligated balances shall be available only to the
13 extent an official budget request that includes designation
14 of the entire amount of the request as an emergency re-
15 quirement as defined in the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985 is transmitted by the
17 President to the Congress: *Provided further*, That such un-
18 obligated balances are designated by Congress as an emer-
19 gency requirement pursuant to section 251(b)(2)(D)(i) of
20 such Act.

21 RURAL HOUSING ASSISTANCE PROGRAM

22 For an additional amount for "Rural Housing Assist-
23 ance Program", for emergency expenses resulting from
24 flooding and other natural disasters, \$4,000,000, to re-
25 main available until September 30, 1998, for very low-in-
26 come housing repair grants and domestic farm labor

1 grants: *Provided*, That the entire amount shall be available
2 only to the extent that an official budget request for
3 \$4,000,000, that includes designation of the entire
4 amount of the request as an emergency requirement as
5 defined in the Balanced Budget and Emergency Deficit
6 Control Act of 1985, as amended, is transmitted by the
7 President to the Congress: *Provided further*, That the en-
8 tire amount is designated by Congress as an emergency
9 requirement pursuant to section 251(b)(2)(D)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985, as amended: *Provided further*, That funds made
12 available in Public Law 104–180 for Community Facility
13 Grants for the Rural Housing Assistance Program may
14 be provided to any community otherwise eligible for a
15 Community Facility Loan for expenses directly or indi-
16 rectly resulting from flooding and other natural disasters.

17 RURAL UTILITIES SERVICE

18 RURAL UTILITIES ASSISTANCE PROGRAM

19 For an additional amount for “Rural Utilities Assist-
20 ance Program”, for the cost of direct loans, loan guaran-
21 tees, and grants, including the cost of modifying loans as
22 defined in section 502 of the Congressional Budget Act
23 of 1974, for emergency expenses resulting from flooding
24 and other natural disasters, \$6,500,000, to remain avail-
25 able until September 30, 1998: *Provided*, That the entire

1 requirement pursuant to section 251(b)(2)(D)(i) of the Bal-
 2 anced Budget and Emergency Deficit Control Act of 1985,
 3 as amended.

4 NATIONAL OCEANIC AND ATMOSPHERIC
 5 ADMINISTRATION
 6 CONSTRUCTION

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

14 CHAPTER 3
 15 SUBCOMMITTEE ON ENERGY AND WATER
 16 DEVELOPMENT
 17 DEPARTMENT OF DEFENSE—CIVIL
 18 DEPARTMENT OF THE ARMY
 19 CORPS OF ENGINEERS—CIVIL

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

23 For an additional amount for “Flood Control, Mis-
 24 sissippi River and Tributaries, Arkansas, Illinois, Ken-
 25 tucky, Louisiana, Mississippi, Missouri, and Tennessee”

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

7 OPERATIONS AND MAINTENANCE, GENERAL

8 For an additional amount for “Operations and Main-
9 tenance, General” for emergency expenses due to flooding
10 and other natural disasters, \$137,000,000, to remain
11 available until expended: *Provided*, That of the total ap-
12 propriated, the amount for eligible navigation projects
13 which may be derived from the Harbor Maintenance Trust
14 Fund pursuant to Public Law 99–662, shall be derived
15 from that fund: *Provided further*, That the entire amount
16 is designated by Congress as an emergency requirement
17 pursuant to section 251(b)(2)(D)(i) of the Balanced
18 Budget Emergency Act of 1985, as amended.

19 FLOOD CONTROL AND COASTAL EMERGENCIES

20 For an additional amount for “Flood Control and
21 Coastal Emergencies” due to flooding and other natural
22 disasters, \$390,000,000, to remain available until ex-
23 pended: *Provided*, That the entire amount is designated
24 by Congress as an emergency requirement pursuant to
25 section 251(b)(2)(D)(i) of the Balanced Budget Emer-
26 gency Act of 1985, as amended: *Provided further*, That

1 with \$5,000,000 of the funds appropriated herein, the
2 Secretary of the Army is directed to initiate and complete
3 preconstruction engineering and design and associated
4 Environmental Impact Statement for an emergency outlet
5 from Devils Lake, North Dakota to the Sheyenne River,
6 at full Federal expense.

7 DEPARTMENT OF THE INTERIOR

8 BUREAU OF RECLAMATION

9 OPERATION AND MAINTENANCE

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

1 amount is designated by Congress as an emergency re-
2 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985,
4 as amended.

5 FISH AND WILDLIFE SERVICE

6 RESOURCE MANAGEMENT

7 For an additional amount for “Resource Manage-
8 ment”, \$3,350,000, to remain available until September
9 30, 1998, for fish replacement and for technical assistance
10 made necessary by floods and other natural disasters and
11 to restore public lands damaged by fire: *Provided*, That
12 the entire amount is designated by 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 CONSTRUCTION

17 For an additional amount for “Construction”,
18 \$91,000,000, 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 \$5,000,000, 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 UNITED STATES GEOLOGICAL SURVEY

8 SURVEYS, INVESTIGATIONS, AND RESEARCH

9 For an additional amount for “Surveys, Investiga-
10 tions, and Research”, \$4,650,000, to remain available
11 until September 30, 1998, to repair or replace damaged
12 equipment and facilities caused by floods and other natu-
13 ral disasters: *Provided*, That the entire 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 BUREAU OF INDIAN AFFAIRS

18 OPERATION OF INDIAN PROGRAMS

19 For an additional amount for “Operation of Indian
20 Programs”, \$14,317,000, to remain available until Sep-
21 tember 30, 1998 for emergency response activities, includ-
22 ing emergency school operations, heating costs, emergency
23 welfare assistance, and to repair and replace facilities and
24 resources damaged by snow, floods, and other natural dis-
25 asters: *Provided*, That the entire amount is designated by

1 Congress as an emergency requirement pursuant to sec-
2 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985, as amended.

4 CONSTRUCTION

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

17 RELATED AGENCIES

18 DEPARTMENT OF AGRICULTURE

19 FOREST SERVICE

20 NATIONAL FOREST SYSTEM

21 For an additional amount for “National Forest Sys-
22 tem” for emergency expenses resulting from flooding and
23 other natural disasters, \$39,677,000, to remain available
24 until expended: *Provided*, That the entire amount is des-
25 ignated by Congress as an emergency requirement pursu-

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

3 RECONSTRUCTION AND CONSTRUCTION

4 For an additional amount for “Reconstruction and
 5 Construction” for emergency expenses resulting from
 6 flooding and other natural disasters, \$27,685,000, to re-
 7 main available until expended: *Provided*, That the entire
 8 amount is designated by Congress as an emergency re-
 9 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
 10 anced Budget and Emergency Deficit Control Act of 1985,
 11 as amended.

