

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS  
FOR RECOVERY FROM NATURAL DISASTERS, AND FOR  
OVERSEAS PEACEKEEPING EFFORTS

—————  
JUNE 4, 1997.—Ordered to be printed  
—————

Mr. LIVINGSTON, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 1469]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1469) “making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes,” having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:*

**TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS  
FOR THE DEPARTMENT OF DEFENSE**

**CHAPTER 1**

**DEPARTMENT OF DEFENSE—MILITARY**

**MILITARY PERSONNEL**

**MILITARY PERSONNEL, ARMY**

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

**MILITARY PERSONNEL, NAVY**

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

**MILITARY PERSONNEL, MARINE CORPS**

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

**MILITARY PERSONNEL, AIR FORCE**

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

**OPERATION AND MAINTENANCE**

**OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND**

**(INCLUDING TRANSFER OF FUNDS)**

*For an additional amount for “Overseas Contingency Operations Transfer Fund”, \$1,430,100,000: Provided, That the Secretary of Defense may transfer these funds only to Department of Defense operation and maintenance accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Bal-*

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

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

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

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", \$72,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 1

(TRANSFER OF FUNDS)

SEC. 101. The Secretary of the Navy shall transfer up to \$23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

"Military Personnel, Marine Corps", \$4,000,000;

"Operation and Maintenance, Marine Corps", \$11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", \$4,000,000; and

"Procurement, Marine Corps, 1996/1998", \$4,000,000.

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

SEC. 103. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208), under the heading "Operation and Maintenance, Defense-Wide", \$10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

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

SEC. 105. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a) Not later than 60 days

after enactment of this Act, the President shall submit to Congress the report described in subsection (b).

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

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

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

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

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

*SEC. 106.* For an additional amount for “Family Housing, Navy and Marine Corps” to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, \$6,480,000, as authorized by 10 U.S.C. 2854.

## CHAPTER 2

### RESCISSIONS

#### DEPARTMENT OF DEFENSE—MILITARY

##### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

###### (RESCISSION)

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

##### MILITARY PERSONNEL, NAVY

###### (RESCISSION)

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

*MILITARY PERSONNEL, MARINE CORPS*

*(RESCISSION)*

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

*MILITARY PERSONNEL, AIR FORCE*

*(RESCISSION)*

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

*OPERATION AND MAINTENANCE*

*OPERATION AND MAINTENANCE, ARMY*

*(RESCISSION)*

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

*OPERATION AND MAINTENANCE, NAVY*

*(RESCISSION)*

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

*OPERATION AND MAINTENANCE, MARINE CORPS*

*(RESCISSION)*

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

*OPERATION AND MAINTENANCE, AIR FORCE*

*(RESCISSION)*

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

*OPERATION AND MAINTENANCE, DEFENSE-WIDE*

*(RESCISSION)*

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

*ENVIRONMENTAL RESTORATION, ARMY*

*(RESCISSION)*

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

*ENVIRONMENTAL RESTORATION, NAVY*

*(RESCISSION)*

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

*ENVIRONMENTAL RESTORATION, AIR FORCE*

*(RESCISSION)*

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

*ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

*(RESCISSION)*

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

*ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES*

*(RESCISSION)*

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

*FORMER SOVIET UNION THREAT REDUCTION*

*(RESCISSION)*

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

*PROCUREMENT*

*AIRCRAFT PROCUREMENT, ARMY*

*(RESCISSIONS)*

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

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

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

*MISSILE PROCUREMENT, ARMY*

*(RESCISSIONS)*

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

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

*PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES,  
ARMY*

*(RESCISSIONS)*

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

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

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

*PROCUREMENT OF AMMUNITION, ARMY*

*(RESCISSIONS)*

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

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

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

*OTHER PROCUREMENT, ARMY*

*(RESCISSIONS)*

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

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

*AIRCRAFT PROCUREMENT, NAVY*

*(RESCISSIONS)*

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

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

*WEAPONS PROCUREMENT, NAVY*

*(RESCISSIONS)*

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

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

*PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS*

*(RESCISSION)*

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

*SHIPBUILDING AND CONVERSION, NAVY*

*(RESCISSIONS)*

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

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

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

*OTHER PROCUREMENT, NAVY*

*(RESCISSIONS)*

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

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

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

*PROCUREMENT, MARINE CORPS*

*(RESCISSION)*

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

*AIRCRAFT PROCUREMENT, AIR FORCE*

*(RESCISSIONS)*

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

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

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

*MISSILE PROCUREMENT, AIR FORCE*

*(RESCISSIONS)*

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

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

*PROCUREMENT OF AMMUNITION, AIR FORCE*

*(RESCISSION)*

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

*OTHER PROCUREMENT, AIR FORCE*

*(RESCISSIONS)*

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

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

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

*PROCUREMENT, DEFENSE-WIDE*

*(RESCISSIONS)*

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

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

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

*NATIONAL GUARD AND RESERVE EQUIPMENT*

*(RESCISSIONS)*

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

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

*RESEARCH, DEVELOPMENT, TEST AND EVALUATION*

*RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

*(RESCISSIONS)*

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

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

*RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

*(RESCISSIONS)*

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

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

*RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE*

*(RESCISSIONS)*

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

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

*RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE*  
(RESCISSIONS)

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

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

*DEVELOPMENTAL TEST AND EVALUATION, DEFENSE*  
(RESCISSION)

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

*OPERATIONAL TEST AND EVALUATION, DEFENSE*  
(RESCISSION)

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

*REVOLVING AND MANAGEMENT FUNDS*

*NATIONAL DEFENSE SEALIFT FUND*  
(RESCISSION)

*Of the funds made available under this heading in Public Law 104-208, \$25,200,000 are rescinded.*

*OTHER DEPARTMENT OF DEFENSE PROGRAMS*

*DEFENSE HEALTH PROGRAM*  
(RESCISSION)

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

*CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE*  
(RESCISSIONS)

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

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

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

*DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE*  
(RESCISSION)

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

## GENERAL PROVISIONS, CHAPTER 2

## (RESCISSIONS)

*SEC. 201. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104-32), amounts are hereby rescinded from the following accounts in the specified amounts:*

*“Military Construction, Air National Guard”, \$5,000,000;*  
*“Military Construction, Defense-wide”, \$41,000,000;*  
*“Base Realignment and Closure Account, Part II”, \$35,391,000;*  
*“Base Realignment and Closure Account, Part III”, \$75,638,000; and*  
*“Base Realignment and Closure Account, Part IV”, \$22,971,000:*

*Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104-196), amounts are hereby rescinded from the following accounts in the specified amounts:*

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

## (RESCISSION)

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

## CHAPTER 3

## GENERAL PROVISIONS—THIS TITLE

*SEC. 301. The Department of Defense is directed to report to the congressional defense committees 30 days prior to transferring management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services: Provided, That the Joint Requirements Oversight Council is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Military Services with respect to development and deployment of the elements of the National Missile Defense Program: Provided further, That the analysis and recommendations shall be submitted to the congressional defense committees within 60 days of enactment of this Act: Provided further, That for 60 days following enactment of this Act, the Department of Defense shall take no actions to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of the Joint Requirements Oversight Council analysis.*

*SEC. 302. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.*

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

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

*(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.*

*(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.*

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

*(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.*

*(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).*

*(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not obligate or expend funds for the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.*

*SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appropriated in Public Law 101-511, Public Law 102-396, and Public Law 103-139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK-50 torpedo program may continue to be obligated and expended to settle those claims.*

*SEC. 305. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.*

*SEC. 306. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of \$61,300,000 during fiscal year 1996, pursuant to the "Memorandum of Agreement be-*

tween the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission,” signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

SEC. 307. For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term “State” means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.

## TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### FARM SERVICE AGENCY

##### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the “Agricultural Credit Insurance Fund Program Account” for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, \$23,000,000, to remain available until expended, of which \$18,000,000 shall be available for emergency insured loans and \$5,000,000 shall be available for subsidized guaranteed operating loans: Provided, That the entire amount shall be available only to the extent that an official budget request for \$23,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

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

##### EMERGENCY CONSERVATION PROGRAM

For an additional amount for “Emergency Conservation Program” for expenses, including carcass removal, resulting from flooding and other natural disasters, \$70,000,000, to remain available until expended: Provided, That the entire amount shall be available

*only to the extent that an official budget request for \$70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.*

*TREE ASSISTANCE PROGRAM*

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

*COMMODITY CREDIT CORPORATION FUND*

*DISASTER RESERVE ASSISTANCE PROGRAM*

*Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to \$50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.*

*NATURAL RESOURCES CONSERVATION SERVICE*

*WATERSHED AND FLOOD PREVENTION OPERATIONS*

*For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other*

*natural disasters, including those in prior years, \$166,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$166,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed \$15,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such agricultural land inundated by floods: Provided further, That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.*

#### *RURAL HOUSING SERVICE*

##### *RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT*

##### *RURAL HOUSING ASSISTANCE PROGRAM*

*Any unobligated balances remaining in the "Rural Housing Insurance Fund program Account" from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, Section 515 loans, and domestic farm labor grants to meet emergency needs resulting from natural disasters: Provided, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: Provided further, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That notwithstanding section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service: Provided further, That funds made available in Public Law 104-180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.*

#### *RURAL UTILITIES SERVICE*

##### *RURAL UTILITIES ASSISTANCE PROGRAM*

*For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, \$4,000,000, to remain*

available until September 30, 1998: Provided, That the entire amount shall be available only to the extent that an official budget request for \$4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### FOOD AND CONSUMER SERVICE

##### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)” as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), \$76,000,000, to remain available through September 30, 1998: Provided, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

#### GENERAL PROVISION, CHAPTER 1

##### SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) *IN GENERAL.*—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

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

(c) *REPORT.*—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) *TERMINATION OF EFFECTIVENESS.*—The authority provided by subsection (a) terminates effective April 5, 1999.

