

105TH CONGRESS
1ST SESSION

H. R. 1755

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1997

Mr. OBEY introduced the following bill; which was referred to the Committee on Appropriations, an 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

A BILL

Making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including Bosnia, for 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-
5 covery from natural disasters, and for overseas peacekeep-
6 ing efforts, including Bosnia, for fiscal year ending Sep-
7 tember 30, 1997, and for other purposes, namely:

1 TITLE I—EMERGENCY SUPPLEMENTAL APPRO-
2 PRIATIONS FOR THE DEPARTMENT OF DE-
3 FENSE

4 CHAPTER 1

5 DEPARTMENT OF DEFENSE—MILITARY

6 MILITARY PERSONNEL

7 MILITARY PERSONNEL, ARMY

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

13 MILITARY PERSONNEL, NAVY

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

19 MILITARY PERSONNEL, MARINE CORPS

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

1 MILITARY PERSONNEL, AIR FORCE

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

7 OPERATION AND MAINTENANCE

8 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Overseas Contingency
11 Operations Transfer Fund”, \$1,430,100,000: *Provided*,
12 That the Secretary of Defense may transfer these funds
13 only to Department of Defense operation and maintenance
14 accounts: *Provided further*, That the funds transferred
15 shall be merged with and shall be available for the same
16 purposes and for the same time period, as the appropria-
17 tion to which transferred: *Provided further*, That the
18 transfer authority provided in this paragraph is in addi-
19 tion to any other transfer authority available to the De-
20 partment of Defense: *Provided further*, That such amount
21 is designated by Congress as an emergency requirement
22 pursuant to section 251(b)(2)(D)(i) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985, as
24 amended.

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

2 For payments to individuals under section 675 of
3 Public Law 104–201, \$20,000,000, to remain available
4 until expended.

5 REVOLVING AND MANAGEMENT FUNDS

6 RESERVE MOBILIZATION INCOME INSURANCE FUND

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

14 GENERAL PROVISIONS, CHAPTER 1

15 (TRANSFER OF FUNDS)

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

1 Aid”: *Provided*, That from the funds available under that
2 heading, the Secretary of Defense shall make a grant in
3 the amount of \$25,800,000 to the American Red Cross
4 for Armed Forces emergency services.

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

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

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

15 (A) the cost of all deployments, training
16 activities, and mobilization and other pre-
17 paratory activities of the Armed Forces; and

18 (B) the cost of all other activities relating
19 to United States policy toward Bosnia, includ-
20 ing humanitarian assistance, reconstruction as-
21 sistance, aid and other financial assistance, the
22 rescheduling or forgiveness of bilateral or multi-
23 lateral aid, in-kind contributions, and any other
24 activities of the United States Government.

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

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

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

12 SEC. 106. For an additional amount for “Family
13 Housing, Navy and Marine Corps” to cover the incremen-
14 tal Operation and Maintenance costs arising from hurri-
15 cane damage to family housing units at Marine Corps
16 Base Camp Lejeune, North Carolina and Marine Corps
17 Air Station Cherry Point, North Carolina, \$6,480,000, as
18 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 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 SEC. 302. Notwithstanding section 3612(a) of title
2 22, United States Code, the incumbent may continue to
3 serve as the Secretary of Defense designee on the Board
4 of the Panama Canal Commission if he retires as an offi-
5 cer of the Department of Defense, until and unless the
6 Secretary of Defense designates another person to serve
7 in this position.

8 AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO
9 LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS
10 STATION, LEXINGTON, KENTUCKY

11 SEC. 303. (a) AUTHORITY TO ENTER INTO LEASE.—

12 The Secretary of Defense may enter into an agreement
13 for the lease of Building No. 1, Lexington Blue Grass
14 Station, Lexington, Kentucky, and any real property asso-
15 ciated with the building, for purposes of the use of the
16 building by the Defense Finance and Accounting Service.
17 The agreement shall meet the requirements of this section.

18 (b) TERM.—(1) The agreement under this section
19 shall provide for a lease term of not to exceed 50 years,
20 but may provide for one or more options to renew or ex-
21 tend the term of the lease.

22 (2) The agreement shall include a provision specify-
23 ing that, if the Secretary ceases to require the leased
24 building for purpose of the use of the building by the De-
25 fense Finance and Accounting Service before the expira-
26 tion of the term of the lease (including any extension or

1 renewal of the term under an option provided for in para-
2 graph (1)), the remainder of the lease term may, upon
3 the approval of the lessor of the building, be satisfied by
4 the Secretary or another department or agency of the Fed-
5 eral Government (including a military department) for an-
6 other purpose similar to such purpose.

7 (c) CONSIDERATION.—(1) The agreement under this
8 section may not require rental payments by the United
9 States under the lease under the agreement.

10 (2) The Secretary or other lessee, if any, under sub-
11 section (b)(2) shall be responsible under the agreement for
12 payment of any utilities associated with the lease of the
13 building covered by the agreement and for maintenance
14 and repair of the building.

15 (d) IMPROVEMENT.—The agreement under this sec-
16 tion may provide for the improvement of the building cov-
17 ered by the agreement by the Secretary or other lessee,
18 if any, under subsection (b)(2).

19 (e) LIMITATION ON CERTAIN ACTIVITIES.—The Sec-
20 retary may not obligate or expend funds for the costs of
21 any utilities, maintenance and repair, or improvements
22 under this lease under this section in any fiscal year unless
23 funds are appropriated or otherwise made available for the
24 Department of Defense for such payment in such fiscal
25 year.

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

8 SEC. 305. None of the funds available to the Depart-
9 ment of Defense in this or any other Act shall be available
10 to pay the cost of operating a National Missile Defense
11 Joint Program Office which includes more than 55 mili-
12 tary and civilian personnel located in the National Capital
13 Region.

14 SEC. 306. Funds obligated by the National Aero-
15 nautics and Space Administration (NASA) in the amount
16 of \$61,300,000 during fiscal year 1996, pursuant to the
17 “Memorandum of Agreement between the National Aero-
18 nautics and Space Administration and the United States
19 Air Force on Titan IV/Centaur Launch Support for the
20 Cassini Mission,” signed September 8, 1994, and Septem-
21 ber 23, 1994, and Attachments A, B, and C to that Memo-
22 randum, shall be merged with Air Force appropriations
23 available for research, development, test and evaluation
24 and procurement for fiscal year 1996, and shall be avail-
25 able for the same time period as the appropriation with

1 which merged, and shall be available for obligation only
2 for those Titan IV vehicles and Titan IV-related activities
3 under contract.

4 SEC. 307. For the purposes of implementing the
5 1997 Defense Experimental Program to Stimulate Com-
6 petitive Research (DEPSCoR), the term “State” means
7 a State of the United States, the District of Columbia,
8 Puerto Rico, Guam and the Virgin Islands of the United
9 States, American Samoa and the Commonwealth of the
10 Northern Mariana Islands.

11 TITLE II—OTHER EMERGENCY SUPPLEMENTAL

12 APPROPRIATIONS

13 CHAPTER 1

14 SUBCOMMITTEE ON AGRICULTURE, RURAL DE-

15 VELOPMENT, FOOD AND DRUG ADMINIS-

16 TRATION, AND RELATED AGENCIES

17 DEPARTMENT OF AGRICULTURE

18 FARM SERVICE AGENCY

19 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

20 ACCOUNT

21 For an additional amount for the “Agricultural Cred-
22 it Insurance Fund Program Account” for the additional
23 cost of direct and guaranteed loans authorized by 7 U.S.C.
24 1928–1929, including the cost of modifying such loans as
25 defined in section 502 of the Congressional Budget Act

1 of 1974, resulting from flooding and other natural disas-
2 ters, \$23,000,000, to remain available until expended, of
3 which \$18,000,000 shall be available for emergency in-
4 sured loans and \$5,000,000 shall be available for sub-
5 sidized guaranteed operating loans: *Provided*, That the en-
6 tire amount shall be available only to the extent that an
7 official budget request for \$23,000,000 that includes des-
8 ignation of the entire amount of the request as an emer-
9 gency requirement as defined in the Balanced Budget and
10 Emergency Deficit Control Act of 1985, as amended, is
11 transmitted by the President to the Congress: *Provided*
12 *further*, That such amount is designated by Congress as
13 an emergency requirement pursuant to section
14 251(b)(2)(D)(i) of such Act.

15 For an additional amount for the “Agricultural Cred-
16 it Insurance Fund Program Account” for the additional
17 cost of direct operating loans authorized by 7 U.S.C.
18 1928–1929, including the cost of modifying such loans as
19 defined in section 502 of the Congressional Budget Act
20 of 1974, \$6,300,000, to remain available until expended.

21 EMERGENCY CONSERVATION PROGRAM

22 For an additional amount for “Emergency Conserva-
23 tion Program” for expenses, including carcass removal, re-
24 sulting from flooding and other natural disasters,
25 \$70,000,000, to remain available until expended: *Pro-*
26 *vided*, That the entire amount shall be available only to

1 the extent that an official budget request for \$70,000,000,
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 as amended, is transmitted by the President to the Con-
6 gress: *Provided further*, That such amount is designated
7 by Congress as an emergency requirement pursuant to
8 section 251(b)(2)(D)(i) of such Act.

9 TREE ASSISTANCE PROGRAM

10 An amount of \$9,000,000 is provided for assistance
11 to small orchardists to replace or rehabilitate trees and
12 vineyards damaged by natural disasters: *Provided*, That
13 the entire amount shall be available only to the extent that
14 an official budget request of \$9,000,000, that includes
15 designation of the entire amount of the request as an
16 emergency requirement as defined in the Balanced Budget
17 and Emergency Deficit Control Act of 1985, as amended,
18 is transmitted by the President to the Congress: *Provided*
19 *further*, That such amount is designated by Congress as
20 an emergency requirement pursuant to section
21 251(b)(2)(D)(i) of such Act.

22 COMMODITY CREDIT CORPORATION FUND

23 DISASTER RESERVE ASSISTANCE PROGRAM

24 Effective only for losses in the fiscal year beginning
25 October 1, 1996, through the date of enactment of this
26 Act, the Secretary may use up to \$50,000,000 from pro-

1 ceeds earned from the sale of grain in the disaster reserve
2 established in the Agricultural Act of 1970 to implement
3 a livestock indemnity program for losses from natural dis-
4 asters subject to a Presidential or Secretarial declaration
5 in a manner similar to catastrophic loss coverage available
6 for other commodities under 7 U.S.C. 1508(b): *Provided,*
7 That in administering a program described in the preced-
8 ing sentence, the Secretary shall, to the extent practicable,
9 utilize gross income and payment limitations conditions
10 established for the Disaster Reserve Assistance Program
11 for the 1996 crop year: *Provided further,* That notwith-
12 standing any other provision of law, beginning on October
13 1, 1997, grain in the disaster reserve established in the
14 Agricultural Act of 1970 shall not exceed 20 million bush-
15 els: *Provided further,* That the entire amount shall be
16 available only to the extent an official budget request, that
17 includes designation of the entire amount of the request
18 as an emergency requirement as defined in the Balanced
19 Budget and Emergency Deficit Control Act of 1985, as
20 amended, is transmitted by the President to the Congress:
21 *Provided further,* That the entire amount is designated by
22 Congress as an emergency requirement pursuant to sec-
23 tion 251(b)(2)(D)(i) of such Act.

1 NATURAL RESOURCES CONSERVATION SERVICE

2 WATERSHED AND FLOOD PREVENTION OPERATIONS

3 For an additional amount for “Watershed and Flood
4 Prevention Operations” to repair damages to the water-
5 ways and watersheds, including debris removal that would
6 not be authorized under the Emergency Watershed Pro-
7 gram, resulting from flooding and other natural disasters,
8 including those in prior years, \$166,000,000, to remain
9 available until expended: *Provided*, That the entire amount
10 shall be available only to the extent an official budget re-
11 quest for \$166,000,000, that includes designation of the
12 entire amount of the request as an emergency requirement
13 as defined in the Balanced Budget and Emergency Deficit
14 Control Act of 1985, as amended, is transmitted by the
15 President to the Congress: *Provided further*, That the en-
16 tire amount is designated by Congress as an emergency
17 requirement pursuant to section 251(b)(2)(D)(i) of such
18 Act: *Provided further*, That if the Secretary determines
19 that the cost of land and farm structures restoration ex-
20 ceeds the fair market value of an affected agricultural
21 land, the Secretary may use sufficient amounts, not to ex-
22 ceed \$15,000,000, from funds provided under this heading
23 to accept bids from willing sellers to provide floodplain
24 easements for such agricultural land inundated by floods:
25 *Provided further*, That none of the funds provided under

1 this heading shall be used for the salmon memorandum
2 of understanding.