12 DEPARTMENT OF HEALTH AND HUMAN
 13 SERVICES

14 INDIAN HEALTH SERVICE

15 INDIAN HEALTH SERVICES

16 For an additional amount for “Indian Health Serv-
 17 ices” for emergency expenses resulting from flooding and
 18 other natural disasters, \$1,000,000, to remain available
 19 until expended: *Provided*, That the entire 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 INDIAN HEALTH FACILITIES

24 For an additional amount for “Indian Health Facili-
 25 ties” for emergency expenses resulting from flooding and
 26 other natural disasters, \$2,000,000, to remain available

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

5
6 CHAPTER 5
7 SUBCOMMITTEE ON TRANSPORTATION AND
8 RELATED AGENCIES
9 DEPARTMENT OF TRANSPORTATION
10 FEDERAL HIGHWAY ADMINISTRATION
11 FEDERAL-AID HIGHWAYS
12 EMERGENCY RELIEF PROGRAM
13 (HIGHWAY TRUST FUND)

14 For an additional amount for the Emergency Relief
15 Program for emergency expenses resulting from flooding
16 and other disasters, as authorized by 23 U.S.C. 125,
17 \$650,000,000, to be derived from the Highway Trust
18 Fund and to remain available until expended, of which
19 \$374,000,000 shall be available only to the extent an offi-
20 cial budget request for a specific dollar amount, that in-
21 cludes designation of the entire amount of the request as
22 an emergency requirement as defined in the Balanced
23 Budget and Emergency Deficit Control Act of 1985, as
24 amended, is transmitted by the President to the Congress:
25 *Provided*, That the entire amount is designated by Con-
26 gress as an emergency requirement pursuant to section
251(b)(2)(D)(i) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985, as amended: *Provided further*,
2 That 23 U.S.C. 125(b)(1) shall not apply to projects relat-
3 ing to the December 1996 and 1997 flooding.

4 FEDERAL RAILROAD ADMINISTRATION

5 EMERGENCY RAILROAD REHABILITATION AND REPAIR

6 For necessary expenses to repair and rebuild freight
7 rail lines of regional and short line railroads damaged by
8 the floods in the Northern Plains states in March and
9 April 1997, \$24,000,000, to be awarded subject to the dis-
10 cretion of the Secretary on a case-by-case basis: *Provided*,
11 That funds provided under this head shall be available for
12 rehabilitation of railroad rights-of-way, bridges, and other
13 facilities which are part of the general railroad system of
14 transportation, and primarily used by railroads to move
15 freight traffic: *Provided further*, That railroad rights-of-
16 way, bridges, and other facilities owned by class I rail-
17 roads, passenger railroads, or by tourist, scenic, or historic
18 railroads are not eligible for funding under this section:
19 *Provided further*, That these funds shall be available only
20 to the extent an official budget request, for a specific dol-
21 lar amount, that includes designation of the entire amount
22 as an emergency requirement as defined in the Balanced
23 Budget and Emergency Deficit Control Act of 1985, as
24 amended, is transmitted by the President to the Congress:
25 *Provided further*, That the entire amount is designated by

1 Congress as an emergency requirement pursuant to sec-
2 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985, as amended: *Provided*
4 *further*, That all funds made available under this head are
5 to remain available until September 30, 1997.

6 RELATED AGENCY

7 NATIONAL TRANSPORTATION SAFETY BOARD

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses” for emergency expenses resulting from the crash
11 of TWA Flight 800, and for assistance to families of vic-
12 tims of aviation accidents as authorized by Public Law
13 104–264, \$14,100,000: *Provided*, That the entire amount
14 is designated by Congress as an emergency requirement
15 pursuant to section 251(b)(2)(D)(i) of the Balanced
16 Budget Emergency Deficit Control Act of 1985, as
17 amended.

1 ronment, and labor standards, upon a finding that such
2 waiver is required to facilitate the use of such funds, and
3 would not be inconsistent with the overall purpose of the
4 statute: *Provided further*, That the entire amount is des-
5 ignated by the Congress as an emergency requirement
6 pursuant to section 251(b)(2)(D)(i) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985, as
8 amended.

9 INDEPENDENT AGENCY

10 FEDERAL EMERGENCY MANAGEMENT AGENCY

11 DISASTER RELIEF

12 For an additional amount for “Disaster Relief”,
13 \$3,500,000,000, to remain available until expended: *Pro-*
14 *vided*, That the entire amount is designated by Congress
15 as an emergency requirement pursuant to section
16 251(b)(2)(D)(i) of such Act: *Provided further*, That of the
17 funds made available under this heading, \$2,500,000,000
18 shall not become available until the Director of the Fed-
19 eral Emergency Management Agency submits to the Con-
20 gress a legislative proposal to control disaster relief ex-
21 penditures including the elimination of funding for certain
22 revenue producing facilities.

1 TITLE III—OTHER SUPPLEMENTALS
2 CHAPTER 1
3 SUBCOMMITTEE ON AGRICULTURE, RURAL
4 DEVELOPMENT, AND RELATED AGENCIES
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 operating 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, \$12,600,000, to remain available until expended.

15 FOOD AND CONSUMER SERVICE
16 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
17 WOMEN, INFANTS, AND CHILDREN (WIC)

18 For an additional amount for the “Special Supple-
19 mental Nutrition Program for Women, Infants, and Chil-
20 dren (WIC)” as authorized by section 17 of the Child Nu-
21 trition Act of 1966, as amended (42 U.S.C. et seq.),
22 \$58,000,000, to remain available through September 30,
23 1998: *Provided*, That the Secretary shall allocate such
24 funds through the existing formula or, notwithstanding
25 sections 17 (g), (h), or (i) of such Act and the regulations

1 \$31,150,000, to remain available until September 30,
2 1998, and which shall be deposited into an escrow account
3 of the District of Columbia Financial Responsibility and
4 Management Assistance Authority, pursuant to section
5 205 of Public Law 104–8 (109 Stat. 131), and shall be
6 disbursed from such escrow account pursuant to the in-
7 structions of the Authority, and in accordance with a plan
8 approved by the Authority: *Provided*, That \$22,350,000
9 shall be used to carry out a program of school facility
10 emergency repair of public schools located in the District
11 of Columbia, and \$8,800,000 shall be used for pay raises
12 within the Metropolitan Police Department.

13 DIVISION OF EXPENSES

14 PUBLIC SAFETY AND JUSTICE

15 For an additional amount for public safety,
16 \$8,800,000, which shall be deposited into an escrow ac-
17 count of the District of Columbia Financial Responsibility
18 and Management Assistance Authority, pursuant to sec-
19 tion 205 of Public Law 104–8 (109 Stat. 131), and shall
20 be disbursed from such escrow account pursuant to the
21 instructions of the Authority, and in accordance with a
22 plan approved by the Authority: *Provided*, That
23 \$8,800,000 shall be used for pay raises within the Metro-
24 politan Police Department.

1 CAPITAL OUTLAY

2 For an additional amount for capital outlay for the
3 fiscal year ending September 30, 1997, \$22,350,000,
4 which shall be deposited into an escrow account of the Dis-
5 trict of Columbia Financial Responsibility and Manage-
6 ment Assistance Authority, pursuant to section 205 of
7 Public Law 104–8 (109 Stat. 131), and shall be disbursed
8 from such escrow account pursuant to the instructions of
9 the Authority, and in accordance with a plan approved by
10 the Authority: *Provided*, That this amount shall be used
11 to carry out a program of school facility emergency repair
12 of public schools located in the District of Columbia.

13 GENERAL PROVISION

14 Funds provided under this chapter shall be deemed
15 to be grants for the purposes of Section 141 of Public
16 Law 104–194 (110 Stat. 2374), the District of Columbia
17 Appropriations Act, 1997.

18 CHAPTER 4

19 SUBCOMMITTEE ON INTERIOR AND RELATED
20 AGENCIES

21 DEPARTMENT OF THE INTERIOR

22 NATIONAL PARK SERVICE

23 CONSTRUCTION

24 For an additional amount for “Construction”,
25 \$10,000,000, to remain available until expended, to make

1 repairs, construct facilities, and provide visitor transpor-
 2 tation and for related purposes at Yosemite National
 3 Park.