## CHAPTER 2

## DEPARTMENT OF COMMERCE

## ECONOMIC DEVELOPMENT ADMINISTRATION

## ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

*For an additional amount for “Economic Development Assistance Programs” for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, \$52,200,000, to remain available until expended, of which not to exceed \$2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for “Salaries and Expenses”: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

## INDUSTRIAL TECHNOLOGY SERVICES

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

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## OPERATIONS, RESEARCH, AND FACILITIES

*Within amounts available for “Operations, Research, and Facilities” for Satellite Observing Systems, not to exceed \$7,000,000 is available until expended to provide disaster assistance related to recent flooding and red tide pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, and not to exceed \$2,000,000 is available until expended to implement the Magnuson-Stevens Fishery Conservation and Management Act: Provided, That the entire amount shall be available only to the extent that an official budget request for \$9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.*

## CONSTRUCTION

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

## RELATED AGENCY

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW  
ENFORCEMENT

*For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, \$2,000,000, to remain available until expended.*

## GENERAL PROVISIONS, CHAPTER 2

*SEC. 2001. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, \$3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.*

*SEC. 2002. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".*

*SEC. 2003. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:*

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

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

*"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;*

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

*"(4) such taking is reported to the Secretary within 48 hours."*

*SEC. 2004. Notwithstanding any other provision of law, the Secretary of Commerce shall have the authority to reprogram or transfer up to \$41,000,000 of the amounts provided under "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" for Satellite Observing Systems in Public Law 104-208 for other programmatic and operational requirements of the National Oceanic and Atmospheric Administration and the Department of Commerce subject to notification of the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 and which shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.*

CHAPTER 3  
DEPARTMENT OF DEFENSE—CIVIL  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

*For an additional amount for “Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee” for emergency expenses due to flooding and other natural disasters, \$20,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

OPERATION AND MAINTENANCE, GENERAL

*For an additional amount for “Operation and Maintenance, General” for emergency expenses due to flooding and other natural disasters, \$150,000,000, to remain available until expended: Provided, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99-662, shall be derived from that fund: Provided further, That of the total amount appropriated, \$5,000,000 shall be available solely for the Secretary of the Army, acting through the Chief of Engineers, to pay the costs of the Corps of Engineers and other Federal agencies associated with the development of necessary studies, an interagency management plan, environmental documentation, continued monitoring, and other activities related to allocations of water in the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins: Provided further, That no portion of such \$5,000,000 may be used by the Corps of Engineers to revise its master operational manuals or water control plans for operation of the reservoirs for the two river basins until (1) the interstate compacts for the two river basins are ratified by the Congress by law; and (2) the water allocation formulas for the two river basins have been agreed to by the States of Alabama, Georgia, and Florida and the Federal representative to the compacts: Provided further, That the preceding proviso shall not apply to the use of such funds for any environmental reviews necessary for the Federal representative to approve the water allocation formulas for the two river basins: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

FLOOD CONTROL AND COASTAL EMERGENCIES

*For an additional amount for “Flood Control and Coastal Emergencies” due to flooding and other natural disasters,*

*\$415,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That with \$5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and the associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided further, That of the funds appropriated under this paragraph, \$5,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.*

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF RECLAMATION

##### OPERATION AND MAINTENANCE

*For an additional amount for "Operation and Maintenance", \$7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

#### GENERAL PROVISIONS, CHAPTER 3

*SEC. 3001. (a) Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91-575), and the Delaware River Basin Compact (Public Law 87-328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.*

*(b) Section 2, Reservations, Paragraph (u) of Public Law 91-575 (84 Stat. 1509) and Section 15.1, Reservations, Paragraph (d) of Public Law 87-328 (75 Stat. 688, 691) are hereby repealed.*

*(c) Section 2.2 of Public Law 87-328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting the words "at the pleasure of the President".*

*SEC. 3002. Notwithstanding section 5 of the Reclamation Safety of Dams Act of 1978, Public Law 95-578, as amended, the Secretary of the Interior is authorized to obligate up to \$1,200,000 for carrying out actual construction for safety of dam purposes to modify the Willow Creek Dam, Sun River Project, Montana.*

*SEC. 3003. (a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or*

conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

#### CHAPTER 4

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

##### ASSISTANCE TO UKRAINE

SEC. 4001. The President may waive the minimum funding requirements contained in subsection (k) under the heading “Assistance for the New Independent States of the Former Soviet Union” contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104-208, for activities for the government of Ukraine funded in that subsection, if he determines and so reports to the Committees on Appropriations that the government of Ukraine:

- (1) has not made progress toward implementation of comprehensive economic reform;
- (2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or
- (3) is not taking steps to cease the illegal dumping of steel plate.

#### CHAPTER 5

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction” to repair damage caused by floods and other natural disasters, \$4,796,000, to remain available until expended, of which \$4,403,000 is to be derived by transfer from unobligated balances of funds under the heading, “Oregon and California Grant Lands”, made available as supplemental

*appropriations in Public Law 104-134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

OREGON AND CALIFORNIA GRANT LANDS

*For an additional amount for "Oregon and California Grant Lands" to repair damage caused by floods and other natural disasters, \$2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104-134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

*For an additional amount for "Resource Management", \$5,300,000, to remain available until expended, for technical assistance and fish replacement made necessary by floods and other natural disasters, for restoration of public lands damaged by fire, and for payments to private landowners for the voluntary use of private land to store water in restored wetlands: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CONSTRUCTION

*For an additional amount for "Construction", \$88,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

LAND ACQUISITION

*For an additional amount for "Land Acquisition", \$10,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

NATIONAL PARK SERVICE

CONSTRUCTION

*For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, \$187,321,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency re-*

quirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of this amount, \$30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: Provided further, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: Provided further, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: Provided further, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: Provided further, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

For an additional amount for "Construction", \$10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS

*For an additional amount for "Operation of Indian Programs", \$14,317,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CONSTRUCTION

*For an additional amount for "Construction", \$6,249,000, to remain available until expended, to repair damages caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104-208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.*

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

*For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, \$39,677,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

RECONSTRUCTION AND CONSTRUCTION

*For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, \$27,685,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## INDIAN HEALTH SERVICE

## INDIAN HEALTH SERVICES

*For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, \$1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## INDIAN HEALTH FACILITIES

*For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, \$2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## GENERAL PROVISIONS, CHAPTER 5

*SEC. 5001. Section 101(c) of Public Law 104-134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".*

*SEC. 5002. Section 101(d) of Public Law 104-208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: " : Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended" .*

*SEC. 5003. (a) EXTENSION AND EFFECTIVE DATE.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999" .*

*(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:*

*"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary,*

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

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

(d) *PARTIES TO AGREEMENT*.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: “The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.”.

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

“(12) ‘Morenci mine complex’ means the lands owned or leased by Phelps Dodge Corporation, now or in the future, delineated in a map as ‘Phelps Dodge Mining, Mineral Processing, and Auxiliary Facilities Water Use Area’, which map is dated March 19, 1996, and is on file with the Secretary of the Interior.

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

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

“(d) *BLACK RIVER FACILITIES*.—(1) *IN GENERAL*.—The provisions and agreements set forth or referred to in paragraphs (2), (3), and (4) below shall be enforceable against the United States in United States district court, and the immunity of the United States for such purposes and for no other purpose is hereby waived. The provisions and agreements set forth or referred to in paragraphs (2)(A), (3), and (4) below shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe for such purposes and for no other purpose, is hereby waived. The specific agreements made by the Tribe and set forth in paragraph (5) shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe is hereby waived as to such specific agreements and for no other purpose.

“(2) *INTERIM PERIOD*.—

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

“(B) The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C),

*below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the diversion and use of up to 7,300 acre feet per year by the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of \$20,000 per month, with an annual CPI adjustment from July 23, 1997, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge and the Tribe shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.*

*“(C) Notwithstanding any other provision of law, the contract referred to in subparagraph (B) between the United States and Phelps Dodge which provides for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location, is ratified and confirmed.*

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

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

*“(3) FINAL ARRANGEMENTS AND TERMS.—The interim period described in paragraph (2) shall extend until all conditions set forth in paragraph (3)(B) have been satisfied. At such time, the following final arrangements shall apply, based on the terms set forth below. Such terms shall bind the Tribe, the United States, and Phelps Dodge, and shall be enforceable pursuant to subsection (d)(1) of this Act.*

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

*“(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the in-*

*terim period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of 2 conditions—*

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

*“(ii) execution of the contract described in paragraph (3)(E), which contract shall be executed on or before December 31, 1998. In the event that the contract is not executed by December 31, 1998, the transfer described in this subsection shall occur on December 31, 1998 (so long as condition (i) of this subparagraph has been satisfied), based on application of the contract terms described in paragraph (3)(E), which terms shall be enforceable under this Act. Upon the approval of the Secretary, the Tribe may contract with third parties to operate the Black River facilities.*

*“(C) Power lines currently operated by Phelps Dodge on the Tribe’s Reservation, and the right-of-way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Prior to the surrender of the power lines, the Bureau of Reclamation shall arrange for an inspection of the power lines and associated facilities by a qualified third party and shall obtain a certification that such power lines and facilities are of sound design and are in good working order. Phelps Dodge shall pay for the cost of such inspection and certification. Concurrently with the surrender of the power lines and the right-of-way, Phelps Dodge shall construct a switch station at the boundary of the Reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right-of-way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation, or maintenance of the power lines, the right-of-way, or the switch station.*

*“(D) The Tribe and the United States will enter into an exchange agreement with the Salt River Project which will deliver CAP water controlled by the Tribe to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The exchange agreement shall be subject to review and approval by Phelps Dodge, which approval shall not be unreasonably withheld. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed.*

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

*“(i) The Tribe will lease to Phelps Dodge 14,000 acre feet of CAP water per year as of the date on which the interim period referred to in paragraph (2) expires. The lease shall be subject to the terms and conditions identified in the Tribal CAP Delivery Contract referenced in section 3706(b). The leased CAP water shall be delivered to Phelps Dodge from the Black River pursuant to the exchange re-*

ferred to in subparagraph (D) above, based on diversions from the Black River that shall not exceed an annual average of 40 acre feet per day and shall not cause the flow of Black River to fall below 20 cubic feet per second. Such CAP water shall be delivered to Phelps Dodge at that location where the channel of Eagle Creek last exits the Reservation, to be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and at no other location.

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

“(iii) The lease will be for a term of 50 years or, if earlier, the date upon which mining activities at the Morenci mine complex cease, with a right to renew for an additional 50 years upon a finding by the Secretary that the water is needed for continued mining activities at the Morenci mine complex. The lease shall have the following financial terms:

“(I) The Tribe will lease CAP water at a cost of \$1,200 per acre foot. Phelps Dodge shall pay to the United States, on behalf of the Tribe, the sum of \$5,000,000 upon the earlier of the execution of the agreement, or upon the expiration of the interim period referred to in paragraph (2) hereof, which amount shall be a prepayment for and applicable to the first 4,166 acre feet of CAP water to be delivered in each year during the term of the lease.

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

“(III) Phelps Dodge shall pay in advance each month the Tribe’s reasonable costs associated with the Tribe’s operation, maintenance, and replacement of the Black River facilities for purposes of delivering water to Phelps Dodge pursuant to the lease, which costs shall be based upon the experience of the Bureau of Reclamation in operating the Black River facilities during the interim period referred to in paragraph (2), subject to an annual CPI adjustment, and providing for a credit for power provided by Phelps Dodge to the Tribe. In addition, Phelps Dodge shall pay a monthly fee of \$30,000 to the United States, on behalf of the Tribe, to account for the use of the Tribe’s distribution system.