3 RURAL HOUSING SERVICE

4 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

5 RURAL HOUSING ASSISTANCE PROGRAM

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, and domestic farm
11 labor grants to meet emergency needs resulting from natu-
12 ral disasters: *Provided*, That such unobligated balances
13 shall be available only to the extent an official budget re-
14 quest that includes designation of the entire amount of
15 the request as an emergency requirement as defined in
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985 is transmitted by the President to the Congress:
18 *Provided further*, That such unobligated balances are des-
19 ignated by Congress as an emergency requirement pursu-
20 ant to section 251(b)(2)(D)(i) of such Act: *Provided fur-*
21 *ther*, That notwithstanding section 520 of the Housing Act
22 of 1949, as amended, (42 U.S.C. 1940) the College Sta-
23 tion area of Pulaski County, Arkansas shall be eligible for
24 loans and grants available through the Rural Housing
25 Service: *Provided further*, That funds made available in
26 Public Law 104–180 for Community Facility Grants for

1 the Rural Housing Assistance Program may be provided
2 to any community otherwise eligible for a Community Fa-
3 cility Loan for expenses directly or indirectly resulting
4 from flooding and other natural disasters.

5 RURAL UTILITIES SERVICE

6 RURAL UTILITIES ASSISTANCE PROGRAM

7 For an additional amount for “Rural Utilities Assist-
8 ance Program”, for the cost of direct loans, loan guaran-
9 tees, and grants, including the cost of modifying loans as
10 defined in section 502 of the Congressional Budget Act
11 of 1974, for emergency expenses resulting from flooding
12 and other natural disasters, \$4,000,000, to remain avail-
13 able until September 30, 1998: *Provided*, That the entire
14 amount shall be available only to the extent that an official
15 budget request for \$4,000,000, that includes designation
16 of the entire amount of the request as an emergency re-
17 quirement as defined in the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985, as amended, is trans-
19 mitted by the President to the Congress: *Provided further*,
20 That the entire amount is designated by Congress as an
21 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.

1 FOOD AND CONSUMER SERVICE
2 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
3 WOMEN, INFANTS, AND CHILDREN (WIC)

4 For an additional amount for the “Special Supple-
5 mental Nutrition Program for Women, Infants, and Chil-
6 dren (WIC)” as authorized by section 17 of the Child Nu-
7 trition Act of 1966, as amended (42 U.S.C. et seq.),
8 \$76,000,000, to remain available through September 30,
9 1998: *Provided*, That the Secretary shall allocate such
10 funds through the existing formula or, notwithstanding
11 sections 17 (g), (h), or (i) of such Act and the regulations
12 promulgated thereunder, such other means as the Sec-
13 retary deems necessary.

14 GENERAL PROVISION, CHAPTER 1
15 COLLECTION AND DISSEMINATION OF INFORMATION ON
16 PRICES RECEIVED FOR BULK CHEESE

17 SEC. 101. (a) IN GENERAL.—Not later than 30 days
18 after the date of enactment of this Act, the Secretary of
19 Agriculture shall collect and disseminate, on a weekly
20 basis, statistically reliable information, obtained from
21 cheese manufacturing areas in the United States on prices
22 received and terms of trade involving bulk cheese, includ-
23 ing information on the national average price for bulk
24 cheese sold through spot and forward contract trans-
25 actions. To the maximum extent practicable, the Secretary

1 shall report the prices and terms of trade for spot and
2 forward contract transactions separately.

3 (b) CONFIDENTIALITY.—All information provided to,
4 or acquired by, the Secretary under subsection (a) shall
5 be kept confidential by each officer and employee of the
6 Department of Agriculture except that general weekly
7 statements may be issued that are based on the informa-
8 tion and that do not identify the information provided by
9 any person.

10 (c) REPORT.—Not later than 150 days after the date
11 of enactment of this Act, the Secretary shall report to the
12 Committee on Agriculture, and the Committee on Appro-
13 priations, of the House of Representatives and the Com-
14 mittee on Agriculture, Nutrition, and Forestry, and the
15 Committee on Appropriations, of the Senate, on the rate
16 of reporting compliance by cheese manufacturers with re-
17 spect to the information collected under subsection (a). At
18 the time of the report, the Secretary may submit legisla-
19 tive recommendations to improve the rate of reporting
20 compliance.

21 (d) TERMINATION OF EFFECTIVENESS.—The au-
22 thority provided by subsection (a) terminates effective
23 April 5, 1999.

1 STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CER-
2 TAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE
3 REFORM.

4 SEC. 102. (a) IN GENERAL.—Section 7 of the Food
5 Stamp Act of 1977 (7 U.S.C. 2016) is amended—

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

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

10 “(j) STATE OPTION TO ISSUE BENEFITS TO CERTAIN
11 INDIVIDUALS MADE INELIGIBLE BY WELFARE RE-
12 FORM.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, a State agency may, with the ap-
15 proval of the Secretary, issue benefits under this Act
16 to an individual who is ineligible to participate in the
17 food stamp program solely as a result of section
18 6(o)(2) of this Act or section 402 or 403 of the Per-
19 sonal Responsibility and Work Opportunity Rec-
20 onciliation Act of 1996 (8 U.S.C. 1612 or 1613).

21 “(2) STATE PAYMENTS TO SECRETARY.—

22 “(A) IN GENERAL.—Not later than the
23 date the State agency issues benefits to individ-
24 uals under this subsection, the State agency
25 shall pay the Secretary, in accordance with pro-

1 cedures established by the Secretary, an
2 amount that is equal to—

3 “(i) the value of the benefits; and

4 “(ii) the costs of printing, shipping,
5 and redeeming coupons, and other Federal
6 costs, incurred in providing the benefits, as
7 determined by the Secretary.

8 “(B) CREDITING.—Notwithstanding sec-
9 tion 3302(b) of title 31, United States Code,
10 payments received under subparagraph (A)
11 shall be credited to the food stamp program ap-
12 propriation account or the account from which
13 the costs were drawn, as appropriate, for the
14 fiscal year in which the payment is received.

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

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

21 “(A) submit a plan to the Secretary that
22 describes the conditions and procedures under
23 which the benefits will be issued, including eligi-
24 bility standards, benefit levels, and the meth-
25 odology the State agency will use to determine

1 amounts due the Secretary under paragraph
2 (2); and

3 “(B) obtain the approval of the Secretary
4 for the plan.

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

10 “(6) INELIGIBILITY FOR ADMINISTRATIVE RE-
11 IMBURSEMENT.—Administrative and other costs in-
12 curred in issuing a benefit under this subsection
13 shall not be eligible for Federal funding under this
14 Act.

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

18 (b) CONFORMING AMENDMENTS.—Section
19 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C.
20 2026(b)(1)(B)(iv)) is amended—

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

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

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

1 “(VII) waives a provision of sec-
2 tion 7(j).”.

3 OFFSETS AND RESCISSIONS, CHAPTER 1

4 DEPARTMENT OF AGRICULTURE

5 OFFICE OF THE SECRETARY

6 FUND FOR RURAL AMERICA

7 Of the funds provided on January 1, 1997, for sec-
8 tion 793 of Public Law 104–127, Fund for Rural Amer-
9 ica, not more than \$80,000,000 shall be available.

10 FOOD AND CONSUMER SERVICE

11 THE EMERGENCY FOOD ASSISTANCE PROGRAM

12 Notwithstanding section 27(a) of the Food Stamp
13 Act, the amount specified for allocation under such section
14 for fiscal year 1997 shall be \$80,000,000.

15 FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES

16 MANAGER

17 EXPORT CREDIT

18 None of the funds made available in the Agriculture,
19 Rural Development, Food and Drug Administration, and
20 Related Agencies Appropriations Act, 1997, Public Law
21 104–180, may be used to pay the salaries and expenses
22 of personnel to carry out a combined program for export
23 credit guarantees, supplier credit guarantees, and emerg-
24 ing democracies facilities guarantees at a level which ex-
25 ceeds \$3,500,000,000.

1 EXPORT ENHANCEMENT PROGRAM

2 None of the funds appropriated or otherwise made
3 available in Public Law 104–180 shall be used to pay the
4 salaries and expenses of personnel to carry out an export
5 enhancement program if the aggregate amount of funds
6 and/or commodities under such program exceeds
7 \$10,000,000.

8 CHAPTER 2

9 SUBCOMMITTEE ON COMMERCE, JUSTICE, AND
10 STATE, THE JUDICIARY, AND RELATED
11 AGENCIES

12 DEPARTMENT OF COMMERCE

13 ECONOMIC DEVELOPMENT ADMINISTRATION

14 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

15 For an additional amount for “Economic Develop-
16 ment Assistance Programs” for emergency infrastructure
17 expenses and the capitalization of revolving loan funds re-
18 lated to recent flooding and other natural disasters,
19 \$52,200,000, to remain available until expended, of which
20 not to exceed \$2,000,000 may be available for administra-
21 tive expenses and may be transferred to and merged with
22 the appropriations for “Salaries and Expenses”: *Provided*,
23 That the entire amount is designated by Congress as an
24 emergency requirement pursuant to section
25 251(b)(2)(D)(i) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985, as amended: *Provided further*,
2 That the entire amount shall be available only to the ex-
3 tent an official budget request, for a specific dollar
4 amount, that includes designation of the entire amount of
5 the request as an emergency requirement as defined in
6 the Balanced Budget and Emergency Deficit Control Act
7 of 1985, as amended, is transmitted to Congress.

8 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
9 INDUSTRIAL TECHNOLOGY SERVICES

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

14 NATIONAL OCEANIC AND ATMOSPHERIC
15 ADMINISTRATION
16 CONSTRUCTION

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

24 OPERATIONS, RESEARCH, AND FACILITIES

25 Within amounts available for “Operations, Research
26 and Facilities” for Satellite Observing Systems, not to ex-

1 ceed \$7,000,000 is available until expended to provide dis-
2 aster assistance pursuant to section 312(a) of the Magnu-
3 son-Stevens Fishery Conservation and Management Act:
4 *Provided*, That the entire amount shall be available only
5 to the extent that an official budget request for
6 \$7,000,000, that includes designation of the entire
7 amount of the request as an emergency requirement as
8 defined in the Balanced Budget and Emergency Deficit
9 Control Act of 1985, as amended, is transmitted by the
10 President to Congress: *Provided further*, That the entire
11 amount is designated by Congress as an emergency re-
12 quirement pursuant to section 251(b)(2)(D)(i) of such
13 Act.

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. 201. Of the funds currently contained within the
21 “Counterterrorism Fund” of the Department of Justice,
22 \$3,000,000 is provided for allocation by the Attorney Gen-
23 eral to the appropriate unit or units of government in
24 Ogden, Utah, for necessary expenses, including enhance-
25 ment and upgrade of security and communications infra-

1 structure, to counter any potential terrorism threat related
2 to the 2002 Winter Olympic games to be held in Utah.

3 SEC. 202. None of the funds made available in any
4 appropriations Act for fiscal year 1997 may be used by
5 the Department of Commerce to make irreversible plans
6 or preparation for the use of sampling or any other statis-
7 tical method (including any statistical adjustment) in tak-
8 ing the 2000 decennial census of population for purposes
9 of the apportionment of Representatives in Congress
10 among the States.

11 SEC. 203. EXPANDING SMALL BUSINESS PARTICIPA-
12 TION IN DREDGING.—Section 722(a) of the Small Busi-
13 ness Competitiveness Demonstration Program Act of 1988
14 (15 U.S.C. 644 note) is amended by striking “September
15 30, 1996” and inserting “September 30, 1997”.

16 SEC. 204. Section 101 of the Marine Mammal Pro-
17 tection Act of 1972 (16 U.S.C. 1371) is amended by add-
18 ing at the end thereof the following:

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

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

24 “(2) reasonable care is taken to ensure the safe
25 release of the marine mammal, taking into consider-

1 ation the equipment, expertise, and conditions at
2 hand;

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

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

7 RESCISSIONS, CHAPTER 2

8 DEPARTMENT OF JUSTICE

9 GENERAL ADMINISTRATION

10 WORKING CAPITAL FUND

11 (RESCISSION)

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

14 LEGAL ACTIVITIES

15 ASSETS FORFEITURE FUND

16 (RESCISSION)

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

1 IMMIGRATION AND NATURALIZATION SERVICE

2 CONSTRUCTION

3 (RESCISSION)

4 Of the unobligated balances under this heading from
5 amounts made available in Public Law 103–317,
6 \$1,000,000 are rescinded.

7 DEPARTMENT OF COMMERCE

8 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

9 INDUSTRIAL TECHNOLOGY SERVICES

10 (RESCISSION)

11 Of the unobligated balances available under this
12 heading for the Advanced Technology Program,
13 \$7,000,000 are rescinded.