4 CHAPTER 5
 5 SUBCOMMITTEE ON THE LEGISLATIVE BRANCH
 6 CONGRESSIONAL OPERATIONS

7 SENATE
 8 CONTINGENT EXPENSES OF THE SENATE

9 SECRETARY OF THE SENATE
 10 (TRANSFER OF FUNDS)

11 For an additional amount for expenses of the “Office
 12 of the Secretary of the Senate”, to carry out the provisions
 13 of section 8 of the Legislative Branch Appropriations Act,
 14 1997, \$5,000,000, to remain available until September 30,
 15 2000, to be derived by transfer from funds previously ap-
 16 propriated from fiscal year 1997 funds under the heading
 17 “SENATE”, subject to the approval of the Committee on
 18 Appropriations.

19 CHAPTER 6
 20 SUBCOMMITTEE ON TRANSPORTATION AND
 21 RELATED AGENCIES
 22 DEPARTMENT OF TRANSPORTATION

23 COAST GUARD
 24 OPERATING EXPENSES

25 For an additional amount for “Operating Expenses”,
 26 \$6,473,000, for necessary expenses directly related to sup-

1 port activities in the TWA Flight 800 crash investigation,
2 to remain available until expended.

3 RETIRED PAY

4 For an additional amount for “Retired Pay”,
5 \$4,200,000.

6 FEDERAL AVIATION ADMINISTRATION

7 GRANTS-IN-AID FOR AIRPORTS

8 For an additional amount for “Grants-in-aid for Air-
9 ports”, \$15,520,000: *Provided*, That, the President may
10 make available funds for making grants to reimburse
11 State and local agencies for unanticipated disaster costs
12 associated with recovery, investigation, security, forensic
13 and medical examination of evidence, air support, and
14 logistical support efforts directly related to the 1996 TWA
15 Flight 800 and ValuJet Flight 592 tragedies: *Provided*
16 *further*, That not to exceed \$12,420,000 shall be available
17 under this provision for reimbursement to State and local
18 agencies for the TWA Flight 800 tragedy: *Provided fur-*
19 *ther*, That not to exceed \$3,100,000 shall be available
20 under this provision for reimbursement to State and local
21 agencies for the ValuJet Flight 592 tragedy.

1 FEDERAL HIGHWAY ADMINISTRATION
2 FEDERAL-AID HIGHWAYS
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 The limitation under this heading in Public Law
6 104–50 and in Public Law 104–205 is increased by
7 \$933,193,000: *Provided*, That such additional authority
8 shall remain available during fiscal year 1997: *Provided*
9 *further*, That notwithstanding any other provision of law,
10 such additional authority shall be distributed to ensure
11 that States receive amounts that they would have received
12 had the Highway Trust Fund fiscal year 1994 and fiscal
13 year 1995 income statements not been understated prior
14 to the revision on December 24, 1996: *Provided further*,
15 That notwithstanding any other provision of law, such ad-
16 ditional authority shall be distributed to ensure that no
17 State shall receive an amount in fiscal year 1997 that is
18 less than the amount they received in fiscal year 1996:
19 *Provided further*, That notwithstanding any other provi-
20 sion of law, funds made available and obligated under this
21 heading shall be fully disbursed prior to September 30,
22 1997: *Provided further*, That \$3,600,000 of the additional
23 allocation for Utah shall be utilized on planning, prelimi-
24 nary engineering and design for projects critical to the
25 2002 Winter Olympics: *Provided further*, That \$450,000
26 of the additional allocation for the State of New Mexico

1 shall be provided to continue the Santa Teresa border
2 technologies project: *Provided further*, That the additional
3 amounts made available to the State of Alabama shall be
4 utilized for right-of-way acquisition and construction of
5 the Warrior Loop project: *Provided further*, That
6 \$12,600,000 of the additional allocation for the State of
7 Kentucky shall be utilized to complete the William H.
8 Natcher Bridge in Maceo, Kentucky: *Provided further*,
9 That the additional amounts made available to the State
10 of California may be provided for a project to repair or
11 reconstruct any portion of a federal aid primary route in
12 San Mateo, California, which was destroyed as a result
13 of a combination of storms and a mountain slide in the
14 winter of 1982–1983: *Provided further*, That the addi-
15 tional amounts made available in this paragraph for the
16 State of South Carolina shall be provided for the Highway
17 17 Cooper River Bridges replacement project, Charleston,
18 South Carolina: *Provided further*, That \$100,000 of the
19 additional allocation for the State of Iowa shall be pro-
20 vided for planning and environmental work on the 86th
21 Street Highway Project in Polk County.

1 CHAPTER 7
2 SUBCOMMITTEE ON TREASURY AND GENERAL
3 GOVERNMENT
4 DEPARTMENT OF THE TREASURY
5 DEPARTMENTAL OFFICES
6 SALARIES AND EXPENSES

7 For an additional amount under the heading “De-
8 partmental Offices, Salaries and Expenses”, \$1,950,000:
9 *Provided*, That the Secretary of Treasury may utilize the
10 law enforcement services, personnel, equipment, and facili-
11 ties of the State of Colorado, the County of Denver, and
12 the City of Denver, with their consent, and shall reimburse
13 the State of Colorado, the County of Denver, and the City
14 of Denver for the utilization of such law enforcement serv-
15 ices, personnel (for salaries, overtime, and benefits),
16 equipment, and facilities for security arrangements for the
17 Denver Summit of Eight being held June 20 through June
18 22, 1997, in Denver, Colorado.

19 U.S. POSTAL SERVICE
20 PAYMENT TO THE POSTAL SERVICE FUND

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

1 CHAPTER 8
2 SUBCOMMITTEE ON VA, HUD, AND
3 INDEPENDENT AGENCIES
4 DEPARTMENT OF VETERANS AFFAIRS
5 VETERANS BENEFITS ADMINISTRATION
6 COMPENSATION AND PENSIONS

7 For an additional amount for “Compensation and
8 pensions”, for unanticipated costs incurred for the current
9 fiscal year, \$753,000,000, to remain available until ex-
10 pended.

11 ADMINISTRATIVE PROVISION

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

19 DEPARTMENT OF HOUSING AND URBAN
20 DEVELOPMENT
21 HOUSING PROGRAMS

22 ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

23 Notwithstanding any other provision of law, of the
24 \$1,000,000 appropriated for special purpose grants in
25 Public Law 102–139, for a parking garage in Ashland,

1 Kentucky, \$500,000 shall be made available instead for
2 use in acquiring parking in Ashland, Kentucky and
3 \$500,000 shall be made available instead for the restora-
4 tion of the Paramount Theater in Ashland, Kentucky.

5 CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT

6 AND AFFORDABLE HOUSING

7 (TRANSFER OF FUNDS)

8 For capacity building for community development
9 and affordable housing, as authorized by section 4 of the
10 HUD Demonstration Act of 1993 (Public Law 103–120),
11 \$30,200,000, to remain available until expended, and to
12 be derived by transfer from the Homeownership and Op-
13 portunity for People Everywhere Grants account: *Pro-*
14 *vided*, That Habitat for Humanity and Youthbuild partici-
15 pate under this section: *Provided further*, That at least
16 \$10,000,000 of the funding under this head be used in
17 rural areas, including tribal areas.