“(IV) Phelps Dodge shall pay the United States operation, maintenance, and replacement charges associated with the leased CAP water and such reasonable interconnection charges as may be imposed by Salt

*River Project in connection with the exchange referred to in subparagraph (D) above.*

*“(iv) Notwithstanding the provisions of section 3707(b), any moneys, except Black River facilities OM&R, CAP OM&R and any charges associated with an exchange agreement with Salt River Project, paid to the United States on behalf of the Tribe from the lease referred to under paragraph (3)(D)(iii) shall be held in trust by the United States for the benefit of the Tribe. There is hereby established in the Treasury of the United States a fund to be known as the ‘San Carlos Apache Tribe Lease Fund’ for such purpose. Interest accruing to the Fund may be used by the Tribe for economic and community development purposes upon presentation to the Secretary of a certified copy of a duly enacted resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The United States shall not be liable for any claim or causes of action arising from the Tribe’s use or expenditure of moneys distributed from the Fund.*

*“(v) The lease is not assignable to any third party, except with the consent of the Tribe and Phelps Dodge, and with the approval of the Secretary.*

*“(vi) Notwithstanding subsection (b) hereof, section 3706 shall be fully effective immediately with respect to the CAP water lease provided for in this subparagraph and the Secretary shall take all actions authorized by section 3706 necessary for purposes of implementing this subparagraph. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed and shall be enforceable in United States district court. In the event that no lease authorized by this subparagraph is executed, this subparagraph, notwithstanding any other provision of law, shall be enforceable as a lease among the Tribe, the United States, and Phelps Dodge in the United States district court, and the Secretary shall take all action authorized by section 3706 for purposes of implementing this subparagraph in such an event.*

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

*“(4) EAGLE CREEK.—From the effective date of this subsection, and during the Interim Period, the Tribe shall not, in any way, impede, restrict, or sue the United States regarding the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Reservation. Phelps Dodge agrees to limit pumping from the Upper*

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

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

*(B) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the Upper Eagle Creek Wellfield, in accordance with paragraphs (2)(E) and (3)(F) above. In the event that a court determines that Phelps Dodge does not have the right to pump the Upper Eagle Creek Wellfield, the Tribe will no longer be subject to the restriction set forth in this subparagraph regarding the passage of water from the Wellfield through the Reservation. Nothing in this subsection shall affect the rights, if any, that Phelps Dodge might claim regarding the flow of water in the channel of Eagle Creek in the absence of this subsection.*

*“(5) PAST CLAIMS.—The Act does not address claims relating to Phelps Dodge's prior occupancy and operation of the Black River facilities. The Tribe agrees not to bring any such claims against the United States. The Tribe also agrees that within 30 days after Phelps Dodge has vacated the Reservation, it shall dismiss with prejudice the suit that it has filed in Tribal Court against Phelps Dodge (The San Carlos Apache Tribe v. Phelps Dodge, et al., Case No. C-97-118), which such dismissal shall not be considered a decision on the merits, and any claims that it might assert against Phelps Dodge in connection with Phelps Dodge's prior occupancy and operation of the Black River facilities shall be brought exclusively in the United States district court.*

*“(6) RELATIONSHIP TO SETTLEMENT.—*

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

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

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

*(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking “qualification” and inserting “quantification”.*

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

(1) In subparagraph (A), by striking “, including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,”.

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

“(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.”.

SEC. 5005. (a) FINDINGS.—The Congress finds that—

(1) section 2477 of the Revised Statutes (R.S. 2477) was repealed on October 21, 1976 by the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.);

(2) the Federal Land Policy and Management Act did not terminate valid rights of way established under R.S. 2477 prior to its repeal;

(3) the Federal Land Policy and Management Act included four provisions which explicitly preserved “valid existing rights” and made the actions of the government “subject to valid existing rights”;

(4) after the repeal of R.S. 2477, disagreement and confusion has surrounded the existence and extent of rights of way established under R.S. 2477;

(5) in 1994 the Secretary of the Interior published proposed regulations for processing claims regarding R.S. 2477 rights of way;

(6) in 1995 and 1996 the Congress passed, and the President enacted, three separate pieces of legislation that prevented the Secretary of the Interior from finalizing those regulations;

(7) the Omnibus Consolidated Appropriations for Fiscal Year 1997 (Public Law 104-208) permanently prohibited the promulgation of final rules or regulations regarding the recognition, validity, or management of R.S. 2477 rights of way unless such regulations were specifically authorized by a subsequent Act of Congress;

(8) the position of the Clinton Administration on this issue is reflected in the written policy statement issued by the Secretary of the Interior in January 1997 regarding R.S. 2477;

(9) western State representatives strongly disagree with the Administration’s policy guidance; and

(10) a process is needed to recommend expeditiously a legislative mechanism to resolve all outstanding R.S. 2477 claims.

(b) PROCESS.—

(1) ESTABLISHMENT OF COMMISSION.—

(A) There is established a commission to be known as the Commission on Section 2477 of the Revised Statutes

(hereinafter referred to in this section as “the Commission”). The Commission shall be composed of 13 members, as follows:

(i) two officials from Federal land management agencies, which shall be the Secretary of the Interior and the Secretary of Agriculture, or their designees;

(ii) six Members of Congress (or their staff designee), of whom two shall be appointed by the Majority Leader of the Senate and one by the Minority Leader of the Senate, and of whom two shall be appointed by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives;

(iii) four State officials with land management or transportation development responsibilities, two of whom shall be from affected western States with a Republican Governor and two of whom shall be from affected western States with a Democratic Governor, with the four States selected by mutual agreement between the President, the Senate Majority Leader, and the Speaker of the House; and

(iv) a chairman, who shall be a former member of the Federal judiciary with experience in property and land management law, to be selected by consensus (or failing all reasonable attempts at consensus, majority vote) of the other 12 members of the Commission.

(B) The Commission shall be appointed within 90 days after the date of enactment of this section. The Secretary of the Interior shall provide any necessary support to the Commission.

(C) The chairman of the Commission shall receive compensation at the daily rate of GS-15, step 7 of the General Schedule, when engaged in the actual performance of duties for the Commission, and shall be reimbursed for actual expenses in the performance of such duties by the Secretary of the Interior. All other members of the Commission shall be reimbursed and compensated as appropriate by their respective employers and shall not be considered Federal employees solely because of their activities on the Commission.

(D) The Commission shall conduct its first meeting no later than 120 days after the date of enactment of this section, at which time the Commission shall select by consensus or majority vote the chairman. The Secretary of the Interior shall recommend to Commission members the names of at least three persons who meet the requirements of subparagraph (A)(iv) for consideration at the first meeting. Any other member of the Commission may also recommend persons who meet the requirements of subparagraph (A)(iv) for the consideration of the members at the first meeting.

(2) DUTIES OF COMMISSION.—

(A) The Commission shall recommend changes to law that should be enacted to provide for an expeditious resolution of all outstanding claims of a right of way across Federal lands established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932).

(B) *The Commission shall hold a public hearing in each affected State upon the request of the Governor of each such State, and shall consult with the Governor of each affected State in developing its recommendations. The Commission may hold such other hearings as it deems necessary. All hearings conducted by the Commission shall be open to the public, and notice of each hearing shall be provided in media of general circulation within the State at least 14 days prior to each such hearing. The Secretary of the Interior shall publish a public record of each hearing.*

(C) *The Commission shall make its recommendations and all decisions by consensus, or failing all reasonable attempts at consensus, by majority vote. The Commission shall keep a record of its discussions. The Commission may, by majority vote, open its meetings to the public. If the Commission does conduct public meetings, it shall provide public notice of the time and place at least seven days in advance of each such meeting.*

(D) *The Commission shall submit its recommendations to the Secretary of the Interior by March 1, 1998. Not later than 15 days prior to this date, the Commission shall provide a draft of its recommendations to the Governor of each affected State, and shall include any letters submitted by such Governors with respect to such recommendations as an appendix to the Commission's submission to the Secretary of the Interior.*

(3) *REVIEW BY SECRETARY; SUBMISSION TO CONGRESS.—The Secretary of the Interior shall review and either approve or disapprove of the Commission's recommendations in their entirety by March 31, 1998. If the Secretary of the Interior approves of the Commission's recommendations, the Secretary shall submit all of the Commission's recommendations to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives by April 1, 1998. If the Secretary of the Interior disapproves of the Commission's recommendations, the Secretary shall state the reasons in writing for such disapproval and send a copy of such reasons with the Commission's recommendations to the Congress.*

(4) *CONGRESSIONAL PROCEDURE.—*

(A) *INTRODUCTION.—The Chairman of the Committee on Energy and Natural Resources of the Senate and the Chairman of the Committee on Resources of the House of Representatives (or their designees) shall introduce the Commission's recommendations as a bill in their respective Houses no later than 10 calendar days after such recommendations are approved and submitted by the Secretary of the Interior pursuant to paragraph (3). The provisions of this paragraph hereinafter set forth shall not apply to any bill containing the recommendations of the Commission if the Secretary of the Interior disapproves the Commission's recommendations under paragraph (3).*

(B) *CONSIDERATION IN THE HOUSE.—*

(i) *Any committee of the House of Representatives to which a bill introduced pursuant to subsection (A)*

*is referred shall report it, with or without amendment and with or without recommendation, not later than 60 days of session after the date of such referral. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge the bill may only be made by a member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion was agreed to or disagreed to shall not be in order.*

*(ii) After a bill introduced pursuant to subparagraph (A) is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. If reported and the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion was agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed four hours equally divided and controlled by a proponent and opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. Consideration of the bill for amendment shall not exceed four hours excluding time for recorded votes and quorum calls. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.*

*(iii) Appeals from the decision of the Chair regarding application of the rules of the House of Representatives to the procedure relating to a bill introduced pur-*

suant to subparagraph (A) shall be decided without debate.

(iv) It shall not be in order to consider under this subparagraph more than one bill introduced pursuant to subparagraph (A) except for consideration of a Senate bill introduced pursuant to subparagraph (A).

(C) CONSIDERATION IN THE SENATE.—

(i) A bill introduced pursuant to subparagraph (A) shall be referred to the appropriate committee or committees. A committee to which the bill is referred shall report the bill not later than 60 days of session after such referral. If any committee fails to report the bill within that period, that committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the calendar.

(ii) A motion to proceed to consideration of a bill introduced pursuant to subparagraph (A) and reported or automatically discharged pursuant to subparagraph (C)(i) shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this clause.