14 RELATED AGENCIES

15 FEDERAL COMMUNICATIONS COMMISSION

16 SALARIES AND EXPENSES

17 (RESCISSION)

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

20 OUNCE OF PREVENTION COUNCIL

21 (RESCISSION)

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

1 OPERATION AND MAINTENANCE, GENERAL

2 For an additional amount for “Operation and Main-
3 tenance, General” for emergency expenses due to flooding
4 and other natural disasters, \$150,000,000, to remain
5 available until expended: *Provided*, That of the total
6 amount appropriated, the amount for eligible navigation
7 projects which may be derived from the Harbor Mainte-
8 nance Trust Fund pursuant to Public Law 99–662, shall
9 be derived from that fund: *Provided further*, That, of the
10 total amount appropriated, \$5,000,000 shall be available
11 solely for the Secretary of the Army, acting through the
12 Chief of Engineers, to pay the costs of the Corps of Engi-
13 neers and other Federal agencies associated with the de-
14 velopment of necessary studies, an interagency manage-
15 ment plan, environmental documentation, continued mon-
16 itoring, and other activities related to allocations of water
17 in the Alabama-Coosa-Tallapoosa and Apalachicola-Chat-
18 tahoochee-Flint River Basins: *Provided further*, That no
19 portion of such \$5,000,000 may be used by the Corps of
20 Engineers to revise its master operational manuals or
21 water control plans for operation of the reservoirs for the
22 two river basins until (1) the interstate compacts for the
23 two river basins are ratified by the Congress by law; and
24 (2) the water allocation formulas for the two river basins
25 have been agreed to by the States of Alabama, Georgia,

1 and Florida and the Federal representative to the com-
2 pacts: *Provided further*, That the preceding proviso shall
3 not apply to the use of such funds for any environmental
4 review necessary for the Federal representative to approve
5 the water allocation formulas for the two river basins: *Pro-*
6 *vided further*, That the entire amount is designated by
7 Congress as an emergency requirement pursuant to sec-
8 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985, as amended: *Provided*
10 *further*, That the entire amount shall be available only to
11 the extent an official budget request for \$150,000,000,
12 that includes designation of the entire amount of the re-
13 quest as an emergency requirement as defined in the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985,
15 as amended, is transmitted by the President to the Con-
16 gress.

17 FLOOD CONTROL AND COASTAL EMERGENCIES

18 For an additional amount for “Flood Control and
19 Coastal Emergencies” due to flooding and other natural
20 disasters, \$415,000,000, to remain available until ex-
21 pended: *Provided*, That the entire amount is designated
22 by Congress as an emergency requirement pursuant to
23 section 251(b)(2)(D)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985, as amended: *Pro-*
25 *vided further*, That the entire amount shall be available
26 only to the extent an official budget request for

1 \$415,000,000, that includes designation of the entire
2 amount of the request as an emergency requirement as
3 defined in the Balanced Budget and Emergency Deficit
4 Control Act of 1985, as amended, is transmitted by the
5 President to the Congress: *Provided further*, That with
6 \$5,000,000 of the funds appropriated herein, the Sec-
7 retary of the Army is directed to initiate and complete
8 preconstruction engineering and design and associated
9 Environmental Impact Statement for an emergency outlet
10 from Devils Lake, North Dakota to the Sheyenne River,
11 at full Federal expense: *Provided further*, That, of the
12 funds appropriated under this paragraph, \$5,000,000
13 shall be used for the project consisting of channel restora-
14 tion and improvements on the James River authorized by
15 section 401(b) of the Water Resources Development Act
16 of 1986 (Public Law 99–662; 100 Stat. 4128) if the Sec-
17 retary of the Army determines that the need for such res-
18 toration and improvements constitutes an emergency.

19 DEPARTMENT OF THE INTERIOR

20 BUREAU OF RECLAMATION

21 OPERATION AND MAINTENANCE

22 For an additional amount for “Operation and Main-
23 tenance”, \$7,355,000, to remain available until expended,
24 to repair damage caused by floods and other natural disas-
25 ters: *Provided*, That of the total appropriated, the amount

1 for program activities that can be financed by the Rec-
2 lamation Fund shall be derived from that fund: *Provided*
3 *further*, That the entire amount is designated by Congress
4 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: *Provided further*,
7 That the entire amount shall be available only to the ex-
8 tent an official budget request for \$7,355,000, that in-
9 cludes designation of the entire amount of the request as
10 an emergency requirement as defined in the Balanced
11 Budget and Emergency Deficit Control Act of 1985, as
12 amended, is transmitted by the President to the Congress.

13 GENERAL PROVISIONS, CHAPTER 3

14 SEC. 301. (a) Beginning in fiscal year 1997 and
15 thereafter, the United States members and the alternate
16 members appointed under the Susquehanna River Basin
17 Compact (Public Law 91–575), and the Delaware River
18 Basin Compact (Public Law 87–328), shall be officers of
19 the U.S. Army Corps of Engineers, who hold Presidential
20 appointments as Regular Army officers with Senate con-
21 firmation, and who shall serve without additional com-
22 pensation.

23 (b) Section 2, Reservations, Paragraph (u) of Public
24 Law 91–575 (84 Stat. 1509) and Section 15.1, Reserva-

1 tions, Paragraph (d) of Public Law 87–328 (75 Stat. 688,
2 691) are hereby repealed.

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

7 SEC. 302. Notwithstanding section 5 of the Reclama-
8 tion Safety of Dams Act of 1978, Public Law 95–578,
9 as amended, the Secretary of the Interior is authorized
10 to obligate up to \$1,200,000 for carrying out actual con-
11 struction for safety of dam purposes to modify the Willow
12 Creek Dam, Sun River Project, Montana.

13 COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF
14 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS

15 SEC. 303. (a) CONSULTATION AND CONFERENC-
16 ING.—As provided by regulations issued under the Endan-
17 gered Species Act (16 U.S.C. 1531 et seq.) for emergency
18 situations, formal consultation or conferencing under sec-
19 tion 7(a)(2) and 7(a)(4) of the Act for any action author-
20 ized, funded or carried out by any Federal agency to re-
21 pair a Federal or non-Federal flood control project, facility
22 or structure may be deferred by the Federal agency au-
23 thORIZING, funding or carrying out the action, if the agency
24 determines that the repair is needed to respond to an
25 emergency causing an imminent threat to human lives and
26 property in 1996 or 1997. Formal consultation or con-

1 ferencing shall be deferred until the imminent threat to
 2 human lives and property has been abated. For purposes
 3 of this section, the term repair shall include preventive and
 4 remedial measures to restore the project, facility or struc-
 5 ture to remove an imminent threat to human lives and
 6 property.

7 (b) REASONABLE AND PRUDENT MEASURES.—Any
 8 reasonable and prudent measures specified under section
 9 7 of the Endangered Species Act (16 U.S.C. 1536) to min-
 10 imize the impact of an action taken under this section
 11 shall be related both in nature and extent to the effect
 12 of the action taken to repair the flood control project, fa-
 13 cility or structure.

14 RESCISSIONS, CHAPTER 3

15 DEPARTMENT OF ENERGY

16 ENERGY PROGRAMS

17 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

18 ACTIVITIES

19 (RESCISSION)

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

1 until expended and to be derived from unobligated bal-
2 ances of funds under the heading, “Oregon and California
3 Grant Lands”, made available as supplemental appropria-
4 tions in Public Law 104–134: *Provided*, That the entire
5 amount is designated by Congress as an emergency re-
6 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985,
8 as amended.

9 UNITED STATES FISH AND WILDLIFE SERVICE

10 RESOURCE MANAGEMENT

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

22 CONSTRUCTION

23 For an additional amount for “Construction”,
24 \$88,000,000, to remain available until expended, to repair
25 damage caused by floods and other natural disasters: *Pro-*
26 *vided*, That the entire amount is designated by Congress

1 as 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.

4 LAND ACQUISITION

5 For an additional amount for “Land Acquisition”,
6 \$10,000,000, to remain available until expended, for the
7 cost-effective emergency acquisition of land and water
8 rights necessitated by floods and other natural disasters:
9 *Provided*, That the entire amount is designated by Con-
10 gress as an 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 NATIONAL PARK SERVICE

14 CONSTRUCTION

15 For an additional amount for “Construction” for
16 emergency expenses resulting from flooding and other nat-
17 ural disasters, \$187,321,000, 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 of this amount, \$30,000,000 shall be
23 available only to the extent an official budget request for
24 a specific dollar amount, that includes designation of the
25 entire amount of the request as an emergency requirement
26 as defined in such Act, is transmitted by the President

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

1 ment of the Corporation's obligations to the United States
2 to repair and replace damaged facilities, shall create any
3 possessory interest for the Corporation or such third party
4 in such repaired or replaced facilities: *Provided further*,
5 That any payments made to the United States by the Cor-
6 poration or a third party for repair or replacement of con-
7 cession use facilities shall be deposited in the General
8 Fund of the Treasury or, where facilities are repaired or
9 replaced by the Corporation or any other third party, an
10 equal amount of appropriations for "Construction" shall
11 be rescinded.

12 For an additional amount for "Construction",
13 \$10,000,000, to remain available until expended, to make
14 repairs, construct facilities, and provide visitor transpor-
15 tation and for related purposes at Yosemite National
16 Park.

17 UNITED STATES GEOLOGICAL SURVEY

18 SURVEYS, INVESTIGATIONS, AND RESEARCH

19 For an additional amount for "Surveys, Investiga-
20 tions, and Research", \$4,650,000, to remain available
21 until September 30, 1998, to repair or replace damaged
22 equipment and facilities caused by floods and other natu-
23 ral disasters: *Provided*, That the entire amount is des-
24 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 BUREAU OF INDIAN AFFAIRS

4 OPERATION OF INDIAN PROGRAMS

5 For an additional amount for “Operation of Indian
6 Programs”, \$14,317,000, to remain available until Sep-
7 tember 30, 1998, for emergency response activities, in-
8 cluding emergency school operations, heating costs, emer-
9 gency welfare assistance, and to repair and replace facili-
10 ties and resources damaged by snow, floods, and other
11 natural disasters: *Provided*, That the entire amount is des-
12 ignated by Congress as an emergency requirement pursu-
13 ant to section 251(b)(2)(D)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985, as amended.

15 CONSTRUCTION

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

1 tion project shall be made available on a nonreimbursable
2 basis.

3 RELATED AGENCIES

4 DEPARTMENT OF AGRICULTURE

5 FOREST SERVICE

6 NATIONAL FOREST SYSTEM

7 For an additional amount for “National Forest Sys-
8 tem” for emergency expenses resulting from flooding and
9 other natural disasters, \$39,677,000, 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 RECONSTRUCTION AND CONSTRUCTION

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

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES

3 INDIAN HEALTH SERVICE

4 INDIAN HEALTH SERVICES

5 For an additional amount for “Indian Health Serv-
6 ices” for emergency expenses resulting from flooding and
7 other natural disasters, \$1,000,000, 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 INDIAN HEALTH FACILITIES

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

20 GENERAL PROVISIONS, CHAPTER 5

21 SEC. 501. Section 101(c) of Public Law 104–134 is
22 amended as follows: Under the heading “Title III—Gen-
23 eral Provisions” amend sections 315(c)(1)(A) and
24 315(c)(1)(B) by striking in each of those sections “104
25 percent” and inserting in lieu thereof “100 percent”; by
26 striking in each of those sections “1995” and inserting

1 in lieu thereof “1994”; and by striking in each of those
2 sections “and thereafter annually adjusted upward by 4
3 percent,”.

4 SEC. 502. Section 101(d) of Public Law 104–208 is
5 amended as follows: Under the heading “Administrative
6 Provisions, Indian Health Service” strike the seventh pro-
7 viso and insert the following in lieu thereof: “: *Provided*
8 *further*, That with respect to functions transferred by the
9 Indian Health Service to tribes or tribal organizations, the
10 Indian Health Service is authorized to provide goods and
11 services to those entities, on a reimbursable basis, includ-
12 ing payment in advance with subsequent adjustment, and
13 the reimbursements received therefrom, along with the
14 funds received from those entities pursuant to the Indian
15 Self Determination Act, may be credited to the same or
16 subsequent appropriation account which provided the
17 funding, said amounts to remain available until ex-
18 pended”.

19 SEC. 503. (a) EXTENSION AND EFFECTIVE DATE.—
20 Section 3711(b)(1) of the San Carlos Apache Tribe Water
21 Rights Settlement Act of 1992 (106 Stat. 4752) is amend-
22 ed by striking “June 30, 1997” and inserting “March 31,
23 1999”.