18 MANAGEMENT AND ADMINISTRATION

19 SALARIES AND EXPENSES

20 Of the funds appropriated under this head in Public
21 Law 104–204, the Secretary of Housing and Urban Devel-
22 opment shall make a grant of \$1,500,000 to the National
23 Academy of Public Administration no later than June 15,
24 1997 for an evaluation of the Department of Housing and
25 Urban Development: *Provided*, That the \$1,500,000 shall

1 Section 2008 of Title XX of the Social Security Act as
2 amended by Title VI of this Act.

3 CHILDREN AND FAMILIES SERVICES PROGRAMS

4 Public Law 104–208, under the heading titled “Chil-
5 dren and Families Services Programs” is amended by in-
6 serting after the reference to “part B(1) of title IV” the
7 following: “and Section 1110”.

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, \$198,176,000, of which \$153,253,000 shall
13 be for Basic Grants and \$44,923,000 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 would otherwise receive,
17 from funds available under the Department of Education
18 Appropriations Act, 1997, smaller allocations for Grants
19 to Local Educational Agencies than they would have re-
20 ceived had those allocations been calculated entirely on the
21 basis of child poverty counts from the 1990 census: *Pro-*
22 *vided*, That the Secretary of Education shall use these ad-
23 ditional funds to provide those States with the allocations
24 they would have received had the allocations under that
25 Appropriations Act been calculated entirely on the basis
26 of the 1990 census data: *Provided further*, That the Sec-

1 retary shall ratably reduce the allocations to states under
2 the preceding proviso for either Basic Grants or Con-
3 centration Grants, or both, as the case may be, if the
4 funds available are insufficient to make those allocations
5 in full: *Provided further*, That the Secretary shall allocate,
6 to such counties in each such State, additional amounts
7 for Basic Grants and Concentration Grants that are in
8 the same proportion, respectively, to the total amounts al-
9 located to the State, as the differences between such coun-
10 ties' initial allocations for Basic Grants and Concentration
11 Grants, respectively (compared to what they would have
12 received had the initial allocations been calculated entirely
13 on the basis of 1990 census data), are to the differences
14 between the State's initial allocations for Basic Grants
15 and Concentration Grants, respectively (compared to the
16 amounts the State would have received had the initial allo-
17 cations been calculated entirely on the basis of 1990 cen-
18 sus data): *Provided further*, That the funds appropriated
19 under this paragraph shall become available on October
20 1, 1997 and shall remain available through September 30,
21 1998, for academic year 1997–98: *Provided further*, That
22 the additional amounts appropriated under this paragraph
23 shall not be taken into account in determining State allo-
24 cations under any other program administered by the Sec-
25 retary.

CHAPTER 10

GENERAL PROVISIONS

1
2
3 SEC. 301. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 302. Of the funds currently contained within the
7 “Counterterrorism Fund” of the Department of Justice,
8 \$3,000,000 is provided for allocation by the Attorney Gen-
9 eral to the appropriate unit or units of government in
10 Ogden, Utah, for necessary expenses, including enhance-
11 ments and upgrade of security and communications infra-
12 structure, to counter any potential terrorism threat related
13 to the 2002 Winter Olympic games to be held in Utah.

14 SEC. 303. None of the funds made available in any
15 appropriations Act for fiscal year 1997 may be used by
16 the Department of Commerce to plan or otherwise prepare
17 for the use of sampling in taking the 2000 decennial cen-
18 sus.

19 SEC. 304. For the purposes of this section and the
20 provisions of title 35, United States Code, all patents in
21 force on June 8, 1995, including those in force by reason
22 of section 156 of title 35, United States Code, are entitled
23 to the full benefit of the Uruguay Round Agreements Act
24 of 1994 as well as any extension granted before such date
25 under section 156 of title 35, United States Code. This

1 section and the amendments made by it shall be effective
2 as of the effective date of the Uruguay Round Agreements
3 Act, namely June 8, 1995, provided however, should a per-
4 son have filed with the Secretary of Health and Human
5 Services under title 21, United States Code, section 505(j)
6 an abbreviated new drug application on file with FDA for
7 any solid oral dosage formulation of a drug which is the
8 subject of a patent that receives an extension hereunder
9 but otherwise would not have received such an extension,
10 the Secretary shall not require the applicant to resubmit
11 a certification under section 505(j)(2)(A)(vii) for such oral
12 formulation.

13 SEC. 305. Section 5803 of Public Law 104–208 (110
14 Stat. 3009–522) is hereby repealed.

15 SEC. 306. Beginning in fiscal year 1997 and there-
16 after, the United States members and the alternate mem-
17 bers appointed under the Susquehanna River Basin Com-
18 pact (Public Law 91–575), and the Delaware River Basin
19 Compact (Public Law 87–328), shall be officers of the
20 U.S. Army Corps of Engineers, who hold Presidential ap-
21 pointments as Regular Army officers with Senate con-
22 firmation, and who shall serve without additional com-
23 pensation.

24 SEC. 307. Section 2.2 of Public Law 87–328 (75
25 Stat. 688, 691) is amended by striking the words “during

1 the term of office of the President” and inserting “at the
2 pleasure of the President”.

3 SEC. 308. Section 101(c) of Public Law 104–134 is
4 amended as follows: Under the heading “Title III—Gen-
5 eral Provisions” amend sections 315(c)(1)(A) and
6 315(c)(1)(B) by striking in each of those sections “104%”
7 and inserting in lieu thereof “100%”; by striking in each
8 of those sections “1995” and inserting in lieu thereof
9 “1994”; and by striking in each of those sections “and
10 thereafter annually adjusted upward by 4%,”.

11 SEC. 309. Section 101(d) of Public Law 104–208 is
12 amended as follows: Under the heading “Administrative
13 Provisions, Indian Health Service” strike the seventh pro-
14 viso and insert the following in lieu thereof: “: *Provided*
15 *further*, That with respect to functions transferred by the
16 Indian Health Service to tribes or tribal organizations, the
17 Indian Health Service is authorized to provide goods and
18 services to those entities, on a reimbursable basis, includ-
19 ing payment in advance with subsequent adjustment, and
20 the reimbursements received therefrom, along with the
21 funds received from those entities pursuant to the Indian
22 Self Determination Act, may be credited to the same or
23 subsequent appropriation account which provided the
24 funding, said amounts to remain available until ex-
25 pended”.

1 SEC. 310. No funds provided by this Act, an Act
2 making Appropriations for the Department of Defense for
3 Fiscal Year 1997 (Public Law 104–208), any other Act
4 making appropriations for any agency of the Federal Gov-
5 ernment for Fiscal Year 1997, or any other Act hereafter
6 enacted may be used by any agency of the Federal Govern-
7 ment to promulgate or implement any rule, regulation,
8 policy, statement, or directive issued after October 1, 1993
9 regarding the recognition, validity, or management of any
10 right of way established pursuant to Revised Statutes
11 2477 (43 U.S.C. 932).