(iii) After no more than 30 hours of consideration of a bill introduced pursuant to subparagraph (A), the Senate shall proceed, without intervening action or debate, to vote on final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or to table. The time for debate on the bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(iv) Only relevant amendments to the bill shall be in order. Debate on any amendment shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(v) A motion to recommit a bill introduced pursuant to subparagraph (A) shall not be in order.

(vi) If the Senate receives a message from the House on a bill introduced pursuant to subparagraph (A), consideration in the Senate of all motions, amendments, or appeals necessary to dispose of such message shall be limited to four hours, equally divided in the usual form.

(D) EXERCISE OF RULEMAKING POWERS.—The provisions of this paragraph are enacted by the Congress—

(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall su-

*persede other rules only to the extent they are inconsistent therewith; and*

*(ii) with full recognition of the Constitutional right of either House to change such rules (so far as to relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.*

**(5) APPLICABILITY OF OTHER LAW.—**

**(A) NO EXPRESS AUTHORIZATION.—***This section shall not be construed as an express authorization for any final rule or regulation under any law.*

**(B) FEDERAL ADVISORY COMMITTEE ACT.—***The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Commission established by this section.*

## CHAPTER 6

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### HEALTH RESOURCES AND SERVICES ADMINISTRATION

##### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

*Public Law 104–208, under the heading “Health Education Assistance Loans Program” is amended by inserting after “\$140,000,000” the following: “: Provided further, That the Secretary may use up to \$499,000 derived by transfer from insurance premiums collected from guaranteed loans made under Title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act”.*

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### CHILDREN AND FAMILIES SERVICES PROGRAMS

*Public Law 104–208, under the heading titled “Children and Families Services Programs” is amended by inserting after the reference to “part B(1) of title IV” the following: “and Section 1110”.*

#### OFFICE OF THE SECRETARY

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

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

### DEPARTMENT OF EDUCATION

#### EDUCATION FOR THE DISADVANTAGED

*For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, \$101,133,000, of which \$78,362,000 shall be for Basic Grants and \$22,771,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that will receive, from funds available under the Department of Education Appropriations*

*Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: Provided, That the Secretary of Education shall use these additional funds to provide those States with 50 percent of the difference between the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data and the allocations under the 1997 Appropriations Act: Provided further, That if any State's total allocation under that Appropriations Act and this paragraph is less than its 1996 allocation for that subpart, that State shall receive, under this paragraph, the amount the State would have received had that allocation been calculated entirely on the basis of child poverty counts from the 1990 census: Provided further, That the Secretary shall ratably reduce the allocations to states under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: Provided further, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): Provided further, That the funds appropriated under this paragraph shall become available on July 1, 1997 and shall remain available through September 30, 1998: Provided further, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.*

#### RELATED AGENCY

##### NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

##### SALARIES AND EXPENSES

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

#### GENERAL PROVISIONS, CHAPTER 6

*SEC. 6001. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas, which were declared as such during fiscal year 1997, are available to those recipients for obligation until September 30, 1998: Provided, That for the purposes of assisting those recipients,*

*the Secretary's waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996 and 1997.*

*SEC. 6002. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing at, or attending an institution of higher education, or employed within these areas on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That such authority shall be in effect only for awards for award years 1996–1997 and 1997–1998.*

*SEC. 6003. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).*

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

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

*(b) ELIGIBILITY.—*

*(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.*

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

*(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and*

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

(c) *LIMITATIONS.*—

(1) *REQUIREMENTS.*—*With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.*

(2) *AMOUNT OF FUNDS.*—*The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.*

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

*EXTENSION OF SSI REDETERMINATION PROVISIONS*

*SEC. 6005. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—*

*(1) in subclause (I), by striking “the date which is 1 year after such date of enactment,” and inserting “September 30, 1997,”; and*

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

*(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.*

*CHAPTER 7**CONGRESSIONAL OPERATIONS**SENATE**CONTINGENT EXPENSES OF THE SENATE**SECRETARY OF THE SENATE**(TRANSFER OF FUNDS)*

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

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF  
CONGRESS

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

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

*For an additional amount for "Salaries and Expenses, Botanic Garden", \$33,500,000, to remain available until expended, for emergency repair and renovation of the Conservatory.*

GENERAL PROVISIONS, CHAPTER 7

*SEC. 7001. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(f)) is amended by adding at the end the following: "The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate."*

*SEC. 7002. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.*

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

*SEC. 7003. (a) Section 2 of Public Law 100-71 (2 U.S.C. 65f) is amended by adding at the end the following: "(c) Upon the written request of the Secretary of the Senate, with the approval of the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) specified in the request, but not to exceed \$10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred."*

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

*SEC. 7004. The Comptroller General may use available funds, now and hereafter, to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter in multiyear contracts for the acquisition of property and nonaudit-related services, to the same extent as executive agencies under the authority of sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. sec. 253l and 254c).*

## CHAPTER 8

### DEPARTMENT OF TRANSPORTATION

#### COAST GUARD

##### OPERATING EXPENSES

*For an additional amount for "Operating Expenses", \$1,600,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.*

##### RETIRED PAY

*For an additional amount for "Retired Pay", \$9,200,000.*

### FEDERAL HIGHWAY ADMINISTRATION

#### FEDERAL-AID HIGHWAYS

##### EMERGENCY RELIEF PROGRAM

##### (HIGHWAY TRUST FUND)

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

#### FEDERAL-AID HIGHWAYS

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

*The limitation under this heading in Public Law 104-205 is increased by \$694,810,534: Provided, That such additional authority shall remain available during fiscal year 1997: Provided further, That notwithstanding any other provision of law, the authority provided herein above shall be distributed to ensure that States receive an amount they would have received had the Highway Trust Fund*

*fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996: Provided further, That notwithstanding any other provision of law, \$318,077,043 of the amount provided herein above shall be distributed to assure that States receive obligation authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: Provided further, That the remaining authority provided herein above shall be distributed to those States whose share of Federal-aid obligation limitation under Section 310 of Public Law 104-205 is less than the amount such States received under Section 310(a) of Public Law 104-50 in fiscal year 1996 in a ratio equal to the amounts necessary to bring each such State to the Federal-aid obligation limitation distributed under Section 310(a) of Public Law 104-50.*

*FEDERAL RAILROAD ADMINISTRATION*

*EMERGENCY RAILROAD REHABILITATION AND REPAIR*

*For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, \$18,900,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: Provided, That up to \$900,000 shall be solely for damage incurred in West Virginia in September 1996 and \$18,000,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: Provided further, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: Provided further, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the right-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: Provided further, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: Provided further, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all funds made available under this head are to remain available until September 30, 1997.*

## RELATED AGENCY

## NATIONAL TRANSPORTATION SAFETY BOARD

## SALARIES AND EXPENSES

*For an additional amount for “Salaries and Expenses”, for emergency expenses resulting from the crashes of TWA Flight 800, ValuJet Flight 592, and Comair Flight 3272, and for assistance to families of victims of aviation accidents as authorized by Public Law 104–264, \$29,859,000, of which \$4,877,000 shall remain available until expended: Provided, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, not more than \$10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: Provided further, That notwithstanding any other provision of law, of the amount provided to the National Transportation Safety Board, not more than \$6,059,000 shall be made available to the State of New York and local counties in New York, as reimbursement for costs incurred in connection with the crash of TWA Flight 800: Provided further, That notwithstanding any other provision of law, of the amount provided, not more than \$3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592: Provided further, That notwithstanding any other provision of law, of the amount provided, not more than \$300,000 shall be made available to Monroe County, Michigan as reimbursement for costs incurred in connection with the crash of Comair Flight 3272.*

## GENERAL PROVISIONS, CHAPTER 8

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

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

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

*SEC. 8004. Section 30308(a) of title 49, United States Code, is amended by striking "and 1996" and inserting ", 1996, and 1997".*

## CHAPTER 9

### DEPARTMENT OF THE TREASURY

#### DEPARTMENTAL OFFICES

##### SALARIES AND EXPENSES

*For an additional amount under the heading "Departmental Offices, Salaries and Expenses", \$1,950,000: Provided, That the Secretary of Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado subject to verification of appropriate costs.*

### COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

#### DEPARTMENT OF THE TREASURY

##### UNITED STATES CUSTOMS SERVICE

##### SALARIES AND EXPENSES

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

#### U.S. POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

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

### GENERAL PROVISIONS, CHAPTER 9

*SEC. 9001. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104-208 for construction of the Montgomery, Alabama courthouse.*

*SEC. 9002. None of the funds appropriated or made available in this Act or any other Act may be used by the General Services Administration to implement Section 1555 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) prior to the date of adjournment of the first session of the 105th Congress.*

*SEC. 9003. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicita-*

tion No. BEP-97-13(TN) or Solicitation No. BEP-96-13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper “bridge” contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any “bridge” contract is fair and reasonable and that the terms of any “bridge” contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any “bridge” contract at the time of certification.

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND  
EMERGENCIES

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

“(a) For the purpose of this section—

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

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

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

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

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

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

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

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

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES  
“6391. Authority for leave transfer program in disasters and emergencies.”.

## CHAPTER 10

## DEPARTMENT OF VETERANS AFFAIRS

## VETERANS BENEFITS ADMINISTRATION

## COMPENSATION AND PENSIONS

*For an additional amount for "Compensation and pensions", \$928,000,000, to remain available until expended.*

## ADMINISTRATIVE PROVISION

*The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of \$12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of \$12,300,000 for this project.*

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## HOUSING PROGRAMS

## ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

*Notwithstanding any other provision of law, of the \$1,000,000 appropriated for special purpose grants in Public Law 102-139, for a parking garage in Ashland, Kentucky, \$500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and \$500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.*

## PRESERVING EXISTING HOUSING INVESTMENT

*For an additional amount for "Preserving existing housing investment", to be made available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, \$3,500,000, to remain available until expended: Provided, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.*

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND  
AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

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

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

*For an additional amount for "Community development block grants fund", as authorized under title I of the Housing and Community Development Act of 1974, \$500,000,000, of which \$250,000,000 shall become available for obligation on October 1, 1997, all of which shall remain available until September 30, 2000, for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: Provided, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and non-discrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grants funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: Provided further, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: Provided further, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursements and uses of funds for or associated with buyouts: Provided further, That for purposes of disasters eligible under this head the Secretary of Housing and Urban Development may waive, on a case-by-case basis and upon such other*

*terms as the Secretary may specify, in whole or in part, the requirements that activities benefit persons of low- and moderate-income pursuant to section 122 of the Housing and Community Development Act of 1974, and may waive, in whole or in part, the requirements that housing qualify as affordable housing pursuant to section 290 of the HOME Investment Partnerships Act: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

#### MANAGEMENT AND ADMINISTRATION

##### SALARIES AND EXPENSES

*Of the funds appropriated under this head in Public Law 104-204, the Secretary of Housing and Urban Development shall enter into a contract with the National Academy of Public Administration not to exceed \$1,000,000 no later than one month after enactment of this Act for an evaluation of the Department of Housing and Urban Development's management systems.*

#### INDEPENDENT AGENCIES

##### ENVIRONMENTAL PROTECTION AGENCY

##### BUILDINGS AND FACILITIES

*From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.*

##### STATE AND TRIBAL ASSISTANCE GRANTS

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

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## DISASTER RELIEF

*For an additional amount for "Disaster relief", \$3,300,000,000, to remain available until expended: Provided, That \$2,300,000,000 shall become available for obligation on September 30, 1997, but shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: Provided further, That of the funds made available under this heading, up to \$20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed \$21,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount appropriated herein shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## GENERAL PROVISIONS, CHAPTER 10

*SEC. 10001. The Secretary shall submit semi-annually to the Committees on Appropriations a list of all contracts and task orders issued under such contracts in excess of \$250,000 which were entered into during the prior 6-month period by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract, and the subject matter and responsibilities of the parties to the contract.*

*SEC. 10002. Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof: "Not less than 180 days prior to terminating any contract".*

*SEC. 10003. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fis-*

cal year 1996 and not more than an additional 7,500 units during fiscal year 1997”.