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

4 “(c) EXTENSION FOR RIVER SYSTEM GENERAL AD-
5 JUDICATION.—If, at any time prior to March 31, 1999,
6 the Secretary notifies the Committee on Indian Affairs of
7 the United States Senate or the Committee on Resources
8 in the United States House of Representatives that the
9 Settlement Agreement, as executed by the Secretary, has
10 been submitted to the Superior Court of the State of Ari-
11 zona in and for Maricopa County for consideration and
12 approval as part of the General Adjudication of the Gila
13 River System and Source, the March 31, 1999, referred
14 to in subsection (b)(1) shall be deemed to be changed to
15 December 31, 1999.”.

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

19 (d) PARTIES TO AGREEMENT.—Section 3703(2) of
20 such Act is amended by adding at the end the following
21 new sentence: “The Gila Valley Irrigation District and the
22 Franklin Irrigation District shall be added as parties to
23 the Agreement, but only so long as none of the aforemen-
24 tioned parties objects to adding the Gila Valley Irrigation

1 and/or the Franklin Irrigation District as parties to the
2 Agreement.”.

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

5 “(12) ‘Morenci mine complex’ means the lands owned
6 or leased by Phelps Dodge Corporation, now or in the fu-
7 ture, delineated in a map as ‘Phelps Dodge Mining, Min-
8 eral Processing, and Auxiliary Facilities Water Use Area’,
9 which map is dated March 19, 1997, and is on file with
10 the Secretary of the Interior.

11 “(13) ‘Upper Eagle Creek Wellfield’ means that area
12 in Greenlee County which is bounded by the eastern
13 boundary of Graham County on the west, the southern
14 boundary of the Black River watershed on the north, a
15 line running north and south 5 miles east of the eastern
16 boundary of Graham County on the east, and the southern
17 boundary of the natural drainage of Cottonwood Canyon
18 on the south.”.

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

22 “(d) BLACK RIVER FACILITIES.—

23 “(1) IN GENERAL.—The provisions and agree-
24 ments set forth or referred to in paragraphs (2), (3),
25 and (4) below shall be enforceable against the Unit-

1 ed States in United States district court, and the
2 immunity of the United States for such purposes
3 and for no other purpose is hereby waived. The pro-
4 visions and agreements set forth or referred to in
5 paragraphs (2)(A), (3), and (4) below shall be en-
6 forceable against the Tribe in United States district
7 court, and the immunity of the Tribe for such pur-
8 poses and for no other purpose, is hereby waived.
9 The specific agreements made by the Tribe and set
10 forth in paragraph (5) shall be enforceable against
11 the Tribe in United States district court, and the
12 immunity of the Tribe is hereby waived as to such
13 specific agreements and for no other purpose.

14 “(2) INTERIM PERIOD.—

15 “(A) As of July 23, 1997, Phelps Dodge
16 shall vacate the reservation and no longer rely
17 upon permit #2000089, dated July 25, 1944.
18 On such date the United States, through the
19 Bureau of Reclamation, shall enter, operate,
20 and maintain the Black River pump station,
21 outbuildings, the pipeline, related facilities, and
22 certain caretaker quarters (hereinafter referred
23 to collectively as the ‘Black River facilities’).

24 “(B) The United States and Phelps Dodge
25 shall enter into a contract for delivery of water

1 pursuant to subparagraph (C), below. Water for
2 delivery to Phelps Dodge from the Black River
3 shall not exceed an annual average of 40 acre
4 feet per day, or 14,000 acre feet per year. All
5 diversions from Black River to Phelps Dodge
6 shall be junior to the diversion and use of up
7 to 7,300 acre feet per year by the San Carlos
8 Apache Tribe, and no such diversion for Phelps
9 Dodge shall cause the flow of Black River to
10 fall below 20 cubic feet per second. The United
11 States shall account for the costs for operating
12 and maintaining the Black River facilities, and
13 Phelps Dodge shall reimburse the United States
14 for such costs. Phelps Dodge shall pay to the
15 United States, for delivery to the Tribe, the
16 sum of \$20,000 per month, with an annual CPI
17 adjustment from July 23, 1997, for purposes of
18 compensating the Tribe for United States use
19 and occupancy of the Black River facilities.
20 Phelps Dodge and the Tribe shall cooperate
21 with the United States in effectuating an or-
22 derly transfer of the operations of the Black
23 River facilities from Phelps Dodge to the Unit-
24 ed States.

1 “(C) Notwithstanding any other provision
2 of law, the contract referred to in subparagraph
3 (B) between the United States and Phelps
4 Dodge which provides for the diversion of water
5 from the Black River into the Black River fa-
6 cilities, and the delivery of such water to Phelps
7 Dodge at that location where the channel of
8 Eagle Creek last exits the reservation for use in
9 the Morenci mine complex and the towns of
10 Clifton and Morenci and at no other location, is
11 ratified and confirmed.

12 “(D) The power line right-of-way over the
13 Tribe’s Reservation which currently is held by
14 Phelps Dodge shall remain in place. During the
15 interim period, Phelps Dodge shall provide
16 power to the United States for operation of the
17 pump station and related facilities without
18 charge, and Phelps Dodge shall pay a monthly
19 right-of-way fee to the Tribe of \$5,000 per
20 month, with an annual CPI adjustment from
21 July 23, 1997.

22 “(E) Any questions regarding the water
23 claims associated with Phelps Dodge’s use of
24 the Upper Eagle Creek Wellfield, its diversions
25 of surface water from Eagle Creek, the San

1 Francisco River, Chase Creek, and/or its use of
2 other water supplies are not addressed in this
3 title. No provision in this subsection shall affect
4 or be construed to affect any claims by the
5 Tribe, the United States, or Phelps Dodge to
6 groundwater or surface water.

7 “(3) FINAL ARRANGEMENTS AND TERMS.—The
8 interim period described in paragraph (2) shall ex-
9 tend until all conditions set forth in paragraph
10 (3)(B) have been satisfied. At such time, the follow-
11 ing final arrangements shall apply, based on the
12 terms set forth below. Such terms shall bind the
13 Tribe, the United States, and Phelps Dodge, and
14 shall be enforceable pursuant to subsection (d)(1) of
15 this Act.

16 “(A) The United States shall hold the
17 Black River facilities in trust for the Tribe,
18 without cost to the Tribe or the United States.

19 “(B) Responsibility for operation of the
20 Black River facilities shall be transferred from
21 the United States to the Tribe. The United
22 States shall train Tribal members during the
23 interim period, and the responsibility to operate
24 the Black River facilities shall be transferred
25 upon satisfaction of 2 conditions—

1 “(i) a finding by the United States
2 that the Tribe has completed necessary
3 training and is qualified to operate the
4 Black River facilities; and

5 “(ii) execution of the contract de-
6 scribed in paragraph (3)(E), which con-
7 tract shall be executed on or before De-
8 cember 31, 1998. In the event that the
9 contract is not executed by December 31,
10 1998, the transfer described in this sub-
11 section shall occur on December 31, 1998
12 (so long as condition (i) of this subpara-
13 graph has been satisfied), based on appli-
14 cation of the contract terms described in
15 paragraph (3)(E), which terms shall be en-
16 forceable under this Act. Upon the ap-
17 proval of the Secretary, the Tribe may con-
18 tract with third parties to operate the
19 Black River facilities.

20 “(C) Power lines currently operated by
21 Phelps Dodge on the Tribe’s Reservation, and
22 the right-of-way associated with such power
23 lines, shall be surrendered by Phelps Dodge to
24 the Tribe, without cost to the Tribe. Prior to
25 the surrender of the power lines, the Bureau of

1 Reclamation shall arrange for an inspection of
2 the power lines and associated facilities by a
3 qualified third party and shall obtain a certifi-
4 cation that such power lines and facilities are of
5 sound design and are in good working order.
6 Phelps Dodge shall pay for the cost of such in-
7 spection and certification. Concurrently with
8 the surrender of the power lines and the right-
9 of-way, Phelps Dodge shall construct a switch
10 station at the boundary of the Reservation at
11 which the Tribe may switch power on or off and
12 shall deliver ownership and control of such
13 switch station to the Tribe. Subsequent to the
14 transfer of the power lines and the right-of-way
15 and the delivery of ownership and control of the
16 switch station to the Tribe, Phelps Dodge shall
17 have no further obligation or liability of any na-
18 ture with respect to the ownership, operation,
19 or maintenance of the power lines, the right-of-
20 way, or the switch station.

21 “(D) The Tribe and the United States will
22 enter into an exchange agreement with the Salt
23 River Project which will deliver CAP water con-
24 trolled by the Tribe to the Salt River Project in
25 return for the diversion of water from the Black

1 River into the Black River facilities. The ex-
2 change agreement shall be subject to review and
3 approval by Phelps Dodge, which approval shall
4 not be unreasonably withheld. Notwithstanding
5 any other provision of law, the contract referred
6 to in this subparagraph is ratified and con-
7 firmed.

8 “(E) The Tribe, the United States, and
9 Phelps Dodge will execute a contract covering
10 the lease and delivery of CAP water from the
11 Tribe to Phelps Dodge on the following terms:

12 “(i) The Tribe will lease to Phelps
13 Dodge 14,000 acre feet of CAP water per
14 year as of the date on which the interim
15 period referred to in paragraph (2) expires.
16 The lease shall be subject to the terms and
17 conditions identified in the Tribal CAP De-
18 livery Contract referenced in section
19 3706(b). The leased CAP water shall be
20 delivered to Phelps Dodge from the Black
21 River pursuant to the exchange referred to
22 in subparagraph (D) above, based on di-
23 versions from the Black River that shall
24 not exceed an annual average of 40 acre
25 feet per day and shall not cause the flow

1 of Black River to fall below 20 cubic feet
2 per second. Such CAP water shall be deliv-
3 ered to Phelps Dodge at that location
4 where the channel of Eagle Creek last exits
5 the Reservation, to be utilized in the
6 Morenci mine complex and the towns of
7 Clifton and Morenci, and at no other loca-
8 tion.

9 “(ii) The leased CAP water shall be
10 junior to the diversion and use of up to
11 7,300 acre feet per year from the Black
12 and Salt Rivers by the San Carlos Apache
13 Tribe.

14 “(iii) The lease will be for a term of
15 50 years or, if earlier, the date upon which
16 mining activities at the Morenci mine com-
17 plex cease, with a right to renew for an ad-
18 ditional 50 years upon a finding by the
19 Secretary that the water is needed for con-
20 tinued mining activities at the Morenci
21 mine complex. The lease shall have the fol-
22 lowing financial terms:

23 “(I) The Tribe will lease CAP
24 water at a cost of \$1,200 per acre
25 foot. Phelps Dodge shall pay to the

1 United States, on behalf of the Tribe,
2 the sum of \$5,000,000 upon the ear-
3 lier of the execution of the agreement,
4 or upon the expiration of the interim
5 period referred to in paragraph (2)
6 hereof, which amount shall be a pre-
7 payment for and applicable to the
8 first 4,166 acre feet of CAP water to
9 be delivered in each year during the
10 term of the lease.

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

1 “(III) Phelps Dodge shall pay in
2 advance each month the Tribe’s rea-
3 sonable costs associated with the
4 Tribe’s operation, maintenance, and
5 replacement of the Black River facili-
6 ties for purposes of delivering water to
7 Phelps Dodge pursuant to the lease,
8 which costs shall be based upon the
9 experience of the Bureau of Reclama-
10 tion in operating the Black River fa-
11 cilities during the interim period re-
12 ferred to in paragraph (2), subject to
13 an annual CPI adjustment, and pro-
14 viding for a credit for power provided
15 by Phelps Dodge to the Tribe. In ad-
16 dition, Phelps Dodge shall pay a
17 monthly fee of \$30,000 to the United
18 States, on behalf of the Tribe, to ac-
19 count for the use of the Tribe’s dis-
20 tribution system.

21 “(IV) Phelps Dodge shall pay the
22 United States operation, maintenance,
23 and replacement charges associated
24 with the leased CAP water and such
25 reasonable interconnection charges as

1 may be imposed by Salt River Project
2 in connection with the exchange re-
3 ferred to in subparagraph (D) above.