12 **SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES**
13 **ACT OF 1973 IN CONNECTION WITH FLOOD**
14 **CONTROL PROJECTS.**

15 (a) CONSULTATION AND CONFERENCING.—Section
16 7(a) of the Endangered Species Act of 1973 (16 U.S.C.
17 1536(a)) is amended by adding at the end the following:

18 “(5) FLOOD CONTROL PROJECTS.—Consulta-
19 tion or conferencing under paragraph (2) or (4) is
20 not required for an agency action that consists of
21 operating, maintaining, repairing, or reconstructing
22 a Federal or non-Federal flood control project, facil-
23 ity, or structure—

1 “(A) to address a critical, imminent threat
2 to public health or safety that arose during
3 1996 or 1997;

4 “(B) to address a catastrophic natural
5 event that occurred during 1996 or 1997; or

6 “(C) to comply with a Federal, State, or
7 local public health or safety requirement that
8 was in effect during 1996 or 1997.”.

9 (b) TAKINGS.—Section 9(a) of the Endangered Spe-
10 cies Act of 1973 (16 U.S.C. 1538(a)) is amended by add-
11 ing at the end the following:

12 “(3) FLOOD CONTROL PROJECTS.—For pur-
13 poses of this subsection, an activity of a Federal or
14 non-Federal person is not a taking of a species if the
15 activity consists of operating, maintaining, repairing,
16 or reconstructing a Federal or non-Federal flood
17 control project, facility, or structure—

18 “(A) to address a critical, imminent threat
19 to public health or safety that arose during
20 1996 or 1997;

21 “(B) to address a catastrophic natural
22 event that occurred during 1996 or 1997; or

23 “(C) to comply with a Federal, State, or
24 local public health or safety requirement that
25 was in effect during 1996 or 1997.”.

1 SEC. 312. Notwithstanding any other provision of
2 law, fiscal year 1995 funds awarded under State-adminis-
3 tered programs of the Department of Education and funds
4 awarded for fiscal year 1996 for State-administered pro-
5 grams under the Rehabilitation Act of the Department of
6 Education to recipients in Presidentially declared disaster
7 areas are available to those recipients for obligation until
8 September 30, 1998: *Provided*, That for the purposes of
9 assisting those recipients, the Secretary's waiver authority
10 under section 14401 of the Elementary and Secondary
11 Education Act of 1965 shall be extended to all State-ad-
12 ministered programs of the Department of Education.
13 This special waiver authority applies only to funds award-
14 ed for fiscal years 1995, 1996 and 1997.

15 SEC. 313. Notwithstanding any other provision of
16 law, the Secretary of Education may waive or modify any
17 statutory or regulatory provision applicable to the student
18 financial aid programs under title IV of said Act that the
19 Secretary deems necessary to assist individuals and other
20 program participants who suffered financial harm from
21 natural disasters and who, at the time the disaster struck
22 were operating, residing, attending an institution of higher
23 education, or employed within these areas on the date
24 which, the President declared the existence of a major dis-
25 aster (or, in the case of an individual who is a dependent

1 student, whose parent or stepparent suffered financial
2 harm from such disaster, and who resided, or was em-
3 ployed in such an area at that time): *Provided further*,
4 That such authority shall be in effect only for awards for
5 award year 1997–1998.

6 SEC. 314. None of the funds provided in this Act or
7 in any other Act making appropriations for fiscal year
8 1997 may be used to administer or implement in Denver,
9 Colorado, the Medicare Competitive Pricing/Open Enroll-
10 ment Demonstration, as titled in the April 1, 1997, Final
11 Request for Proposals (RFP).

12 SEC. 315. Section 105(f) of the Legislative Branch
13 Appropriation Act, 1968 (2 U.S.C. 61–1(f) is amended by
14 adding at the end the following: “The limitation on the
15 minimum rate of gross compensation under this sub-
16 section shall not apply to any member or civilian employee
17 of the Capitol Police whose compensation is disbursed by
18 the Secretary of the Senate.”.

19 SEC. 316. (a) Notwithstanding any other provision
20 of law or regulation, with the approval of the Committee
21 on Rules and Administration of the Senate, the Sergeant
22 at Arms and Doorkeeper of the Senate is authorized to
23 provide additional facilities, services, equipment, and office
24 space for use by a Senator in that Senator’s State in con-
25 nection with a disaster or emergency declared by the

1 President under the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act. Expenses incurred by the
3 Sergeant at Arms and Doorkeeper of the Senate under
4 this section shall be paid from the appropriation account,
5 within the contingent fund of the Senate, for expenses of
6 the Office of the Sergeant at Arms and Doorkeeper of the
7 Senate, upon vouchers signed by the Sergeant at Arms
8 and Doorkeeper of the Senate with the approval of the
9 Committee on Rules and Administration of the Senate.

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

12 SEC. 317. Title I of the Department of Transpor-
13 tation and Related Agencies Appropriations Act, 1997
14 (Public Law 104–205) is amended under the heading
15 “Federal Transit Administration—Discretionary Grants”
16 by striking “\$661,000,000” and inserting “\$661,000”.

17 SEC. 318. Section 325 of Title III of the Department
18 of Transportation and Related Agencies Appropriations
19 Act, 1997 (Public Law 104–205) is amended by deleting
20 all text following “*Provided*, That such funds shall not be
21 subject to the obligation limitation for Federal-aid high-
22 ways and highway safety construction.”.

23 SEC. 319. Section 410(j) of title 23, United States
24 Code, is amended by striking the period after “1997” and

1 inserting “, and an additional \$500,000 for fiscal year
2 1997.”.

3 SEC. 320. Section 45301(a)(1) of title 49, United
4 States Code, is amended by striking “that neither take
5 off from, nor land in, the United States.” and inserting
6 in lieu thereof: “or general aviation aircraft that neither
7 take off from, nor land in, the United States except that
8 such fees shall not be imposed on overflights operated by
9 citizens of a country contiguous to the United States if
10 (A) both the origin and destination of such flights are
11 within that other contiguous country and (B) that same
12 country exempts similar categories of flights operated by
13 citizens of the United States.”.

14 SEC. 321. The Administrator of General Services is
15 authorized to obligate the funds appropriated in Public
16 Law 104–208 for construction of the Montgomery, Ala-
17 bama courthouse.

18 SEC. 322. RESTRICTION ON FUNDS USED TO EN-
19 FORCE ELECTRONIC FUNDS TAX TRANSFER SYSTEM.—
20 None of the funds made available by this Act or any other
21 Act may be used to impose or collect any penalty under
22 the Internal Revenue Code of 1986 which is imposed solely
23 by reason of a failure to use the electronic fund transfer
24 system established under section 6302(h) of such Code if
25 such failure—

1 (1) is by a person which is first required to use
2 such system by reason of clause (i)(IV) or (ii)(IV)
3 of section 6302(h)(2)(C) of such Code, and

4 (2) occurs during the period beginning on July
5 1, 1997, and ending on December 31, 1997.

6 SEC. 323. Section 1555 of the Federal Acquisition
7 Streamlining Act of 1994, Public Law 103–355, is re-
8 pealed effective the date of the enactment of this Act.

9 SEC. 324. PUBLIC NOTICE OF CONTRACTING BY
10 HUD.—The Secretary shall publish quarterly in the Fed-
11 eral Register a list of all contracts and task orders issued
12 under such contracts in excess of \$250,000 which were
13 entered into during the quarter by the Secretary, the Gov-
14 ernment National Mortgage Association, and the Office of
15 Federal Housing Enterprise Oversight (or by any officer
16 of the Department of Housing and Urban Development,
17 the Government National Mortgage Association, or the Of-
18 fice of Federal Housing Enterprise Oversight acting in his
19 or her capacity to represent the Secretary or these enti-
20 ties). Each listing shall identify the parties to the contract,
21 the term and amount of the contract and the subject mat-
22 ter and responsibilities of the parties to the contract.