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

*SEC. 10005. Section 234(c) of the National Housing Act is amended by inserting after “203(b)(2)” the following: “or pursuant to section 203(h) under the conditions described in section 203(h)”.*

*SEC. 10006. Section 211(b)(4)(B) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) is amended by inserting the following at the end: “The term ‘owner’, as used in this subparagraph, in addition to it having the same meaning as in section 8(f) of the United States Housing Act of 1937, also means an affiliate of the owner. The term ‘affiliate of the owner’ means any person or entity (including, but not limited to, a general partner or managing member, or an officer of either) that controls an owner, is controlled by an owner, or is under common control with the owner. The term ‘control’ means the direct or indirect power (under contract, equity ownership, the right to vote or determine a vote, or otherwise) to direct the financial, legal, beneficial, or other interests of the owner.”.*

## CHAPTER 11

### OFFSETS AND RESCISSIONS

#### DEPARTMENT OF AGRICULTURE

##### OFFICE OF THE SECRETARY

##### FUND FOR RURAL AMERICA

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

##### FOOD AND CONSUMER SERVICE

##### THE EMERGENCY FOOD ASSISTANCE PROGRAM

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

##### FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

##### EXPORT CREDIT

*None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds \$3,500,000,000.*

*EXPORT ENHANCEMENT PROGRAM*

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

*DEPARTMENT OF JUSTICE*

*GENERAL ADMINISTRATION*

*WORKING CAPITAL FUND*

*(RESCISSION)*

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

*LEGAL ACTIVITIES*

*ASSETS FORFEITURE FUND*

*(RESCISSION)*

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

*IMMIGRATION AND NATURALIZATION SERVICE*

*CONSTRUCTION*

*(RESCISSION)*

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

*DEPARTMENT OF COMMERCE*

*NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

*INDUSTRIAL TECHNOLOGY SERVICES*

*(RESCISSION)*

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

*RELATED AGENCIES*

*FEDERAL COMMUNICATIONS COMMISSION*

*SALARIES AND EXPENSES*

*(RESCISSION)*

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

*OUNCE OF PREVENTION COUNCIL*

*(RESCISSION)*

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

*DEPARTMENT OF ENERGY*

*ENERGY PROGRAMS*

*ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 104-206 and prior years' Energy and Water Development Appropriations Acts, \$11,180,000 are rescinded.*

*POWER MARKETING ADMINISTRATIONS*

*CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,  
WESTERN AREA POWER ADMINISTRATION*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 104-206 and prior years' Energy and Water Development Appropriations Acts, \$11,352,000 are rescinded.*

*CLEAN COAL TECHNOLOGY*

*(RESCISSION)*

*Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, \$17,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.*

*STRATEGIC PETROLEUM RESERVE*

*(RESCISSION)*

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

*DEPARTMENT OF HEALTH AND HUMAN SERVICES*

*ADMINISTRATION FOR CHILDREN AND FAMILIES*

*JOB OPPORTUNITIES AND BASIC SKILLS*

*(RESCISSION)*

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

*Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the “,” the following:*

*“reduced by an amount equal to the total of those funds that are within each State’s limitation for fiscal year 1997 that are not necessary to pay such State’s allowable claims for such fiscal year (except that such amount for such year shall be deemed to be \$1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled).”*

**DEPARTMENT OF TRANSPORTATION**

**FEDERAL AVIATION ADMINISTRATION**

**GRANTS-IN-AID FOR AIRPORTS**

**(AIRPORT AND AIRWAY TRUST FUND)**

**(RESCISSION OF CONTRACT AUTHORIZATION)**

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

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**HIGHWAY TRAFFIC SAFETY GRANTS**

**(HIGHWAY TRUST FUND)**

**(RESCISSION OF CONTRACT AUTHORIZATION)**

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

**FEDERAL TRANSIT ADMINISTRATION**

**TRUST FUND SHARE OF EXPENSES**

**(HIGHWAY TRUST FUND)**

**(RESCISSION OF CONTRACT AUTHORIZATION)**

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

**DISCRETIONARY GRANTS**

**(HIGHWAY TRUST FUND)**

**(RESCISSION OF CONTRACT AUTHORIZATION)**

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

**INDEPENDENT AGENCY**

**GENERAL SERVICES ADMINISTRATION**

**EXPENSES, PRESIDENTIAL TRANSITION**

**(RESCISSION)**

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

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## HOUSING PROGRAMS

## ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

## (INCLUDING RESCISSION)

*Of the amounts recaptured under this heading during fiscal year 1997 and prior years, \$3,650,000,000 are rescinded: Provided, That the Secretary of Housing and Urban Development shall recapture at least \$5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: Provided further, That all additional section 8 reserve funds of an amount not less than \$2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104-204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: Provided further, That the Secretary may recapture less than \$5,800,000,000 and reserve less than \$2,150,000,000 where the Secretary determines that insufficient section 8 funds are available for current fiscal year contract obligations: Provided further, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine whether the Department's systems for budgeting and accounting for section 8 rental assistance ensure that unexpended funds do not reach unreasonable levels and that obligations are spent in a timely manner.*

## INDEPENDENT AGENCY

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## NATIONAL AERONAUTICS FACILITIES

## (RESCISSION)

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

## FUNDS APPROPRIATED TO THE PRESIDENT

## UNANTICIPATED NEEDS

## (RESCISSION)

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

## TITLE III

## GENERAL PROVISIONS—THIS ACT

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

## BUY-AMERICAN REQUIREMENTS

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

**(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**—

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

**(2) NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

**(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.**—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

**SEC. 30003.** The Office of Management and Budget is directed to work with federal agencies, as appropriate, to support the extension and revision of federal grants, contracts and cooperative agreements at universities affected by flooding in designated federal disaster areas where work on such grants, contracts, and cooperative agreements was suspended as a result of the flood disaster.

## TITLE IV—COST OF HIGHER EDUCATION REVIEW

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

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

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

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

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

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

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

*There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this title referred to as the "Commission").*

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

(a) *APPOINTMENT.—The Commission shall be composed of 11 members as follows:*

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

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

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

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

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

(b) *ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.*

(c) *CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairman and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.*

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

(e) *APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:*

(1) *the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;*

(2) *the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;*

(3) *the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and*

(4) *the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.*

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

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

(h) *PROHIBITION OF ADDITIONAL PAY.*—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

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

**SEC. 4004. FUNCTIONS OF COMMISSION.**

(a) *SPECIFIC FINDINGS AND RECOMMENDATIONS.*—The Commission shall study and make findings and specific recommendations regarding the following:

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

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

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

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

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

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

(12) Other related topics determined to be appropriate by the Commission.

(b) *FINAL REPORT.*—

(1) *IN GENERAL.*—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later

than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) **MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.**—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) **EVALUATION OF DIFFERENT CIRCUMSTANCES.**—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

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

(a) **HEARINGS.**—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) **RULES AND REGULATIONS.**—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **INFORMATION.**—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) **FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.**—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

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

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) **CONTRACTING.**—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

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

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

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

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

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 40004(b).

**TITLE V—DEPOSITORY INSTITUTION DISASTER RELIEF**

**SEC. 50001. SHORT TITLE.**

This title may be cited as the “*Depository Institutions Disaster Relief Act of 1997*”.

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

(a) *TRUTH IN LENDING ACT.*—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

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

(c) *TIME LIMIT ON EXCEPTIONS.*—Any exception made under this section shall expire not later than September 1, 1998.

(d) *PUBLICATION REQUIRED.*—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

- (1) describes any exception made under this section; and
- (2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

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

(a) *IN GENERAL.*—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

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

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

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) *TIME LIMIT ON EXCEPTIONS.*—Any exception made under this section shall expire not later than February 28, 1999.

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

(1) *APPROPRIATE FEDERAL BANKING AGENCY.*—The term “appropriate Federal banking agency” has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) *INSURED DEPOSITORY INSTITUTION.*—The term “insured depository institution” has the same meaning as in section 3 of the Federal Deposit Insurance Act.

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

(4) *QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.*—The term “qualifying amount attributable to insurance proceeds” means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of

*insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.*

**SEC. 50004. BANKING AGENCY PUBLICATION REQUIREMENTS.**

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

(1) *PROCEDURE.*—Exercising the agency's authority under provisions of law other than this section without complying with—

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

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) *PUBLICATION REQUIREMENTS.*—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) *PUBLICATION REQUIRED.*—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) *QUALIFYING REGULATORY AGENCY DEFINED.*—For purposes of this section, the term “qualifying regulatory agency” means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

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

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

(a) *FINANCIAL SERVICES.*—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and

customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

(b) **APPRAISAL STANDARDS.**—*It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.*

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

*No provision of this title shall be construed as limiting the authority of any department or agency under any other provision of law.*

**TITLE VI—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION**

**SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.**

(a) **AMENDMENTS.**—*Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—*

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

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

(b) **EFFECTIVE DATES.**—

*(1) IN GENERAL.*—*Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.*

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

**SEC. 60002. DATE EXTENSION.**

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

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

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

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

*Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—*

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

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

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

*“(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).”.*

**SEC. 60005. DATA.**

*(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—*

*(1) in subparagraph (A)—*

*(A) by inserting “expenditure,” after “revenue,”; and*

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

*(2) by striking “the Secretary” and all that follows through “shall use” and inserting “the Secretary shall use”; and*

*(3) by striking subparagraph (B).*

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

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

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

*“(i) PRIORITY PAYMENTS.—*

*“(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—*

*“(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and*

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

*“(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—*

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

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

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

“(D) demonstrates to the satisfaction of the Secretary that such agency’s per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.”.