4 “(iv) Notwithstanding the provisions
5 of section 3707(b), any moneys, except
6 Black River facilities OM&R, CAP, OM&R
7 and any charges associated with an ex-
8 change agreement with Salt River Project,
9 paid to the United States on behalf of the
10 Tribe from the lease referred to under
11 paragraph (3)(D)(iii) shall be held in trust
12 by the United States for the benefit of the
13 Tribe. There is hereby established in the
14 Treasury of the United States a fund to be
15 known as the ‘San Carlos Apache Tribe
16 Lease Fund’ for such purpose. Interest ac-
17 cruing to the Fund may be used by the
18 Tribe for economic and community devel-
19 opment purposes upon presentation to the
20 Secretary of a certified copy of a duly en-
21 acted resolution of the Tribal Council re-
22 questing distribution and a written budget
23 approved by the Tribal Council. Such in-
24 come may thereafter be expended only in
25 accordance with such budget. Income not

1 distributed shall be added to principal. The
2 United States shall not be liable for any
3 claim or causes of action arising from the
4 Tribe's use or expenditure of moneys dis-
5 tributed from the Fund.

6 “(v) The lease is not assignable to any
7 third party, except with the consent of the
8 Tribe and Phelps Dodge, and with the ap-
9 proval of the Secretary.

10 “(vi) Notwithstanding subsection (b)
11 hereof, section 3706 shall be fully effective
12 immediately with respect to the CAP water
13 lease provided for in this subparagraph
14 and the Secretary shall take all actions au-
15 thorized by section 3706 necessary for pur-
16 poses of implementing this subparagraph.
17 Notwithstanding any other provision of
18 law, the contract referred to in this sub-
19 paragraph is ratified and confirmed and
20 shall be enforceable in United States dis-
21 trict court. In the event that no lease au-
22 thorized by this subparagraph is executed,
23 this subparagraph, notwithstanding any
24 other provision of law, shall be enforceable
25 as a lease among the Tribe, the United

1 States, and Phelps Dodge in the United
2 States district court, and the Secretary
3 shall take all action authorized by section
4 3706 for purposes of implementing this
5 subparagraph in such an event.

6 “(F) Any questions regarding the water
7 claims associated with Phelps Dodge’s use of
8 the Eagle Creek Wellfield, its diversions of sur-
9 face water from lower Eagle Creek, the San
10 Francisco River, Chase Creek, and/or its use of
11 other water supplies are not addressed by this
12 title. No provision in this subsection shall affect
13 or be construed to affect any claims by the
14 Tribe, the United States, or Phelps Dodge to
15 groundwater or surface water.

16 “(4) EAGLE CREEK.—From the effective date
17 of this subsection, and during the Interim Period,
18 the Tribe shall not, in any way, impede, restrict, or
19 sue the United States regarding the passage of
20 water from the Black River facilities into those por-
21 tions of the channels of Willow Creek and Eagle
22 Creek which flow through the Reservation. Phelps
23 Dodge agrees to limit pumping from the Upper
24 Eagle Creek Wellfield so that the combination of
25 water from the Black River facilities and water

1 pumped from the Upper Eagle Creek Wellfield does
2 not exceed 22,000 acre feet per year of delivered
3 water at the Phelps Dodge Lower Eagle Creek
4 Pump Station below the Reservation. In calculating
5 the pumping rates allowed under this subparagraph,
6 transmission losses from Black River and the Upper
7 Eagle Creek Wellfield shall be estimated, but in no
8 event shall such transmission losses be more than 10
9 percent of the Black River or Upper Eagle Creek
10 Wellfield water. Based on this agreement, the Tribe
11 shall not, in any way, impede, restrict, or sue Phelps
12 Dodge regarding the passage of water from the
13 Phelps Dodge Upper Eagle Creek Wellfield, except
14 that—

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

20 “(B) the Tribe and the United States re-
21 serve the right to challenge Phelps Dodge’s
22 claims regarding the pumping of groundwater
23 from the Upper Eagle Creek Wellfield, in ac-
24 cordance with paragraphs (2)(E) and (3)(F)
25 above. In the event that a court determines that

1 Phelps Dodge does not have the right to pump
2 the Upper Eagle Creek Wellfield, the Tribe will
3 no longer be subject to the restriction set forth
4 in this subparagraph regarding the passage of
5 water from the Wellfield through the Reserva-
6 tion. Nothing in this subsection shall affect the
7 rights, if any, that Phelps Dodge might claim
8 regarding the flow of water in the channel of
9 Eagle Creek in the absence of this subsection.

10 “(5) PAST CLAIMS.—The Act does not address
11 claims relating to Phelps Dodge’s prior occupancy
12 and operation of the Black River facilities. The
13 Tribe agrees not to bring any such claims against
14 the United States. The Tribe also agrees that within
15 30 days after Phelps Dodge has vacated the Res-
16 ervation, it shall dismiss with prejudice the suit that
17 it has filed in Tribal Court against Phelps Dodge
18 (The San Carlos Apache Tribe v. Phelps Dodge, et
19 al., Case No. C-97-118), which such dismissal shall
20 not be considered a decision on the merits, and any
21 claims that it might assert against Phelps Dodge in
22 connection with Phelps Dodge’s prior occupancy and
23 operation of the Black River facilities shall be
24 brought exclusively in the United States district
25 court.

1 “(6) RELATIONSHIP TO SETTLEMENT.—

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

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

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

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

15 SEC. 504. Paragraph (5) of section 104(c) of the Ma-
16 rine Mammal Protection Act of 1972 (16 U.S.C.
17 1374(c)(5)) is amended as follows:

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

22 (2) By adding the following new subparagraph
23 at the end thereof:

24 “(D) The Secretary of the Interior shall, expe-
25 ditiously after the expiration of the applicable 30-

1 day period under subsection (d)(2), issue a permit
2 for the importation of polar bear parts (other than
3 internal organs) from polar bears taken in sport
4 hunts in Canada before the date of enactment of the
5 Marine Mammal Protection Act Amendments of
6 1994, to each applicant who submits, with the per-
7 mit application, proof that the polar bear was legally
8 harvested in Canada by the applicant. The Secretary
9 shall issue such permits without regard to the provi-
10 sions of subparagraphs (A) and (C)(ii) of this para-
11 graph, subsection (d)(3) of this section, and sections
12 101 and 102. This subparagraph shall not apply to
13 polar bear parts that were imported before the effec-
14 tive date of this subparagraph”.

15 RESCISSIONS, CHAPTER 5

16 DEPARTMENT OF ENERGY

17 CLEAN COAL TECHNOLOGY

18 (RESCISSION)

19 Of the funds made available under this heading for
20 obligation in fiscal year 1997 or prior years, \$17,000,000
21 are rescinded: *Provided*, That funds made available in pre-
22 vious appropriations Acts shall be available for any ongo-
23 ing project regardless of the separate request for proposal
24 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 6
6 SUBCOMMITTEE ON LABOR, HEALTH AND
7 HUMAN SERVICES, AND EDUCATION, AND
8 RELATED AGENCIES
9 DEPARTMENT OF HEALTH AND HUMAN
10 SERVICES

11 HEALTH RESOURCES AND SERVICES ADMINISTRATION
12 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

13 Public Law 104–208, under the heading “Health
14 Education Assistance Loans Program” is amended by in-
15 serting after “\$140,000,000” the following: “: *Provided*
16 *further*, That the Secretary may use up to \$499,000 de-
17 rived by transfer from insurance premiums collected from
18 guaranteed loans made under Title VII of the Public
19 Health Service Act for the purpose of carrying out section
20 709 of that Act”.

21 ADMINISTRATION FOR CHILDREN AND FAMILIES
22 CHILDREN AND FAMILIES SERVICES PROGRAMS

23 Public Law 104–208, under the heading titled “Chil-
24 dren and Families Services Programs” is amended by in-

1 setting after the reference to “part B(1) of title IV” the
2 following: “and Section 1110”.

3 OFFICE OF THE SECRETARY
4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND

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

10 DEPARTMENT OF EDUCATION
11 EDUCATION FOR THE DISADVANTAGED

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

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

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

11 RELATED AGENCY

12 NATIONAL COMMISSION ON THE COST OF HIGHER

13 EDUCATION

14 SALARIES AND EXPENSES

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

18 GENERAL PROVISIONS, CHAPTER 6

19 SEC. 601. Notwithstanding any other provision of
20 law, fiscal year 1995 funds awarded under State-adminis-
21 tered programs of the Department of Education and funds
22 awarded for fiscal year 1996 for State-administered pro-
23 grams under the Rehabilitation Act of the Department of
24 Education to recipients in Presidentially declared disaster
25 areas, which were declared as such during fiscal year

1 1997, are available to those recipients for obligation until
2 September 30, 1998: *Provided*, That for the purposes of
3 assisting those recipients, the Secretary's waiver authority
4 under section 14401 of the Elementary and Secondary
5 Education Act of 1965 shall be extended to all State-ad-
6 ministered programs of the Department of Education.
7 This special waiver authority applies only to funds award-
8 ed for fiscal years 1995, 1996 and 1997.

9 SEC. 602. Notwithstanding any other provision of
10 law, the Secretary of Education may waive or modify any
11 statutory or regulatory provision applicable to the student
12 financial aid programs under title IV of the Higher Edu-
13 cation Act that the Secretary deems necessary to assist
14 individuals and other program participants who suffered
15 financial harm from natural disasters and who, at the time
16 the disaster struck were operating, residing at, or attend-
17 ing an institution of higher education, or employed within
18 these areas on the date which the President declared the
19 existence of a major disaster (or, in the case of an individ-
20 ual who is a dependent student, whose parent or step-
21 parent suffered financial harm from such disaster, and
22 who resided, or was employed in such an area at that
23 time): *Provided further*, That such authority shall be in
24 effect only for awards for award years 1996–1997 and
25 1997–1998.

1 SEC. 603. None of the funds provided in this Act or
2 in any other Act making appropriations for fiscal year
3 1997 may be used to administer or implement in Denver,
4 Colorado, the Medicare Competitive Pricing/Open Enroll-
5 ment Demonstration, as titled in the April 1, 1997, Final
6 Request for Proposals (RFP).

7 EMERGENCY USE OF CHILD CARE FUNDS

8 SEC. 604. (a) IN GENERAL.—Notwithstanding any
9 other provision of law, during the period beginning on
10 April 30, 1997, and ending on July 30, 1997, the Gov-
11 ernors of the States described in paragraph (1) of sub-
12 section (b) may, subject to subsection (c), use amounts
13 received for the provision of child care assistance or serv-
14 ices under the Child Care and Development Block Grant
15 Act of 1990 (42 U.S.C. 9801 et seq.) to provide emergency
16 child care services to individuals described in paragraph
17 (2) of subsection (b).

18 (b) ELIGIBILITY.—

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

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

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

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

16 (c) LIMITATIONS.—

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

24 (2) AMOUNT OF FUNDS.—The total amount uti-
25 lized by each of the States under subsection (a) dur-

1 ing the period referred to in such subsection shall
2 not exceed the total amount of such assistance that,
3 notwithstanding the enactment of this section, would
4 otherwise have been expended by each such State in
5 the affected region during such period.

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

11 EXTENSION OF SSI REDETERMINATION PROVISIONS

12 SEC. 605. (a) Section 402(a)(2)(D)(i) of the Personal
13 Responsibility and Work Opportunity Reconciliation Act
14 of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

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

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

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

1 RESCISSION, CHAPTER 6
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 ADMINISTRATION FOR CHILDREN AND FAMILIES
5 JOB OPPORTUNITIES AND BASIC SKILLS
6 (RESCISSION)

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

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

1 ovation of the Conservatory to ensure public safety,
2 \$33,500,000, to remain available until expended.

3 GENERAL PROVISIONS, CHAPTER 7

4 SEC. 701. 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. 702. (a) Section 2 of Public Law 100–71 (2
12 U.S.C. 65f) is amended by adding at the end the following:
13 “(c) Upon the written request of the Secretary of the Sen-
14 ate, with the approval of the Committee on Appropriations
15 of the Senate, there shall be transferred any amount of
16 funds available under subsection (a) specified in the re-
17 quest, but not to exceed \$10,000 in any fiscal year, from
18 the appropriation account (within the contingent fund of
19 the Senate) for expenses of the Office of the Secretary
20 of the Senate to the appropriation account for the expense
21 allowance of the Secretary of the Senate. Any funds so
22 transferred shall be available in like manner and for the
23 same purposes as are other funds in the account to which
24 the funds are transferred.”.

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

4 SEC. 703. The Comptroller General may use available
5 funds, now and hereafter, to enter into contracts for the
6 acquisition of severable services for a period that begins
7 in one fiscal year and ends in the next fiscal year and
8 to enter in multiyear contracts for the acquisition of prop-
9 erty and nonaudit-related services, to the same extent as
10 executive agencies under the authority of sections 303L
11 and 304B, respectively, of the Federal Property and Ad-
12 ministrative Services Act (41 U.S.C. 253 and 254c).