23 SEC. 325. SECTION 8 NOTICE PROVISION.—Section
24 8(c)(9) of the United States Housing Act of 1937 is
25 amended by striking out “Not less than one year prior

1 to terminating any contract” and inserting in lieu thereof
2 the following: “Not less than 120 days prior to terminat-
3 ing any contract”.

4 TITLE IV—DEPARTMENT OF DEFENSE

5 OFFSETS

6 DEPARTMENT OF DEFENSE—MILITARY

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 (RESCISSION)

10 Of the funds made available under this heading in
11 Public Law 104–208, \$46,000,000 are rescinded.

12 MILITARY PERSONNEL, NAVY

13 (RESCISSION)

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

16 MILITARY PERSONNEL, MARINE CORPS

17 (RESCISSION)

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

20 MILITARY PERSONNEL, AIR FORCE

21 (RESCISSION)

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

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 (RESCISSION)

4 Of the funds made available under this heading in
5 Public Law 104–208, \$174,000,000 are rescinded.

6 OPERATION AND MAINTENANCE, NAVY

7 (RESCISSION)

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

10 OPERATION AND MAINTENANCE, MARINE CORPS

11 (RESCISSION)

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

14 OPERATION AND MAINTENANCE, AIR FORCE

15 (RESCISSION)

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

18 OPERATION AND MAINTENANCE, DEFENSE-WIDE

19 (RESCISSION)

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

22 ENVIRONMENTAL RESTORATION, ARMY

23 (RESCISSION)

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

1 ENVIRONMENTAL RESTORATION, NAVY

2 (RESCISSION)

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

5 ENVIRONMENTAL RESTORATION, AIR FORCE

6 (RESCISSION)

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

9 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

10 (RESCISSION)

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

13 FORMER SOVIET UNION THREAT REDUCTION

14 (RESCISSION)

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

17 PROCUREMENT

18 AIRCRAFT PROCUREMENT, ARMY

19 (RESCISSIONS)

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

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

1 MISSILE PROCUREMENT, ARMY

2 (RESCISSIONS)

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

5 Of the funds made available under this heading in
6 Public Law 104–208, \$71,000,000 are rescinded.

7 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

8 VEHICLES, ARMY

9 (RESCISSIONS)

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

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

14 PROCUREMENT OF AMMUNITION, ARMY

15 (RESCISSIONS)

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

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

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

22 OTHER PROCUREMENT, ARMY

23 (RESCISSIONS)

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

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

3 AIRCRAFT PROCUREMENT, NAVY

4 (RESCISSIONS)

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

7 Of the funds made available under this heading in
8 Public Law 104–208, \$28,000,000 are rescinded.

9 WEAPONS PROCUREMENT, NAVY

10 (RESCISSIONS)

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

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

15 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

16 CORPS

17 (RESCISSIONS)

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

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

22 SHIPBUILDING AND CONVERSION, NAVY

23 (RESCISSIONS)

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

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

3 OTHER PROCUREMENT, NAVY

4 (RESCISSIONS)

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

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

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

11 PROCUREMENT, MARINE CORPS

12 (RESCISSIONS)

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

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

17 AIRCRAFT PROCUREMENT, AIR FORCE

18 (RESCISSIONS)

19 Of the funds made available under this heading in
20 Public Law 103–335, \$33,650,000 are rescinded.

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

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

1 MISSILE PROCUREMENT, AIR FORCE

2 (RESCISSIONS)

3 Of the funds made available under this heading in
4 Public Law 103–335, \$7,195,000 are rescinded.

5 Of the funds made available under this heading in
6 Public Law 104–208, \$186,000,000 are rescinded.

7 OTHER PROCUREMENT, AIR FORCE

8 (RESCISSIONS)

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

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

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

15 PROCUREMENT, DEFENSE-WIDE

16 (RESCISSIONS)

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

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

21 NATIONAL GUARD AND RESERVE EQUIPMENT

22 (RESCISSION)

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

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY
5 (RESCISSIONS)

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

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

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 NAVY
12 (RESCISSIONS)

13 Of the funds made available under this heading in
14 Public Law 104–61, \$14,978,000 are rescinded.

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

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
18 AIR FORCE
19 (RESCISSIONS)

20 Of the funds made available under this heading in
21 Public Law 104–61, \$28,396,000 are rescinded.

22 Of the funds made available under this heading in
23 Public Law 104–208, \$122,000,000 are rescinded.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 DEFENSE-WIDE
3 (RESCISSIONS)

4 Of the funds made available under this heading in
5 Public Law 104–61, \$41,090,000 are rescinded.

6 Of the funds made available under this heading in
7 Public Law 104–208, \$135,000,000 are rescinded.

8 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE
9 (RESCISSION)

10 Of the funds made available under this heading in
11 Public Law 104–61, \$890,000 are rescinded.

12 OPERATIONAL TEST AND EVALUATION, DEFENSE
13 (RESCISSION)

14 Of the funds made available under this heading in
15 Public Law 104–61, \$160,000 are rescinded.

16 REVOLVING AND MANAGEMENT FUNDS

17 NATIONAL DEFENSE SEALIFT FUND
18 (RESCISSION)

19 Of the funds made available under this heading in
20 Public Law 104–208, \$35,000,000 are rescinded.

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS

2 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

3 DEFENSE

4 (RESCISSIONS)

5 Of the funds made available under this heading in
6 Public Law 103–335, \$456,000 are rescinded.

7 Of the funds made available under this heading in
8 Public Law 104–61, \$20,652,000 are rescinded.

9 Of the funds made available under this heading in
10 Public Law 104–208, \$27,000,000 are rescinded.

11 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

12 DEFENSE

13 (RESCISSION)

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

16 GENERAL PROVISIONS

17 (RESCISSIONS)

18 SEC. 401. Of the funds appropriated in the Military
19 Construction Appropriations Act, 1996 (Public Law 104–
20 32), amounts are hereby rescinded from the following ac-
21 counts in the specified amounts:

22 “Military Construction, Air Force Reserve”,
23 \$5,000,000;

24 “Military Construction, Defense-wide”,
25 \$41,000,000;

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

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

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

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

11 “Military Construction, Army”, \$1,000,000;

12 “Military Construction, Navy”, \$2,000,000;

13 “Military Construction, Air Force”,
14 \$3,000,000;

15 “Military Construction, Defense-wide”,
16 \$49,000,000.

17 SEC. 402. Notwithstanding 31 U.S.C. 1502(a) and
18 31 U.S.C. 1553(a), funds appropriated in Public Law
19 101–511, Public Law 102–396, and Public Law 103–139,
20 under the heading “Weapons Procurement, Navy”, that
21 were obligated and expended to settle claims on the MK–
22 50 torpedo program may continue to be obligated and ex-
23 pended to settle those claims.