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

The Secretary of Education shall treat as timely filed, and shall process for payment, an amendment to an application for a fiscal year 1997 payment from a local educational agency under section 8003 of the Elementary and Secondary Education Act of 1965 if—

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

(2) that agency was not described in that subsection prior to that amendment; and

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

**TITLE VII—FOOD STAMP PROGRAM**

**STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM**

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

(1) in subsection (a), by inserting after “necessary, and” the following: “except as provided in subsection (j)”; and

(2) by adding at the end the following:

“(j) **STATE OPTION TO ISSUE BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM.**—

“(1) *IN GENERAL.*—Notwithstanding any other provision of law, a State agency may, with the approval of the Secretary, issue benefits under this Act to an individual who is ineligible to participate in the food stamp program solely as a result of section 6(o)(2) of this Act or section 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612 or 1613).

“(2) **STATE PAYMENTS TO SECRETARY.**—

“(A) *IN GENERAL.*—Not later than the date the State agency issues benefits to individuals under this subsection, the State agency shall pay the Secretary, in accordance with procedures established by the Secretary, an amount that is equal to—

“(i) the value of the benefits; and

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

“(B) **CREDITING.**—Notwithstanding section 3302(b) of title 31, United States Code, payments received under subparagraph (A) shall be credited to the food stamp program appropriation account or the account from which the costs were drawn, as appropriate, for the fiscal year in which the payment is received.

*“(3) REPORTING.—To be eligible to issue benefits under this subsection, a State agency shall comply with reporting requirements established by the Secretary to carry out this subsection.*

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

*“(A) submit a plan to the Secretary that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use to determine amounts due the Secretary under paragraph (2); and*

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

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

*“(6) INELIGIBILITY FOR ADMINISTRATIVE REIMBURSEMENT.—Administrative and other costs incurred in issuing a benefit under this subsection shall not be eligible for Federal funding under this Act.*

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

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

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

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

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

*“(VII) waives a provision of section 7(j).”.*

#### TITLE VIII—2000 DECENNIAL CENSUS

*(a) The Congress finds that—*

*(1) the decennial enumeration of the population is one of the most critical constitutional functions our government performs;*

*(2) it is the goal that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution;*

*(3) the Constitution clearly states that the census is to be an “actual enumeration” of the population, and section 195 of title 13, United States Code, states that sampling cannot be used for purposes of the apportionment of Representatives in Congress among the several States;*

*(4) the proposed use of statistical sampling by the Bureau of the Census exposes taxpayers to the unacceptable risk of an inaccurate, invalid and unconstitutional census; and*

*(5) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals that have historically been undercounted, and toward this end, the Congress is eager to see aggressive and innovative promotion and outreach campaigns in hard-to-count communities, the hiring of enumerators within those localities, continued cooperation with local government on*

address list development, and maximizing census employment opportunities for individuals seeking to make the transition from welfare to work.

(b)(1) Section 141(a) of title 13, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, no sampling or any other statistical procedure, including any statistical adjustment, may be used in any determination of population for purposes of the apportionment of Representatives in Congress among the several States.”.

(2) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(c) None of the funds made available in this or any other Act for any fiscal year may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling or any other statistical procedure, including any statistical adjustment, in any determination of population for purposes of the apportionment of Representatives in Congress among the several States.

#### TITLE IX—GOVERNMENT SHUTDOWN PREVENTION ACT

##### SEC. 90001. SHORT TITLE.

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

##### SEC. 90002. CONTINUING FUNDING.

(a) *IN GENERAL.*—If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) *LEVEL OF FUNDING.*—Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 per cent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) *PERIOD OF AVAILABILITY.*—Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

##### SEC. 90003. TERMS AND CONDITIONS.

(a) *IN GENERAL.*—An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropria-

tions Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

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

**SEC. 90004. COVERAGE.**

Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

**SEC. 90005. EXPENDITURES.**

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

**SEC. 90006. INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY.**

No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

**SEC. 90007. PROTECTION OF OTHER OBLIGATIONS.**

Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

**SEC. 90008. DEFINITION.**

In this title, the term “regular appropriation bill” means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

- (1) Agriculture, rural development, and related agencies programs.
- (2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.
- (3) The Department of Defense.
- (4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.
- (5) The Departments of Labor, Health and Human Services, and Education, and related agencies.
- (6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.
- (7) Energy and water development.
- (8) Foreign assistance and related programs.

- (9) *The Department of the Interior and related agencies.*
- (10) *Military construction.*
- (11) *The Department of Transportation and related agencies.*
- (12) *The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.*
- (13) *The legislative branch.*

*This Act may be cited as the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia".*

And the Senate agree to the same.

BOB LIVINGSTON,  
JOSEPH M. MCDADE,  
BILL YOUNG,  
RALPH REGULA,  
JERRY LEWIS,  
JOHN EDWARD PORTER,  
HAROLD ROGERS,  
JOE SKEEN,  
FRANK R. WOLF,  
JIM KOLBE,  
RON PACKARD,  
SONNY CALLAHAN,  
JAMES T. WALSH,  
CHARLES H. TAYLOR,

*Managers on the Part of the House.*

TED STEVENS,  
THAD COCHRAN,  
ARLEN SPECTER,  
PETE V. DOMENICI,  
CHRISTOPHER S. BOND,  
SLADE GORTON,  
MITCH MCCONNELL,  
CONRAD BURNS,  
RICHARD C. SHELBY,  
JUDD GREGG,  
ROBERT F. BENNETT,  
BEN NIGHTHORSE CAMPBELL,  
LARRY CRAIG,  
LAUCH FAIRCLOTH,  
KAY BAILEY HUTCHISON,

*Managers on the Part of the Senate.*



JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF  
CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1469 (H. Rept. 105-83) which is not changed by the Senate in the report accompanying S. 672 (S. Rept. 105-16), and Senate Report language which is not changed by the conference are approved by the committee of conference. The statement of the managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Title I of the conference agreement recommends a total of \$1,929,480,000 in new budget authority for the Department of Defense, instead of \$2,039,880,000 as proposed by the House and \$1,805,480,000 as proposed by the Senate. This level is \$168,734,000 less than the amount requested by the President. The new budget authority in this title is totally offset by rescissions of previously appropriated defense funds totaling \$1,929,632,000 in chapter 2 of this title.

Of the amounts in this title, \$1,774,200,000 is provided for contingency operations in Bosnia and Southwest Asia, instead of \$1,910,400,000 as proposed by the House and \$1,657,000,000 as proposed by the Senate. This recommendation is \$232,014,000 below the amount requested by the President.

The following table provides details of the supplemental appropriations in Title I, Chapter 1 of the conference agreement.

## TITLE I—SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE

[In millions of dollars]

|   | Budget re-<br>quest | House           | Senate          | Conference      |
|---|---------------------|-----------------|-----------------|-----------------|
| <b>Military personnel:</b>                          |                     |                 |                 |                 |
| Military personnel, Army .....                      | 322.8               | 306.8           | 306.8           | 306.8           |
| Military personnel, Navy .....                      | 7.9                 | 7.9             | 7.9             | 7.9             |
| Military personnel, Marine Corps .....              | 0.3                 | 0.3             | 0.3             | 0.3             |
| Military personnel, Air Force .....                 | 29.1                | 29.1            | 29.1            | 29.1            |
| <b>Total, Military personnel .....</b>              | <b>360.1</b>        | <b>344.1</b>    | <b>344.1</b>    | <b>344.1</b>    |
| <b>Operation and maintenance:</b>                   |                     |                 |                 |                 |
| Overseas contingency operations transfer fund ..... | 1646.1              | 1,566.3         | 1,312.9         | 1,430.1         |
| <b>Bosnia:</b>                                      |                     |                 |                 |                 |
| Army LOGCAP/Other Support .....                     |                     | (-262.8)        | (-146.0)        | (-262.8)        |
| Army OPTEMPO .....                                  |                     | (138.0)         | (21.0)          | (138.0)         |
| Navy OPTEMPO Reduction .....                        |                     | (-10.0)         | (-10.0)         | (-10.0)         |
| NIMA .....  |                     |                 | (-2.6)          | (-2.6)          |
| Overocean costs reimbursement to DBOF-T .....       |                     |                 | (-62.0)         | (-62.0)         |
| SOCOM OPTEMPO Reduction .....                       |                     | (-9.0)          | (-9.0)          | (-9.0)          |
| Projected OPTEMPO and force reductions .....        |                     |                 | (-66.0)         |                 |
| <b>Subtotal .....</b>                               |                     | <b>(-143.8)</b> | <b>(-274.6)</b> | <b>(-208.4)</b> |
| <b>Southwest Asia:</b>                              |                     |                 |                 |                 |
| Navy-Enhanced Southern Watch OPTEMPO .....          |                     | (20.0)          |                 | (15.0)          |
| Air Force-Enhanced Southern Watch OPTEMPO .....     |                     | (8.0)           |                 |                 |
| Air Force-Desert Focus (Force Protection) .....     |                     | (37.0)          |                 | (37.0)          |
| OSIA Reduced Monitoring Activity .....              |                     | (-1.0)          |                 | (-1.0)          |
| Projected OPTEMPO and force reductions .....        |                     |                 | (-34.0)         | (-34.0)         |
| <b>Subtotal .....</b>                               |                     | <b>(64.0)</b>   | <b>(-34.0)</b>  | <b>(17.0)</b>   |
| <b>Other Adjustments:</b>                           |                     |                 |                 |                 |
| Drawdown Recovery Costs .....                       |                     |                 | (-24.6)         | (-24.6)         |
| <b>Total, Operation and Maintenance .....</b>       |                     | <b>(-79.8)</b>  | <b>(-333.2)</b> | <b>(-216.0)</b> |
| <b>Total, Contingency Operations Funding .....</b>  | <b>2,006.2</b>      | <b>1,910.4</b>  | <b>1,657.0</b>  | <b>1,774.2</b>  |
| <b>Operation and Maintenance, General:</b>          |                     |                 |                 |                 |
| OPLAN 34A/35 P.O.W. Payments .....                  | 20.0                | 20.0            | 20.0            | 20.0            |
| <b>Revolving and management funds:</b>              |                     |                 |                 |                 |
| Reserve Mobilization Income Insurance Fund .....    | 72.0                | 72.0            | 72.0            | 72.0            |
| <b>Total, Supplemental Request .....</b>            | <b>2,098.2</b>      | <b>2,002.4</b>  | <b>1,749.0</b>  | <b>1,866.2</b>  |
| <b>Other adjustments:</b>                           |                     |                 |                 |                 |
| Defense Health Program .....                        |                     | 21.0            |                 | 21.0            |
| O&M, Defense-Wide (Force Protection) .....          |                     | 10.0            |                 | 10.0            |
| Overseas Humanitarian, Disaster and Civic Aid ..... |                     |                 | 50.0            | 25.8            |
| Family Housing, Navy and Marine Corps .....         |                     | 6.5             | 6.5             | 6.5             |
| <b>Total, Title I .....</b>                         | <b>2,098.2</b>      | <b>2,039.9</b>  | <b>1,805.5</b>  | <b>1,929.5</b>  |

## BOSNIA OPERATIONS

The conferees agree with the concerns raised in the House report regarding the Bosnia deployment, and also concur with the position taken by the Secretary of Defense that the American ground force deployment to Bosnia should be ended by not later than June 1998. The conferees believe that should the President determine that events require U.S. participation in the Stabilization Force or any successor force in Bosnia beyond this date, the President should and must seek the approval of the Congress.