13 CHAPTER 8

14 SUBCOMMITTEE ON THE DEPARTMENT OF
15 TRANSPORTATION AND RELATED AGENCIES

16 DEPARTMENT OF TRANSPORTATION

17 COAST GUARD

18 OPERATING EXPENSES

19 For an additional amount for “Operating Expenses”,
20 \$1,600,000, for necessary expenses directly related to sup-
21 port activities in the TWA Flight 800 crash investigation,
22 to remain available until expended.

23 RETIRED PAY

24 For an additional amount for “Retired Pay”,
25 \$9,200,000.

1 FEDERAL HIGHWAY ADMINISTRATION
2 FEDERAL-AID HIGHWAYS
3 EMERGENCY RELIEF PROGRAM
4 (HIGHWAY TRUST FUND)

5 For an additional amount for the Emergency Relief
6 Program for emergency expenses resulting from flooding
7 and other natural disasters, as authorized by 23 U.S.C.
8 125, \$650,000,000, to be derived from the Highway Trust
9 Fund and to remain available until expended: *Provided*,
10 That the entire amount is designated by the Congress as
11 an emergency requirement pursuant to section
12 251(b)(2)(D)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985, as amended: *Provided further*,
14 That 23 U.S.C. 125(b)(1) shall not apply to projects re-
15 sulting from the December 1996 and January 1997 flood-
16 ing in the western States.

17 FEDERAL-AID HIGHWAYS
18 (LIMITATION ON OBLIGATIONS)
19 (HIGHWAY TRUST FUND)

20 The limitation under this heading in Public Law
21 104–205 is increased by \$457,810,534: *Provided*, That
22 such additional authority shall remain available during fis-
23 cal year 1997: *Provided further*, That notwithstanding any
24 other provision of law, the authority provided herein above
25 shall be distributed to ensure that States receive an
26 amount they would have received had the Highway Trust

1 Fund fiscal year 1994 income statement not been under-
2 stated prior to the revision on December 24, 1996: *Pro-*
3 *vided further*, That notwithstanding any other provision of
4 law, remaining amounts herein above shall be distributed
5 to States in a manner as provided in section 310(a) of
6 Public Law 104–205 (by allocation in the ratio which
7 sums authorized to be appropriated for Federal-aid high-
8 ways for fiscal year 1997 that are appropriated or allo-
9 cated to each State for such fiscal year bear to the total
10 of the sums authorized to be appropriated for Federal-
11 aid highways that are apportioned or allocated to all
12 States for such fiscal year).

13 FEDERAL RAILROAD ADMINISTRATION

14 EMERGENCY RAILROAD REHABILITATION AND REPAIR

15 For necessary expenses to repair and rebuild freight
16 rail lines of regional and short line railroads or a State
17 entity damaged by floods, \$18,900,000, to be awarded
18 subject to the discretion of the Secretary on a case-by-
19 case basis: *Provided*, That up to \$900,000 shall be solely
20 for damaged incurred in West Virginia in September 1996
21 and that \$18,000,000 shall be solely for damage incurred
22 in the northern plains states in March and April 1997:
23 *Provided further*, That funds provided under this head
24 shall be available for rehabilitation of railroad rights-of-
25 way, bridges, and other facilities which are part of the

1 general railroad system of transportation, and primarily
2 used by railroads to move freight traffic: *Provided further*,
3 That railroad rights-of-way, bridges, and other facilities
4 owned by class I railroads are not eligible for funding
5 under this section unless the right-of-way, bridges or other
6 facilities are under contract lease to a class II or class
7 III railroad under which the lessee is responsible for all
8 maintenance costs of the line: *Provided further*, That rail-
9 road rights-of-way, bridges and other facilities owned by
10 passenger railroads, or by tourist, scenic, or historic rail-
11 roads are not eligible for funding under this section: *Pro-*
12 *vided further*, That the entire amount is designated by
13 Congress as an emergency requirement pursuant to sec-
14 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985, as amended: *Provided*
16 *further*, That all funds made available under this head are
17 to remain 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 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: *Pro-*
6 *vided further*, That notwithstanding any other provision of
7 law, not more than \$10,330,000 shall be provided by the
8 National Transportation Safety Board to the Department
9 of the Navy as reimbursement for costs incurred in con-
10 nection with recovery of wreckage from TWA Flight 800
11 and shall be credited to the appropriation contained in the
12 Omnibus Consolidated Appropriations Act, 1997, which is
13 available for the same purpose as the appropriation origi-
14 nally charged for the expense for which the reimburse-
15 ments are received, to be merged with, and to be available
16 for the same purpose as the appropriation to which such
17 reimbursements are credited: *Provided further*, That not-
18 withstanding any other provision of law, of the amount
19 provided to the National Transportation Safety Board, not
20 more than \$6,059,000 shall be made available to the State
21 of New York and local counties in New York, as reim-
22 bursement for costs incurred in connection with the crash
23 of TWA Flight 800: *Provided further*, That not notwith-
24 standing any other provision of law, of the amount pro-
25 vided, not more than \$3,100,000 shall be made available

1 to Metropolitan Dade County, Florida as reimbursement
2 for costs incurred in connection with the crash of ValuJet
3 Flight 592: *Provided further*, That notwithstanding any
4 other provision of law, of the amount provided, not more
5 than \$300,000 shall be made available to Monroe County,
6 Michigan as reimbursement for costs incurred in connec-
7 tion with the crash of Comair Flight 3272.

8 GENERAL PROVISIONS, CHAPTER 8

9 SEC. 801. Title I of the Department of Transpor-
10 tation and Related Agencies Appropriations Act, 1997
11 (Public Law 104–205) is amended under the heading
12 “Federal Transit Administration—Discretionary Grants”
13 by striking “\$661,000,000” and inserting “\$661,000”.

14 SEC. 802. Section 325 of title III of the Department
15 of Transportation and Related Agencies Appropriations
16 Act, 1997 (Public Law 104–205) is amended by deleting
17 all text following: “*Provided*, That such funds shall not
18 be subject to the obligation limitation for Federal-aid
19 highways and highway safety construction.”.

20 SEC. 803. Section 410(j) of title 23, United States
21 Code, is amended by striking the period after “1997” and
22 inserting “, and an additional \$500,000 for fiscal year
23 1997.”.

1 SEC. 804. Section 30308(a) of title 49, United States
2 Code, is amended by striking “and 1996” and inserting
3 “, 1996, and 1997”.

4 RESCISSIONS, CHAPTER 8

5 DEPARTMENT OF TRANSPORTATION

6 FEDERAL AVIATION ADMINISTRATION

7 GRANTS-IN-AID FOR AIRPORTS

8 (AIRPORT AND AIRWAY TRUST FUND)

9 (RESCISSION OF CONTRACT AUTHORIZATION)

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

12 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

13 HIGHWAY TRAFFIC SAFETY GRANTS

14 (HIGHWAY TRUST FUND)

15 (RESCISSION OF CONTRACT AUTHORIZATION)

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

18 FEDERAL TRANSIT ADMINISTRATION

19 TRUST FUND SHARE OF EXPENSES

20 (HIGHWAY TRUST FUND)

21 (RESCISSION OF CONTRACT AUTHORIZATION)

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

1 DISCRETIONARY GRANTS
2 (HIGHWAY TRUST FUND)
3 (RESCISSION OF CONTRACT AUTHORIZATION)

4 Of the available balances of contract authority under
5 this heading, for fixed guideway modernization and bus
6 activities under 49 U.S.C. 5309(m) (A) and (C),
7 \$588,000,000 are rescinded.

8 CHAPTER 9
9 SUBCOMMITTEE ON TREASURY AND GENERAL
10 GOVERNMENT
11 DEPARTMENT OF THE TREASURY

12 DEPARTMENTAL OFFICES
13 SALARIES AND EXPENSES

14 For an additional amount under the heading “De-
15 partmental Offices, Salaries and Expenses”, \$1,950,000:
16 *Provided*, That the Secretary of Treasury may utilize the
17 law enforcement services, personnel, equipment, and facili-
18 ties of the State of Colorado, the County of Denver, and
19 the City of Denver, with their consent, and shall reimburse
20 the State of Colorado, the County of Denver, and the City
21 of Denver for the utilization of such law enforcement serv-
22 ices, personnel (for salaries, overtime, and benefits),
23 equipment, and facilities for security arrangements for the
24 Denver Summit of Eight being held June 20 through June
25 22, 1997, in Denver, Colorado subject to verification of
26 appropriate costs.

1 UNITED STATES CUSTOMS SERVICE

2 SALARIES AND EXPENSES

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

7 UNITED STATES POSTAL SERVICE

8 PAYMENT TO THE POSTAL SERVICE FUND

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

13 GENERAL PROVISIONS, CHAPTER 9

14 SEC. 901. 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. 902. (a) The Bureau of Engraving and Printing
19 and the Department of the Treasury shall not award a
20 contract for Solicitation No. BEP–97–13(TN) or Solicita-
21 tion No. BEP–96–13(TN) until the General Accounting
22 Office (GAO) has completed a comprehensive analysis of
23 the optimum circumstances for government procurement
24 of distinctive currency paper. The GAO shall report its

1 findings to the House and Senate Committees on Appro-
2 priations no later than August 1, 1998.

3 (b) The contractual term of the distinctive currency
4 paper “bridge” contract shall not exceed 24 months, and
5 the contract shall not be effective until the Secretary of
6 the Department of the Treasury certifies that the price
7 under the terms of any “bridge” contract is fair and rea-
8 sonable and that the terms of any “bridge” contract are
9 customary and appropriate according to Federal procure-
10 ment regulations. In addition, the Secretary of the Treas-
11 ury shall report to the Committees on Appropriations on
12 the price and profit levels of any “bridge” contract at the
13 time of certification.

14 SEC. 903. (a) Chapter 63 of title 5, United States
15 Code, is amended by adding after subchapter V the follow-
16 ing:

17 “SUBCHAPTER VI—LEAVE TRANSFER IN
18 DISASTERS AND EMERGENCIES

19 “§ 6391. Authority for leave transfer program in dis-
20 asters and emergencies

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

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

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

1 “(b) In the event of a major disaster or emergency,
2 as declared by the President, that results in severe adverse
3 effects for a substantial number of employees, the Presi-
4 dent may direct the Office of Personnel Management to
5 establish an emergency leave transfer program under
6 which any employee in any agency may donate unused an-
7 nual leave for transfer to employees of the same or other
8 agencies who are adversely affected by such disaster or
9 emergency.

10 “(c) The Office shall establish appropriate require-
11 ments for the operation of the emergency leave transfer
12 program under subsection (b), including appropriate limi-
13 tations on the donation and use of annual leave under the
14 program. An employee may receive and use leave under
15 the program without regard to any requirement that any
16 annual leave and sick leave to a leave recipient’s credit
17 must be exhausted before any transferred annual leave
18 may be used.

19 “(d) A leave bank established under subchapter IV
20 may, to the extent provided in regulations prescribed by
21 the Office, donate annual leave to the emergency leave
22 transfer program established under subsection (b).

23 “(e) Except to the extent that the Office may pre-
24 scribe by regulation, nothing in section 7351 shall apply

1 to any solicitation, donation, or acceptance of leave under
2 this section.

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

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

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND
EMERGENCIES

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

8 SEC. 904. None of the funds appropriated or made
9 available in this Act or any other Act may be used by the
10 General Services Administration to implement Section
11 1555 of the Federal Acquisition Streamlining Act of 1994
12 (Public Law 103–355) prior to the date of adjournment
13 of the first session of the 105th Congress.

RESCISSION, CHAPTER 9

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

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

1 CHAPTER 10
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”, \$753,000,000, to remain available until ex-
9 pended.

10 ADMINISTRATIVE PROVISION

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

18 DEPARTMENT OF HOUSING AND URBAN
19 DEVELOPMENT
20 HOUSING PROGRAMS

21 ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

22 Notwithstanding any other provision of law, of the
23 \$1,000,000 appropriated for special purpose grants in
24 Public Law 102–139, for a parking garage in Ashland,
25 Kentucky, \$500,000 shall be made available instead for

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

4 PRESERVING EXISTING HOUSING INVESTMENT

5 For an additional amount for “Preserving existing
6 housing investment”, to be made available for use in con-
7 junction with properties that are eligible for assistance
8 under the Low-Income Housing Preservation and Resi-
9 dent Homeownership Act of 1990 or the Emergency Low
10 Income Housing Preservation Act of 1987, \$3,500,000,
11 to remain available until expended: *Provided*, That up to
12 such amount shall be for a project in Syracuse, New York,
13 the processing for which was suspended, deferred or inter-
14 rupted for a period of nine months or more because of
15 differing interpretations, by the Secretary of Housing and
16 Urban Development and an owner, concerning the timing
17 of the ability of an uninsured section 236 property to pre-
18 pay, or by the Secretary and a State rent regulatory agen-
19 cy concerning the effect of a presumptively applicable
20 State rent control law or regulation on the determination
21 of preservation value under section 213 of such Act, if the
22 owner of such project filed a notice of intent to extend
23 the low-income affordability restrictions of the housing on
24 or before August 23, 1993, and the Secretary approved
25 the plan of action on or before July 25, 1996.