24 SEC. 403. None of the funds available to the Depart-
25 ment of Defense in this or any other Act shall be available

1 TITLE V—OTHER OFFSETS
2 CHAPTER 1
3 SUBCOMMITTEE ON COMMERCE, JUSTICE, AND
4 STATE, THE JUDICIARY, AND RELATED
5 AGENCIES

6 DEPARTMENT OF JUSTICE
7 GENERAL ADMINISTRATION
8 WORKING CAPITAL FUND
9 (RESCISSION)

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

12 CHAPTER 2
13 SUBCOMMITTEE ON INTERIOR AND RELATED
14 AGENCIES

15 DEPARTMENT OF ENERGY
16 CLEAN COAL TECHNOLOGY
17 (RESCISSION)

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

1 STRATEGIC PETROLEUM RESERVE

2 (RESCISSION)

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

5 CHAPTER 3

6 SUBCOMMITTEE ON TRANSPORTATION AND

7 RELATED AGENCIES

8 DEPARTMENT OF TRANSPORTATION

9 FEDERAL AVIATION ADMINISTRATION

10 GRANTS-IN-AID FOR AIRPORTS

11 (AIRPORT AND AIRWAY TRUST FUND)

12 (RESCISSION OF CONTRACT AUTHORIZATION)

13 Of the unobligated balances authorized under section
14 14 of Public Law 91-258 as amended, \$778,000,000 are
15 rescinded.

16 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

17 HIGHWAY TRAFFIC SAFETY GRANTS

18 (HIGHWAY TRUST FUND)

19 (RESCISSION OF CONTRACT AUTHORIZATION)

20 Of the available balances of contract authority under
21 this heading, \$10,600,000 are rescinded.

1 FEDERAL TRANSIT ADMINISTRATION
2 TRUST FUND SHARE OF EXPENSES
3 (HIGHWAY TRUST FUND)
4 (RESCISSION OF CONTRACT AUTHORIZATION)

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

7 DISCRETIONARY GRANTS
8 (HIGHWAY TRUST FUND)
9 (RESCISSION OF CONTRACT AUTHORIZATION)

10 Of the available balances of contract authority under
11 this heading, for fixed guideway modernization and bus
12 activities under 49 U.S.C. 5309(m)(A) and (C),
13 \$588,000,000 are rescinded.

14 CHAPTER 4
15 SUBCOMMITTEE ON TREASURY AND GENERAL
16 GOVERNMENT
17 INDEPENDENT AGENCY

18 GENERAL SERVICES ADMINISTRATION
19 EXPENSES, PRESIDENTIAL TRANSITION
20 (RESCISSION)

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

1 any and all program funds administered by the Depart-
 2 ment and report on this audit no later than May 1, 1998.

3 FEDERAL HOUSING ADMINISTRATION
 4 FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
 5 (RESCISSION)

6 Of the amounts of negative credit subsidy from the
 7 sale of mortgage notes provided for under the fourth pro-
 8 viso under this head in Public Law 104–134, \$85,000,000
 9 is rescinded.

10 INDEPENDENT AGENCIES
 11 FEDERAL EMERGENCY MANAGEMENT AGENCY
 12 SALARIES AND EXPENSES

13 (RESCISSION)
 14 Of the funds made available under this heading in
 15 Public Law 102–368, \$5,000,000 are rescinded.

16 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
 17 NATIONAL AERONAUTICS FACILITIES
 18 (RESCISSION)

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

21 FUNDS APPROPRIATED TO THE PRESIDENT
 22 UNANTICIPATED NEEDS
 23 (RESCISSION)

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

1 CHAPTER 6
2 SUBCOMMITTEE ON AGRICULTURE, RURAL
3 DEVELOPMENT, AND RELATED AGENCIES
4 DEPARTMENT OF AGRICULTURE
5 FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES
6 MANAGER
7 EXPORT CREDIT

8 None of the funds made available in the Agriculture,
9 Rural Development, Food and Drug Administration, and
10 Related Agencies Appropriations Act, 1997, Public Law
11 104–180, may be used to pay the salaries and expenses
12 of employees of the Department of Agriculture to carry
13 out a combined program for export credit guarantees, sup-
14 plier credit guarantees, and emerging democracies facili-
15 ties guarantees at a level which exceeds \$3,500,000,000.

16 EXPORT ENHANCEMENT PROGRAM

17 None of the funds appropriated or otherwise made
18 available in Public Law 104–180 shall be used to pay the
19 salaries and expenses of personnel to carry out an export
20 enhancement program if the aggregate amount of funds
21 and/or commodities under such program exceeds
22 \$50,000,000.

1 ratio to the amount appropriated as the number of
2 individuals described in subsection (e)(1) bears to
3 the total number of such individuals in all the States
4 as of June 1, 1997, as determined by the Secretary.

5 “(2) MINIMUM PAYMENT.—No State shall re-
6 ceive a grant under this section for a fiscal year in
7 an amount that is less than 0.2 percent of the total
8 amount appropriated for this purpose for that fiscal
9 year.

10 “(3) REQUIRED PAYMENT FOR CERTAIN
11 STATES.—

12 “(A) IN GENERAL.—Notwithstanding
13 paragraphs (1) and (2), in the case of any
14 State that has a reciprocity rate that is equal to
15 or greater than 0.15 percent, such State shall
16 receive a grant under this section for a fiscal
17 year in an amount equal to 0.6 percent of the
18 amount appropriated under subsection (g) for
19 that fiscal year.

20 “(B) RECIPIENCY RATE DEFINED.—For
21 purposes of subparagraph (A), the term
22 ‘reciprocity rate’ means, with respect to a State,
23 the ratio of the number of noncitizens who re-
24 ceived benefits under the supplemental security
25 income program under title XVI in the State in

1 December 1996, as estimated by the Commis-
2 sioner of Social Security, to the total population
3 of the State as of July 1, 1996, as estimated
4 by the Bureau of the Census.

5 “(4) PRO RATA REDUCTIONS.—The Secretary
6 shall make pro rata reductions in the amounts oth-
7 erwise payable to States under this section as nec-
8 essary to comply with the payment requirements
9 under paragraphs (2) and (3).

10 “(5) REDISTRIBUTION.—

11 “(A) IN GENERAL.—With respect to any
12 fiscal year, if the Secretary determines (in ac-
13 cordance with subparagraph (B)) that amounts
14 under any grant awarded to a State under this
15 section for such fiscal year will not be used by
16 such State during such fiscal year, the Sec-
17 retary shall make such amounts available in the
18 subsequent fiscal year to 1 or more States
19 which apply for such funds to the extent the
20 Secretary determines that such States will be
21 able to use such additional amounts for the
22 purpose of providing assistance to an eligible in-
23 dividual, as defined in subsection (e)(1). Such
24 available amounts shall be redistributed among

1 such States in the same manner as funds are
2 distributed under paragraph (1).

3 “(B) TIME OF DETERMINATION AND DIS-
4 TRIBUTION.—The determination of the Sec-
5 retary under subparagraph (A) for a fiscal year
6 shall be made not later than the end of the first
7 quarter of the subsequent fiscal year. The redis-
8 tribution of amounts under subparagraph (A)
9 shall be made as close as practicable to the date
10 on which such determination is made. Any
11 amount made available to a State from an ap-
12 propriation for a fiscal year in accordance with
13 this paragraph shall be regarded as part of
14 such State’s payment for the fiscal year in
15 which the redistribution is made.

16 “(b) TIMING OF PAYMENTS.—No funds may be paid
17 under this section before August 1, 1997.

18 “(c) DETERMINATION OF ELIGIBILITY AND ASSIST-
19 ANCE.—A State receiving funds under a grant made under
20 this section shall establish any additional eligibility criteria
21 required for an eligible individual to receive assistance
22 under this section, the amount of such assistance, and the
23 form and manner in which such assistance shall be pro-
24 vided.