The conferees direct the President to provide the quarterly reports regarding the Bosnia deployment as described in the House report. The conference agreement also includes a general provision (Section 105) requiring the President to provide a report within sixty days of enactment regarding cumulative costs stemming from various U.S. efforts associated with Bosnia.

#### CONTINGENCY OPERATIONS COST CONTROLS

The conferees agree with language in the Senate report directing the Department of Defense to identify costs by individual contingency operation; to notify Congress 30 days in advance if the Department expects to exceed the budgeted amount for a contingency; and to continue to meet the quarterly reporting requirement for the use of funds provided in the "Overseas Contingency Operations Transfer Fund".

#### GENERAL PROVISIONS, CHAPTER 1

The conferees agree to retain Section 101, as proposed by the Senate, which allows the Secretary of the Navy to transfer up to \$23,000,000 to reimburse accounts which have been depleted to repair Marine Corps facilities damaged by hurricanes, flooding, and other natural disasters during 1996 and 1997.

The conferees agree to restore Section 102, as proposed by the House, which provides \$21,000,000 to the "Defense Health Program", only for direct patient care at military treatment facilities. These funds are to be used only to improve the level of direct care of military service members and their dependents at military treatment facilities. The conferees direct the Department of Defense to report to the Committees on Appropriations by July 1, 1997 on the use of these funds showing amounts, location, and justification for each project or activity.

The conferees agree to restore Section 103, as proposed by the House, which provides \$10,000,000 to "Operation and Maintenance, Defense-Wide", only for additional force protection and counter-terrorism initiatives as directed in the House report language. Prior to obligation of these funds, the Vice Chairman of the Joint Chiefs of Staff shall provide to the Appropriations Committees a detailed plan for utilization of these funds.

The conferees agree to delete language proposed by the Senate which would have provided up to \$100,000,000 of additional transfer authority for costs associated with ongoing operations in Bosnia and Southwest Asia.

The conferees agree to amend Section 104, as proposed by the Senate, to provide an additional \$25,800,000 to the "Overseas Humanitarian, Disaster and Civic Aid" program, for a grant to the American Red Cross for armed forces emergency services.

The conferees agree to amend Section 105, as proposed by the Senate, requiring the President to submit to Congress 60 days after enactment of this Act a cost report which outlines all U.S. government expenditures in Bosnia since December 1, 1995.

## MARINE CORPS FAMILY HOUSING

In section 106, the conferees agree to appropriate \$6,480,000, as provided in both the House and the Senate bills, to partially reimburse the Family Housing, Navy and Marine Corps account for hurricane repair Operation and Maintenance costs that have been absorbed. This appropriation is offset fully by a rescission of \$6,480,000 (in Title, Chapter 2, section 202).

In addition, if any foreign currency fluctuation savings are realized within the Family Housing, Navy and Marine Corps account, the conferees direct the Navy to further reimburse the Marine Corps for hurricane repair costs that have been absorbed.

## CHAPTER 2

## RESCISSIONS

The conference agreement rescinds a total of \$1,929,632,000 from funds previously provided in Department of Defense and Military Construction Appropriations Acts, instead of \$2,040,347,000 as proposed by the House and \$1,905,943,000 as proposed by the Senate.

These rescissions include: \$299,250,000 in various accounts resulting from revised inflation estimates, \$420,000,000 due to revised foreign currency fluctuation requirements, \$232,263,000 in unobligated balances in various accounts that are expected to expire at the end of the current fiscal year (based on estimates provided by the Department of Defense), and \$782,639,000 in specific program reductions, all from previously enacted Department of Defense Appropriations Acts; and \$195,480,000 from previously enacted Military Construction Acts.

The conference agreement specifically denies the \$10,000,000 rescission in "Operation and Maintenance, Defense-Wide", as proposed by the President (R97-4), and the \$62,000,000 rescission in "National Guard and Reserve Equipment", as proposed by the President (R97-5). The conferees agree with the direct in the Senate report regarding the release of National Guard and Reserve Equipment funds to the National Guard Bureau for obligation.

A summary of the rescissions from previously enacted Department of Defense Appropriations Act found in Title I, Chapter 2 is shown in the following table:

|  | House         | Senate        | Conference    |
|--|---------------|---------------|---------------|
| Department of Defense—Military   |               |               |               |
| Fiscal year 1993:  |               |               |               |
| Shipbuilding and Conversion, Navy: Unobligated Balances .....                        | -\$10,000,000 | -\$10,000,000 | -\$10,000,000 |
| Fiscal year 1994:  |               |               |               |
| Shipbuilding and Conversion, Navy: Service Craft ....                                | -\$28,700,000 | \$0           | -\$18,700,000 |
| Fiscal year 1995:  |               |               |               |
| Aircraft Procurement, Army: Unobligated Balances ...                                 | -\$1,085,000  | -\$1,085,000  | -\$1,085,000  |
| Missile Procurement, Army: Unobligated Balances ....                                 | -\$2,707,000  | -\$2,707,000  | -\$2,707,000  |
| Procurement of Weapons and Tracked Combat Vehicles, Army: Unobligated Balances ..... | -\$2,296,000  | -\$2,296,000  | -\$2,296,000  |
| Procurement of Ammunition, Army: Unobligated Balances .....                          | -\$3,236,000  | -\$3,236,000  | -\$3,236,000  |
| Other Procurement, Army: Unobligated Balances .....                                  | -\$2,502,000  | -\$2,502,000  | -\$2,502,000  |
| Aircraft Procurement, Navy: Unobligated Balances ...                                 | -\$34,000,000 | -\$34,000,000 | -\$34,000,000 |

|  | House         | Senate        | Conference    |
|--|---------------|---------------|---------------|
| Weapons Procurement, Navy: Unobligated Balances                                | -\$16,000,000 | -\$16,000,000 | -\$16,000,000 |
| Procurement of Ammunition, Navy and Marine Corps: Unobligated Balances .....   | -\$812,000    | -\$812,000    | -\$812,000    |
| Other Procurement, Navy: Unobligated Balances .....                            | -\$4,237,000  | -\$4,237,000  | -\$4,237,000  |
| Procurement, Marine Corps: Unobligated Balances ...                            | -\$1,207,000  | -\$1,207,000  | -\$1,207,000  |
| Aircraft Procurement, Air Force:   |               |               |               |
| JSTARS, Advanced Procurement .....   | -\$14,400,000 | \$0           | -\$14,400,000 |
| Unobligated Balances .....   | -\$33,650,000 | -\$33,650,000 | -\$34,976,000 |
| Missile Procurement, Air Force:  |               |               |               |
| Missile Replacement Equipment .....  | -\$4,000,000  | \$0           | -\$4,000,000  |
| Unobligated Balances .....   | -\$7,195,000  | -\$7,195,000  | -\$12,020,000 |
| Other Procurement, Air Force: Unobligated Balances                             | -\$3,659,000  | -\$3,659,000  | -\$3,659,000  |
| Procurement, Defense-Wide: Unobligated Balances ..                             | -\$12,881,000 | -\$4,860,000  | -\$8,860,000  |
| National Guard and Reserve Equipment: Unobligated Balances .....               | -\$5,029,000  | -\$5,029,000  | -\$5,029,000  |
| Chemical Agents and Munitions Destruction, Defense: Unobligated Balances ..... | -\$456,000    | -\$456,000    | -\$456,000    |
| Fiscal year 1996:  |               |               |               |
| Aircraft Procurement, Army:  |               |               |               |
| Blackhawk, Advanced Procurement .....  | -\$5,000,000  | \$0           | \$0           |
| Spares .....   | -\$8,000,000  | \$0           | \$0           |
| Avionics Support Equipment .....   | -\$5,000,000  | \$0           | -\$5,000,000  |
| Procurement of Weapons and Tracked Combat Vehicles, Army:                      |               |               |               |
| Carrier Mods .....   | -\$3,000,000  | \$0           | -\$2,000,000  |
| Bradley Fighting Vehicle System .....  | -\$10,000,000 | \$0           | -\$5,400,000  |
| Weapons/Combat Vehicle (Tank Carryover) .....                                  | -\$13,000,000 | \$0           | -\$8,000,000  |
| Procurement of Ammunition, Army:   |               |               |               |
| Provision of Industrial Facilities .....                                       | -\$8,000,000  | -\$8,000,000  | -\$8,000,000  |
| Layaway Industrial Facilities .....  | -\$6,000,000  | -\$6,000,000  | -\$6,000,000  |
| Ammunition Base (Conventional Ammunition Demil) .....                          | -\$20,000,000 | \$0           | -\$4,000,000  |
| Procurement of Ammunition, Navy and Marine Corps: Unobligated Balances .....   | \$0           | -\$4,000,000  | \$0           |
| Other Procurement, Navy: Shipboard Tactical Communications .....               | -\$3,000,000  | -\$3,000,000  | -\$3,000,000  |
| Procurement, Marine Corps: Unobligated Balances ...                            | \$0           | -\$4,000,000  | \$0           |
| Aircraft Procurement, Air Force:   |               |               |               |
| JSTARS .....   | -\$25,000,000 | -\$25,000,000 | -\$25,000,000 |
| F-16 .....   | -\$12,000,000 | \$0           | \$0           |
| F-16 Post Production Support .....   | -\$15,000,000 | -\$15,000,000 | -\$15,000,000 |
| Procurement of Ammunition, Air Force: CBU-87 .....                             | -\$21,100,000 | \$0           | -\$7,700,000  |
| Other Procurement, Air Force: Strategic C2 .....                               | -\$10,000,000 | -\$10,000,000 | -\$10,000,000 |
| Procurement, Defense-Wide:   |               |               |               |
| DISA .....   | -\$12,000,000 | \$0           | -\$8,000,000  |
| Major Equipment .....  | -\$10,700,000 | \$0           | -\$8,113,000  |
| SDIO Major Equipment .....   | -\$12,100,000 | \$0           | \$0           |
| Research, Development, Test and Evaluation, Army: Unobligated Balances .....   | -\$4,366,000  | -\$4,366,000  | -\$4,366,000  |
| Research, Development, Test and Evaluation, Navy:                              |               |               |               |
| MK-48 ADCAP (CBASS—New Start) .....  | -\$4,000,000  | \$0           | -\$1,900,000  |
| Standard Missile Improvements (LASM—New Start) .....                           | -\$500,000    | \$0           | \$0           |
| Unobligated Balances .....   | -\$14,978,000 | -\$14,978,000 | -\$14,978,000 |
| Research, Development, Test and Evaluation, Air Force:                         |               |               |               |
| Night Precision Attack .....   | -\$2,000,000  | \$0           | -\$2,000,000  |
| Unobligated Balances .....   | -\$28,396,000 | -\$28,396,000 | -\$22,245,000 |
| Research, Development, Test and Evaluation, Defense-Wide:                      |               |               |               |
| University Research .....  | -\$9,200,000  | \$0           | \$0           |
| Defense Reinvestment .....   | -\$6,200,000  | -\$6,200,000  | -\$6,200,000  |
| Medical Electron Laser .....   | -\$3,300,000  | \$0           | \$0           |
| High Performance Computer .....  | -\$1,600,000  | \$0           | \$0           |
| Theater High Altitude Area Defense .....                                       | -\$40,000,000 | -\$40,000,000 | -\$40,000,000 |
| NATO Research and Development .....  | -\$5,200,000  | \$0           | \$0           |