1 CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT
2 AND AFFORDABLE HOUSING
3 (TRANSFER OF FUNDS)

4 For “Capacity building for community development
5 and affordable housing”, as authorized by section 4 of the
6 HUD Demonstration Act of 1993 (Public Law 103–120),
7 \$30,200,000, to remain available until expended, and to
8 be derived by transfer from the Homeownership and Op-
9 portunity for People Everywhere Grants account: *Pro-*
10 *vided*, That at least \$10,000,000 of the funding under this
11 head be used in rural areas, including tribal areas.

12 COMMUNITY PLANNING AND DEVELOPMENT

13 COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

14 For an additional amount for “Community develop-
15 ment block grants fund” as authorized under title I of the
16 Housing and Community Development Act of 1974,
17 \$500,000,000, of which \$250,000,000 shall become avail-
18 able for obligation on October 1, 1997, all of which shall
19 remain available until September 30, 2000, for use only
20 for buyouts, relocation, long-term recovery, and mitigation
21 in communities affected by the flooding in the upper Mid-
22 west and other disasters in fiscal year 1997 and such nat-
23 ural disasters designated 30 days prior to the start of fis-
24 cal year 1997, except those activities reimbursable or for
25 which funds are made available by the Federal Emergency
26 Management Agency, the Small Business Administration,

1 or the United States Army Corps of Engineers: *Provided*,
2 That in administering these amounts, the Secretary may
3 waive, or specify alternative requirements for, any provi-
4 sion of any statute or regulation that the Secretary admin-
5 isters in connection with the obligation by the Secretary
6 or the use by the recipient of these funds, except for statu-
7 tory requirements related to civil rights, fair housing and
8 nondiscrimination, the environment, and labor standards,
9 upon a finding that such waiver is required to facilitate
10 the use of such funds, and would not be inconsistent with
11 the overall purpose of the statute: *Provided further*, That
12 the Secretary of Housing and Urban Development shall
13 publish a notice in the Federal Register governing the use
14 of community development block grants funds in conjunc-
15 tion with any program administered by the Director of the
16 Federal Emergency Management Agency for buyouts for
17 structures in disaster areas: *Provided further*, That for any
18 funds under this head used for buyouts in conjunction
19 with any program administered by the Director of the
20 Federal Emergency Management Agency, each state or
21 unit of general local government requesting funds from the
22 Secretary of Housing and Urban Development for buyouts
23 shall submit a plan to the Secretary which must be ap-
24 proved by the Secretary as consistent with the require-
25 ments of this program: *Provided further*, That the Sec-

1 retary of Housing and Urban Development and the Direc-
2 tor of the Federal Emergency Management Agency shall
3 submit quarterly reports to the House and Senate Com-
4 mittees on Appropriations on all disbursements and uses
5 of funds for or associated with buyouts: *Provided further*,
6 That for purposes of disasters eligible under this head the
7 Secretary of Housing and Urban Development may waive,
8 on a case-by-case basis and upon such other terms as the
9 Secretary may specify, in whole or in part, the require-
10 ments that activities benefit persons of low- and moderate-
11 income pursuant to section 122 of the Housing and Com-
12 munity Development Act of 1974, and may waive, in whole
13 or in part, the requirements that housing qualify as af-
14 fordable housing pursuant to section 290 of the HOME
15 Investment Partnership Act: *Provided further*, That the
16 entire amount shall be available only to the extent an offi-
17 cial budget request, that includes designation of the entire
18 amount of the request as an emergency requirement as
19 defined by the Balanced Budget and Emergency Control
20 Act of 1985, as amended, is transmitted by the President
21 to the Congress: *Provided further*, That the entire amount
22 is designated by the Congress as an emergency require-
23 ment pursuant to section 251(b)(2)(D)(i) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985, as
25 amended.

1 MANAGEMENT AND ADMINISTRATION

2 SALARIES AND EXPENSES

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

10 INDEPENDENT AGENCIES

11 ENVIRONMENTAL PROTECTION AGENCY

12 BUILDINGS AND FACILITIES

13 From the amounts appropriated under this heading
14 in prior appropriation Acts for the Center for Ecology Re-
15 search and Training (CERT), the Environmental Protec-
16 tion Agency (EPA) shall, after the closing of the period
17 for filing CERT-related claims pursuant to the Uniform
18 Relocation Assistance and Real Property Acquisition Poli-
19 cies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the
20 maximum amount of funds necessary to settle all out-
21 standing CERT-related claims against the EPA pursuant
22 to such Act. To the extent that unobligated balances then
23 remain from such amounts previously appropriated, the
24 EPA is authorized beginning in fiscal year 1997 to make
25 grants to the City of Bay City, Michigan, for the purpose

1 of EPA-approved environmental remediation and rehabili-
2 tation of publicly owned real property included in the
3 boundaries of the CERT project.

4 STATE AND TRIBAL ASSISTANCE GRANTS

5 The funds appropriated in Public Law 104–204 to
6 the Environmental Protection Agency under this heading
7 for grants to States and federally recognized tribes for
8 multi-media or single media pollution prevention, control
9 and abatement and related activities, \$674,207,000, may
10 also be used for the direct implementation by the Federal
11 Government of a program required by law in the absence
12 of an acceptable State and tribal program.

13 FEDERAL EMERGENCY MANAGEMENT AGENCY

14 DISASTER RELIEF

15 For an additional amount for “Disaster relief”,
16 \$3,100,000,000, to remain available until expended: *Pro-*
17 *vided*, That \$2,100,000,000 shall become available for ob-
18 ligation on September 30, 1997, but shall not become
19 available until the Director of the Federal Emergency
20 Management Agency submits to the Congress a legislative
21 proposal to control disaster relief expenditures including
22 the elimination of funding for certain revenue producing
23 facilities: *Provided further*, That of the funds made avail-
24 able under this heading, up to \$20,000,000 may be trans-
25 ferred to the Disaster Assistance Direct Loan Program
26 for the cost of direct loans as authorized under section

1 417 of the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*
3 *further*, That such transfer may be made to subsidize gross
4 obligations for the principal amount of direct loans not
5 to exceed \$21,000,000 under section 417 of the Stafford
6 Act: *Provided further*, That any such transfer of funds
7 shall be made only upon certification by the Director of
8 the Federal Emergency Management Agency that all re-
9 quirements of section 417 of the Stafford Act will be com-
10 plied with: *Provided further*, That the entire amount ap-
11 propriated herein shall be available only to the extent that
12 an official budget request for a specific dollar amount,
13 that includes designation of the entire amount of the re-
14 quest as an emergency requirement as defined in the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985,
16 as amended, is transmitted by the President to Congress:
17 *Provided further*, That the entire amount appropriated
18 herein is designated by Congress as an emergency require-
19 ment pursuant to section 251(b)(2)(D)(i) of the Balanced
20 Budget and Emergency Deficit Control Act of 1985, as
21 amended.

22 GENERAL PROVISIONS, CHAPTER 10

23 SEC. 1001. The Secretary shall submit semi-annually
24 to the Committees on Appropriations a list of all contracts
25 and task orders issued under such contracts in excess of

1 \$250,000 which were entered into during the prior six-
2 month period by the Secretary, the Government National
3 Mortgage Association, and the Office of Federal Housing
4 Enterprise Oversight (or by any officer of the Department
5 of Housing and Urban Development, the Government Na-
6 tional Mortgage Association, or the Office of Federal
7 Housing Enterprise Oversight acting in his or her capacity
8 to represent the Secretary or these entities). Each listing
9 shall identify the parties to the contract, the term and
10 amount of the contract; and the subject matter and re-
11 sponsibilities of the parties to the contract.

12 SEC. 1002. Section 8(c)(9) of the United States
13 Housing Act of 1937 is amended by striking out “Not less
14 than one year prior to terminating any contract” and in-
15 serting in lieu thereof: “Not less than 180 days prior to
16 terminating any contract”.

17 SEC. 1003. The first sentence of section 542(c)(4)
18 of the Housing and Community Development Act of 1992
19 is amended by striking out “on not more than 12,000
20 units during fiscal year 1996” and inserting in lieu there-
21 of: “on not more than 12,000 units during fiscal year
22 1996 and not more than an additional 7,500 units during
23 fiscal year 1997”.

24 SEC. 1004. Section 4(a) and (b)(3) of the HUD Dem-
25 onstration Act of 1993 is amended by inserting after “Na-

1 tional Community Development Initiative”: “, Local Ini-
2 tiatives Support Corporation, The Enterprise Foundation,
3 Habitat for Humanity, and Youthbuild USA”.

4 SEC. 1005. Section 234(c) of the National Housing
5 Act is amended by inserting after “203(b)(2)” the follow-
6 ing: “or pursuant to section 203(h) under the conditions
7 described in section 203(h)”.

8 SEC. 1006. Section 211(b)(4)(B) of the Departments
9 of Veterans Affairs and Housing and Urban Development,
10 and Independent Agencies Appropriations Act, 1997
11 (Public Law 104–204) is amended by inserting the follow-
12 ing at the end thereof: “The term ‘owner’, as used in this
13 subparagraph, in addition to it having the same meaning
14 as in section 8(f) of the United States Housing Act of
15 1937, also means an affiliate of the owner. The term ‘affil-
16 iate of the owner’ means any person or entity (including,
17 but not limited to, a general partner or managing member,
18 or an officer of either) that controls an owner, is controlled
19 by an owner, or is under common control with the owner.
20 The term ‘control’ means the direct or indirect power
21 (under contract, equity ownership, the right to vote or de-
22 termine a vote, or otherwise) to direct the financial, legal,
23 beneficial, or other interests of the owner.”.

1 RESCISSIONS, CHAPTER 10
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 HOUSING PROGRAMS
5 ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING
6 (INCLUDING RESCISSION)

7 Of the amounts recaptured under this heading during
8 fiscal year 1997 and prior years, \$3,750,000,000 are re-
9 scinded: *Provided*, That the Secretary of Housing and
10 Urban Development shall recapture at least
11 \$5,800,000,000 in amounts heretofore maintained as sec-
12 tion 8 reserves made available to housing agencies for ten-
13 ant-based assistance under the section 8 existing housing
14 certificate and housing voucher programs: *Provided fur-*
15 *ther*, That all additional section 8 reserve funds of an
16 amount not less than \$2,050,000,000 and any recaptures
17 (other than funds already designated for other uses) speci-
18 fied in section 214 of Public Law 104–204 shall be pre-
19 served under the head “Section 8 Reserve Preservation
20 Account” for use in extending section 8 contracts expiring
21 in fiscal year 1998 and thereafter: *Provided further*, That
22 the Secretary may recapture less than \$5,800,000,000
23 and reserve less than \$2,050,000,000 where the Secretary
24 determines that insufficient section 8 funds are available
25 for current fiscal year contract obligations: *Provided fur-*
26 *ther*, That the Comptroller General of the United States

1 **SEC. 3002. 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 outweighs 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. 3003. 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. 3004. 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. 3005. 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. 3006. OTHER AUTHORITY NOT AFFECTED.**

8 No provision of this Act shall be construed as limiting
9 the authority of any department or agency under any
10 other provision of law.

11 TITLE IV—COST OF HIGHER EDUCATION

12 REVIEW

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

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

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

17 (1) According to a report issued by the General
18 Accounting Office, tuition at 4-year public colleges
19 and universities increased 234 percent from school
20 year 1980–1981 through school year 1994–1995,
21 while median household income rose 82 percent and
22 the cost of consumer goods as measured by the
23 Consumer Price Index rose 74 percent over the same
24 time period.

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

4 (3) Paying for a college education now ranks as
5 one of the most costly investments for American
6 families.

7 **SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION**
8 **ON THE COST OF HIGHER EDUCATION.**

9 There is established a Commission to be known as
10 the “National Commission on the Cost of Higher Edu-
11 cation” (hereafter in this title referred to as the “Commis-
12 sion”).

13 **SEC. 40003. MEMBERSHIP OF COMMISSION.**

14 (a) **APPOINTMENT.**—The Commission shall be com-
15 posed of 11 members as follows:

16 (1) Three individuals shall be appointed by the
17 Speaker of the House.

18 (2) Two individuals shall be appointed by the
19 minority leader of the House.

20 (3) Three individuals shall be appointed by the
21 majority leader of the Senate.

22 (4) Two individuals shall be appointed by the
23 minority leader of the Senate.

24 (5) One individual shall be appointed by the
25 Secretary of Education.