25 “(d) USE OF FUNDS.—

1 “(1) APPLICATION OF TITLE XX.—

2 “(A) NO APPLICATION.—Except as pro-
3 vided in subparagraph (B), the other provisions
4 of this title shall not apply to this section.

5 “(B) LIMITATIONS ON USE OF GRANTS.—

6 The provisions of section 2005 (other than
7 paragraphs (2) and (8) of subsection (a)), and
8 the provisions of section 2006 (other than the
9 requirement under subsection (a) that reports
10 submitted under such subsection may be used
11 to determine if funds were spent in a manner
12 consistent with the reports required under sec-
13 tion 2004) shall apply to a grant made under
14 this section.

15 “(2) NO SERVICES AVAILABLE UNDER MEDIC-
16 AID.—No funds paid under a grant made under this
17 section may be used to provide items or services to
18 an individual that the individual would be eligible to
19 receive under the State plan for medical assistance
20 under title XIX.

21 “(e) ELIGIBLE INDIVIDUAL.—

22 “(1) IN GENERAL.—In this section, the term
23 ‘eligible individual’ means an individual who received
24 benefits under the Federal program described in
25 paragraph (2) and whose eligibility for such benefits

1 has been terminated as a result of the provisions of
2 section 402 of the Personal Responsibility and Work
3 Opportunity Reconciliation Act of 1996 (8 U.S.C.
4 1612).

5 “(2) FEDERAL PROGRAM DESCRIBED.—The
6 Federal program described in this paragraph is the
7 supplemental security income program under title
8 XVI, including supplementary payments pursuant to
9 an agreement for Federal administration under sec-
10 tion 1616(a) and payments pursuant to an agree-
11 ment entered into under section 212(b) of Public
12 Law 93–66.

13 “(f) NO INDIVIDUAL ENTITLEMENT.—Nothing in
14 this section shall be construed as providing an entitlement
15 for an individual or person to any assistance or service
16 funded with a grant made under this section.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to make grants under this
19 section \$125,000,000 for fiscal year 1997.

20 “(h) DEFINITION OF STATE.—In this section, the
21 term ‘State’ means each of the 50 States and the District
22 of Columbia.”.

1 TITLE VII—GOVERNMENT SHUTDOWN
2 PREVENTION ACT

3 **SEC. 701. SHORT TITLE.**

4 This title may be cited as the “Government Shutdown
5 Prevention Act”.

6 **SEC. 702. CONTINUING FUNDING.**

7 (a) IN GENERAL.—If any regular appropriation bill
8 for fiscal year 1998 does not become law prior to the be-
9 ginning of fiscal year 1998 or a joint resolution making
10 continuing appropriations is not in effect, there is appro-
11 priated, out of any moneys in the Treasury not otherwise
12 appropriated, and out of applicable corporate or other rev-
13 enues, receipts, and funds, such sums as may be necessary
14 to continue any program, project, or activity for which
15 funds were provided in fiscal year 1997.

16 (b) LEVEL OF FUNDING.—Appropriations and funds
17 made available, and authority granted, for a program,
18 project, or activity for fiscal year 1998 pursuant to this
19 title shall be at 98 per cent of the rate of operations that
20 was provided for the program, project, or activity in fiscal
21 year 1997 in the corresponding regular appropriation Act
22 for fiscal year 1997.

23 (c) PERIOD OF AVAILABILITY.—Appropriations and
24 funds made available, and authority granted, for fiscal
25 year 1998 pursuant to this title for a program, project,

1 or activity shall be available for the period beginning with
2 the first day of a lapse in appropriations and ending with
3 the earlier of—

4 (1) the date on which the applicable regular ap-
5 propriation bill for fiscal year 1998 becomes law
6 (whether or not that law provides for that program,
7 project, or activity) or a continuing resolution mak-
8 ing appropriations becomes law, as the case may be;
9 or

10 (2) the last day of fiscal year 1998.

11 **SEC. 703. TERMS AND CONDITIONS.**

12 (a) **IN GENERAL.**—An appropriation of funds made
13 available, or authority granted, for a program, project, or
14 activity for fiscal year 1998 pursuant to this title shall
15 be made available to the extent and in the manner which
16 would be provided by the pertinent appropriations Act for
17 fiscal year 1997, including all of the terms and conditions
18 and the apportionment schedule imposed with respect to
19 the appropriation made or funds made available for fiscal
20 year 1997 or authority granted for the program, project,
21 or activity under current law.

22 (b) **EXTENT AND MANNER.**—Appropriations made by
23 this title shall be available to the extent and in the manner
24 which would be provided by the pertinent appropriations
25 Act.

1 **SEC. 704. COVERAGE.**

2 Appropriations and funds made available, and au-
3 thority granted, for any program, project, or activity for
4 fiscal year 1998 pursuant to this title shall cover all obli-
5 gations or expenditures incurred for that program,
6 project, or activity during the portion of fiscal year 1998
7 for which this title applies to that program, project, or
8 activity.

9 **SEC. 705. EXPENDITURES.**

10 Expenditures made for a program, project, or activity
11 for fiscal year 1998 pursuant to this title shall be charged
12 to the applicable appropriation, fund, or authorization
13 whenever a regular appropriation bill or a joint resolution
14 making continuing appropriations until the end of fiscal
15 year 1998 providing for that program, project, or activity
16 for that period becomes law.

17 **SEC. 706. INITIATING OR RESUMING A PROGRAM, PROJECT,**
18 **OR ACTIVITY.**

19 No appropriation or funds made available or author-
20 ity granted pursuant to this title shall be used to initiate
21 or resume any program, project, or activity for which ap-
22 propriations, funds, or other authority were not available
23 during fiscal year 1997.

24 **SEC. 707. PROTECTION OF OTHER OBLIGATIONS.**

25 Nothing in this title shall be construed to effect Gov-
26 ernment obligations mandated by other law, including obli-

1 gations with respect to Social Security, Medicare, Medic-
2 aid, and veterans benefits.

3 **SEC. 708. DEFINITION.**

4 In this title, the term “regular appropriation bill”
5 means any annual appropriation bill making appropria-
6 tions, otherwise making funds available, or granting au-
7 thority, for any of the following categories of programs,
8 projects, and activities:

9 (1) Agriculture, rural development, and related
10 agencies programs.

11 (2) The Departments of Commerce, Justice,
12 and State, the judiciary, and related agencies.

13 (3) The Department of Defense.

14 (4) The government of the District of Columbia
15 and other activities chargeable in whole or in part
16 against the revenues of the District.

17 (5) The Departments of Labor, Health and
18 Human Services, and Education, and related agen-
19 cies.

20 (6) The Departments of Veterans and Housing
21 and Urban Development, and sundry independent
22 agencies, boards, commissions, corporations, and of-
23 fices.

24 (7) Energy and water development.

25 (8) Foreign assistance and related programs.

1 (9) The Department of the Interior and related
2 agencies.

3 (10) Military construction.

4 (11) The Department of Transportation and re-
5 lated agencies.

6 (12) The Treasury Department, the U.S. Postal
7 Service, the Executive Office of the President, and
8 certain independent agencies.

9 (13) The legislative branch.

10 This Act may be cited as the “Supplemental Appro-
11 priations and Rescissions Act of 1997”.

Calendar No. 43

105TH CONGRESS
1ST Session

S. 672

[Report No. 105-16]

A BILL

Making supplemental appropriations and rescissions
for the fiscal year ending September 30, 1997,
and for other purposes.

APRIL 30, 1997

Read twice and placed on the calendar