1 (b) ADDITIONAL QUALIFICATIONS.—Each of the in-
2 dividuals appointed under subsection (a) shall be an indi-
3 vidual with expertise and experience in higher education
4 finance (including the financing of State institutions of
5 higher education), Federal financial aid programs, edu-
6 cation economics research, public or private higher edu-
7 cation administration, or business executives who have
8 managed successful cost reduction programs.

9 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The
10 members of the Commission shall elect a Chairman and
11 a Vice Chairperson. In the absence of the Chairperson,
12 the Vice Chairperson will assume the duties of the Chair-
13 person.

14 (d) QUORUM.—A majority of the members of the
15 Commission shall constitute a quorum for the transaction
16 of business.

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

23 (1) the chairman of the Committee on Edu-
24 cation and the Workforce may act under such sub-

1 section for the Speaker of the House of Representa-
2 tives;

3 (2) the ranking minority member of the Com-
4 mittee on Education and the Workforce may act
5 under such subsection for the minority leader of the
6 House of Representatives;

7 (3) the chairman of the Committee on Labor
8 and Human Resources may act under such sub-
9 section for the majority leader of the Senate; and

10 (4) the ranking minority member of the Com-
11 mittee on Labor and Human Resources may act
12 under such subsection for the minority leader of the
13 Senate.

14 (f) VOTING.—Each member of the Commission shall
15 be entitled to one vote, which shall be equal to the vote
16 of every other member of the Commission.

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

20 (h) PROHIBITION OF ADDITIONAL PAY.—Members of
21 the Commission shall receive no additional pay, allow-
22 ances, or benefits by reason of their service on the Com-
23 mission. Members appointed from among private citizens
24 of the United States may be allowed travel expenses, in-
25 cluding per diem, in lieu of subsistence, as authorized by

1 law for persons serving intermittently in the government
2 service to the extent funds are available for such expenses.

3 (i) INITIAL MEETING.—The initial meeting of the
4 Commission shall occur within 40 days after the date of
5 enactment of this Act.

6 **SEC. 40004. FUNCTIONS OF COMMISSION.**

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

10 (1) The increase in tuition compared with other
11 commodities and services.

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

14 (3) Trends in college and university administra-
15 tive costs, including administrative staffing, ratio of
16 administrative staff to instructors, ratio of adminis-
17 trative staff to students, remuneration of adminis-
18 trative staff, and remuneration of college and univer-
19 sity presidents or chancellors.

20 (4) Trends in (A) faculty workload and remu-
21 neration (including the use of adjunct faculty), (B)
22 faculty-to-student ratios, (C) number of hours spent
23 in the classroom by faculty, and (D) tenure prac-
24 tices, and the impact of such trends on tuition.

1 (5) Trends in (A) the construction and renova-
2 tion of academic and other collegiate facilities, and
3 (B) the modernization of facilities to access and uti-
4 lize new technologies, and the impact of such trends
5 on tuition.

6 (6) The extent to which increases in institu-
7 tional financial aid and tuition discounting have af-
8 fected tuition increases, including the demographics
9 of students receiving such aid, the extent to which
10 such aid is provided to students with limited need in
11 order to attract such students to particular institu-
12 tions or major fields of study, and the extent to
13 which Federal financial aid, including loan aid, has
14 been used to offset such increases.

15 (7) The extent to which Federal, State, and
16 local laws, regulations, or other mandates contribute
17 to increasing tuition, and recommendations on re-
18 ducing those mandates.

19 (8) The establishment of a mechanism for a
20 more timely and widespread distribution of data on
21 tuition trends and other costs of operating colleges
22 and universities.

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

1 (10) Trends in State fiscal policies that have
2 affected college costs.

3 (11) The adequacy of existing Federal and
4 State financial aid programs in meeting the costs of
5 attending colleges and universities.

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

8 (b) FINAL REPORT.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Commission shall submit to the President and to
11 the Congress, not later than 120 days after the date
12 of the first meeting of the Commission, a report
13 which shall contain a detailed statement of the find-
14 ings and conclusions of the Commission, including
15 the Commission's recommendations for administra-
16 tive and legislative action that the Commission con-
17 siders advisable.

18 (2) MAJORITY VOTE REQUIRED FOR REC-
19 OMMENDATIONS.—Any recommendation described in
20 paragraph (1) shall be made by the Commission to
21 the President and to the Congress only if such rec-
22 ommendation is adopted by a majority vote of the
23 members of the Commission who are present and
24 voting.

1 (3) EVALUATION OF DIFFERENT CIR-
2 CUMSTANCES.—In making any findings under sub-
3 section (a) of this section, the Commission shall take
4 into account differences between public and private
5 colleges and universities, the length of the academic
6 program, the size of the institution’s student popu-
7 lation, and the availability of the institution’s re-
8 sources, including the size of the institution’s endow-
9 ment.

10 **SEC. 40005. POWERS OF COMMISSION.**

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

15 (b) RULES AND REGULATIONS.—The Commission
16 may adopt such rules and regulations as may be necessary
17 to establish the Commission’s procedures and to govern
18 the manner of the Commission’s operations, organization,
19 and personnel.

20 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (1) INFORMATION.—The Commission may re-
22 quest from the head of any Federal agency or in-
23 strumentality such information as the Commission
24 may require for the purpose of this title. Each such
25 agency or instrumentality shall, to the extent per-

1 mitted by law and subject to the exceptions set forth
2 in section 552 of title 5, United States Code (com-
3 monly referred to as the Freedom of Information
4 Act), furnish such information to the Commission,
5 upon request made by the Chairperson of the Com-
6 mission.

7 (2) FACILITIES AND SERVICES, PERSONNEL DE-
8 TAIL AUTHORIZED.—Upon request of the Chair-
9 person of the Commission, the head of any Federal
10 agency or instrumentality shall, to the extent pos-
11 sible and subject to the discretion of such head—

12 (A) make any of the facilities and services
13 of such agency or instrumentality available to
14 the Commission; and

15 (B) detail any of the personnel of such
16 agency or instrumentality to the Commission,
17 on a nonreimbursable basis, to assist the Com-
18 mission in carrying out the Commission’s duties
19 under this title.

20 (d) MAILS.—The Commission may use the United
21 States mails in the same manner and under the same con-
22 ditions as other Federal agencies.

23 (e) CONTRACTING.—The Commission, to such extent
24 and in such amounts as are provided in appropriation
25 Acts, may enter into contracts with State agencies, private

1 firms, institutions, and individuals for the purpose of con-
2 ducting research or surveys necessary to enable the Com-
3 mission to discharge the Commission's duties under this
4 title.

5 (f) STAFF.—Subject to such rules and regulations as
6 may be adopted by the Commission, and to such extent
7 and in such amounts as are provided in appropriation
8 Acts, the Chairperson of the Commission shall have the
9 power to appoint, terminate, and fix the compensation
10 (without regard to the provisions of title 5, United States
11 Code, governing appointments in the competitive service,
12 and without regard to the provisions of chapter 51 and
13 subchapter III of chapter 53 of such title, or of any other
14 provision, or of any other provision of law, relating to the
15 number, classification, and General Schedule rates) of an
16 Executive Director, and of such additional staff as the
17 Chairperson deems advisable to assist the Commission, at
18 rates not to exceed a rate equal to the maximum rate for
19 level IV of the Executive Schedule under section 5332 of
20 such title.

21 **SEC. 40006. FUNDING OF COMMISSION.**

22 There is authorized to be appropriated for fiscal year
23 1997 for carrying out this title, \$650,000, to remain avail-
24 able until expended, or until one year after the termination

1 of the Commission pursuant to section 40007, whichever
2 occurs first.

3 **SEC. 40007. TERMINATION OF COMMISSION.**

4 The Commission shall cease to exist on the date that
5 is 60 days after the date on which the Commission is re-
6 quired to submit its final report in accordance with section
7 40004(b).

8 TITLE V—TECHNICAL AMENDMENTS WITH
9 RESPECT TO EDUCATION

10 **SEC. 50001. TECHNICAL AMENDMENTS RELATING TO DIS-**
11 **CLOSURES REQUIRED WITH RESPECT TO**
12 **GRADUATION RATES.**

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

15 (1) in subsection (a)(3)(B), by striking “June
16 30” and inserting “August 31”; and

17 (2) in subsection (e)(9), by striking “August
18 30” and inserting “August 31”.

19 (b) EFFECTIVE DATES.—

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

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

1 **SEC. 50002. DATE EXTENSION.**

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

6 **SEC. 50003. TIMELY FILING OF NOTICE.**

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

18 **SEC. 50004. HOLD HARMLESS PAYMENTS.**

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

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

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

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

1 “(C) for fiscal year 1997 and each suc-
2 ceeding fiscal year through fiscal year 2000
3 shall not be less than 85 percent of the amount
4 such agency received for fiscal year 1996 under
5 subsection (b).”.

6 **SEC. 50005. DATA.**

7 (a) IN GENERAL.—Section 8003(f)(4) of the Elemen-
8 tary and Secondary Education Act of 1965 (20 U.S.C.
9 7703(f)(4)) is amended—

10 (1) in subparagraph (A)—

11 (A) by inserting “expenditure,” after “rev-
12 enue,”; and

13 (B) by striking the semicolon and inserting
14 a period;

15 (2) by striking “the Secretary” and all that fol-
16 lows through “shall use” and inserting “the Sec-
17 retary shall use”; and

18 (3) by striking subparagraph (B).

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall apply with respect to fiscal years after
21 fiscal year 1997.

22 **SEC. 50006. PAYMENTS RELATING TO FEDERAL PROPERTY.**

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

1 “(i) PRIORITY PAYMENTS.—

2 “(1) IN GENERAL.—Notwithstanding subsection
3 (b)(1)(B), and for any fiscal year beginning with fis-
4 cal year 1997 for which the amount appropriated to
5 carry out this section exceeds the amount so appro-
6 priated for fiscal year 1996—

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

18 “(B) the Secretary shall use the remainder
19 of the excess amount to increase the payments
20 to each eligible local educational agency under
21 this section.

22 “(2) LOCAL EDUCATIONAL AGENCY DE-
23 SCRIBED.—A local educational agency described in
24 this paragraph is a local educational agency that—

1 “(A) received a payment under this section
2 for fiscal year 1996;

3 “(B) serves a school district that contains
4 all or a portion of a United States military
5 academy;

6 “(C) serves a school district in which the
7 local tax assessor has certified that at least 60
8 percent of the real property is federally owned;
9 and

10 “(D) demonstrates to the satisfaction of
11 the Secretary that such agency’s per-pupil reve-
12 nue derived from local sources for current ex-
13 penditures is not less than that revenue for the
14 preceding fiscal year.”.

15 **SEC. 50007. TIMELY FILING UNDER SECTION 8003.**

16 The Secretary of Education shall treat as timely filed,
17 and shall process for payment, an amendment to an appli-
18 cation for a fiscal year 1997 payment from a local edu-
19 cational agency under section 8003 of the Elementary and
20 Secondary Education Act of 1965 if—

21 (1) that agency is described in subsection (a)(3)
22 of that section, as amended by section 376 of the
23 National Defense Authorization Act for Fiscal Year
24 1997 (Public Law 104–201);

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

3 (3) the Secretary received the amendment to
4 the agency's application prior to the enactment of
5 this Act.

6 TITLE VI—GENERAL PROVISIONS—THIS ACT

7 SEC. 60001. No part of any appropriation contained
8 in this Act shall remain available for obligation beyond
9 the current fiscal year unless expressly so provided herein.

10 BUY-AMERICAN REQUIREMENTS

11 SEC. 60002. (a) COMPLIANCE WITH BUY AMERICAN
12 ACT.—None of the funds made available in this Act may
13 be expended by an entity unless the entity agrees that in
14 expending the funds the entity will comply with the Buy
15 American Act (41 U.S.C. 10a–10c).

16 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
17 ING NOTICE.—

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

1 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

2 In providing financial assistance using funds made
3 available in this Act, the head of each Federal
4 agency shall provide to each recipient of the assist-
5 ance a notice describing the statement made in para-
6 graph (1) by the Congress.

7 (c) PROHIBITION OF CONTRACTS WITH PERSONS
8 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

9 If it has been finally determined by a court or Federal
10 agency that any person intentionally affixed a label bear-
11 ing a “Made in America” inscription, or any inscription
12 with the same meaning, to any product sold in or shipped
13 to the United States that is not made in the United
14 States, the person shall be ineligible to receive any con-
15 tract or subcontract made with funds made available in
16 this Act, pursuant to the debarment, suspension, and ineli-
17 gibility procedures described in sections 9.400 through
18 9.409 of title 48, Code of Federal Regulations.

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

○