|  | House          | Senate         | Conference     |
|--|----------------|----------------|----------------|
| Office of Secretary of Defense Studies .....                                       | -\$5,700,000   | \$0            | -\$3,624,000   |
| Unobligated Balances .....   | -\$55,973,000  | -\$34,890,000  | -\$45,890,000  |
| Developmental Test and Evaluation, Defense:  |                |                |                |
| Central Test and Evaluation .....  | -\$2,200,000   | \$0            | -\$601,000     |
| Foreign Cooperative Testing .....  | -\$6,200,000   | \$0            | -\$2,449,000   |
| Test and Evaluation .....  | -\$3,800,000   | \$0            | -\$2,752,000   |
| Unobligated Balances .....   | -\$890,000     | -\$890,000     | -\$890,000     |
| Operational Test and Evaluation, Defense: Unobligated Balances .....               | -\$160,000     | -\$160,000     | -\$160,000     |
| Chemical Agents and Munitions Destruction, Defense:                                |                |                |                |
| Unobligated Balances .....   | -\$652,000     | -\$652,000     | -\$652,000     |
| Procurement .....  | -\$22,000,000  | -\$20,000,000  | -\$20,000,000  |
| Fiscal year 1997:  |                |                |                |
| Military Personnel, Army: Foreign Currency Savings ..                              | -\$37,000,000  | -\$46,000,000  | -\$57,000,000  |
| Military Personnel, Navy: Foreign Currency Savings ..                              | -\$9,000,000   | -\$11,000,000  | -\$18,000,000  |
| Military Personnel, Marine Corps: Foreign Currency Savings .....                   | \$0            | -\$5,000,000   | -\$5,000,000   |
| Military Personnel, Air Force: Foreign Currency Savings .....                      | -\$12,000,000  | -\$15,000,000  | -\$23,000,000  |
| National Guard Personnel, Air Force: Endstrength Pricing .....                     | -\$7,600,000   | \$0            | \$0            |
| Operation and Maintenance, Army:   |                |                |                |
| Capital Fund Transfer .....  | -\$17,000,000  | \$0            | -\$17,000,000  |
| Inflation Adjustment .....   | -\$19,000,000  | -\$19,000,000  | -\$19,000,000  |
| Foreign Currency Savings .....   | -\$124,000,000 | -\$155,000,000 | -\$160,000,000 |
| Operation and Maintenance, Navy:   |                |                |                |
| Inflation Adjustment .....   | -\$24,000,000  | -\$24,000,000  | -\$24,000,000  |
| Foreign Currency Savings .....   | -\$22,000,000  | -\$27,000,000  | -\$27,000,000  |
| Operation and Maintenance, Marine Corps:   |                |                |                |
| Inflation Adjustment .....   | \$0            | -\$3,000,000   | \$0            |
| Foreign Currency Savings .....   | \$0            | -\$14,000,000  | -\$3,000,000   |
| Operation and Maintenance, Air Force:  |                |                |                |
| Inflation Adjustment .....   | -\$18,000,000  | -\$18,000,000  | -\$18,000,000  |
| Foreign Currency Savings .....   | -\$79,000,000  | -\$99,000,000  | -\$99,000,000  |
| Operation and Maintenance, Defense-Wide:   |                |                |                |
| Office of the Secretary of Defense .....   | -\$10,000,000  | \$0            | \$0            |
| Inflation Adjustment .....   | -\$8,000,000   | -\$8,000,000   | -\$8,000,000   |
| Foreign Currency Savings .....   | -\$14,000,000  | -\$17,000,000  | -\$17,000,000  |
| Operation and Maintenance, Army Reserve: Inflation Adjustment .....                | -\$1,000,000   | \$0            | \$0            |
| Operation and Maintenance, Navy Reserve: Inflation Adjustment .....                | -\$1,000,000   | \$0            | \$0            |
| Operation and Maintenance, Air Force Reserve: Inflation Adjustment .....           | -\$1,000,000   | \$0            | \$0            |
| Operation and Maintenance, Army National Guard: Inflation Adjustment .....         | -\$2,000,000   | \$0            | \$0            |
| Operational and Maintenance, Air National Guard: Inflation Adjustment .....        | -\$3,000,000   | \$0            | \$0            |
| Environmental Restoration, Army: Inflation Adjustment .....                        | -\$250,000     | -\$250,000     | -\$250,000     |
| Environmental Restoration, Navy: Inflation Adjustment .....                        | -\$250,000     | -\$250,000     | -\$250,000     |
| Environmental Restoration, Air Force: Inflation Adjustment .....                   | -\$250,000     | -\$250,000     | -\$250,000     |
| Environmental Restoration, Defense-wide: Inflation Adjustment .....                | \$0            | -\$250,000     | -\$250,000     |
| Environmental Restoration, Formerly Used Defense Sites: Inflation Adjustment ..... | -\$250,000     | \$0            | -\$250,000     |
| Former Soviet Union Threat Reduction: Inflation Adjustment .....                   | -\$2,000,000   | -\$2,000,000   | -\$2,000,000   |
| Aircraft Procurement, Army:  |                |                |                |
| Inflation Adjustment .....   | -\$8,000,000   | -\$8,000,000   | -\$8,000,000   |
| Black Hawk, Advanced Procurement .....   | \$0            | \$0            | -\$5,000,000   |
| Missile Procurement, Army:   |                |                |                |
| Inflation Adjustment .....   | -\$2,000,000   | -\$2,000,000   | -\$2,000,000   |

|  | House          | Senate         | Conference     |
|--|----------------|----------------|----------------|
| ATACMS (AP) .....  | \$0            | -\$69,000,000  | -\$22,000,000  |
| Procurement of Weapons and Tracked Combat Vehicles, Army: Inflation Adjustment ..... | -\$5,000,000   | -\$5,000,000   | -\$5,000,000   |
| Procurement of Ammunition, Army:   |                |                |                |
| Armament Retooling and Manufacturing Support .....                                   | -\$10,000,000  | -\$10,000,000  | -\$10,000,000  |
| Inflation Adjustment .....   | -\$1,000,000   | -\$1,000,000   | -\$1,000,000   |
| Other Procurement, Army:   |                |                |                |
| Family of Medium Tactical Vehicles .....   | -\$6,000,000   | -\$6,000,000   | -\$6,000,000   |
| Inflation Adjustment .....   | -\$15,000,000  | -\$15,000,000  | -\$15,000,000  |
| Aircraft Procurement, Navy:  |                |                |                |
| F-18 E/F, Advanced Procurement .....   | -\$48,000,000  | \$0            | -\$24,000,000  |
| Inflation Adjustment .....   | -\$28,000,000  | -\$28,000,000  | -\$28,000,000  |
| Weapons Procurement, Navy: Inflation Adjustment .....                                | -\$6,000,000   | -\$6,000,000   | -\$6,000,000   |
| Shipbuilding and Conversion, Navy: Inflation Adjustment .....                        | -\$33,000,000  | -\$33,000,000  | -\$33,000,000  |
| Other Procurement, Navy: Inflation Adjustment .....                                  | -\$8,000,000   | -\$8,000,000   | -\$8,000,000   |
| Aircraft Procurement, Air Force:   |                |                |                |
| F-15 .....   | -\$35,000,000  | -\$21,000,000  | -\$21,000,000  |
| Inflation Adjustment .....   | -\$20,000,000  | -\$20,000,000  | -\$20,000,000  |
| Missile Procurement, Air Force:  |                |                |                |
| Medium Launch Vehicles .....   | -\$5,000,000   | \$0            | -\$5,000,000   |
| Titan IV .....   | -\$115,000,000 | -\$150,000,000 | -\$122,000,000 |
| Inertial Upper Stage .....   | \$0            | -\$25,000,000  | -\$25,000,000  |
| Inflation Adjustment .....   | -\$11,000,000  | -\$11,000,000  | -\$11,000,000  |
| Other Procurement, Air Force:  |                |                |                |
| Inflation Adjustment .....   | -\$7,000,000   | -\$7,000,000   | -\$7,000,000   |
| NIMA .....   | \$0            | \$0            | -\$13,000,000  |
| Procurement, Defense-Wide: Inflation Adjustment .....                                | -\$5,000,000   | -\$5,000,000   | -\$5,000,000   |
| National Guard and Reserve Equipment: Inflation Adjustment .....                     | -\$8,000,000   | \$0            | -\$8,000,000   |
| Research, Development, Test and Evaluation, Army:                                    |                |                |                |
| C-3 Advanced Technology .....  | -\$7,000,000   | \$0            | \$0            |
| Night Vision Systems—Eng Dev .....   | -\$5,000,000   | \$0            | -\$5,000,000   |
| 155 mm Light Weight Howitzer .....   | -\$3,000,000   | \$0            | -\$3,000,000   |
| Inflation Adjustment .....   | -\$10,000,000  | -\$10,000,000  | -\$10,000,000  |
| Research, Development, Test and Evaluation Navy:                                     |                |                |                |
| Submarine Technology .....   | -\$12,000,000  | \$0            | \$0            |
| Advanced Submarine Combat Systems Development .....                                  | \$0            | -\$12,000,000  | \$0            |
| Tomahawk .....   | -\$10,000,000  | \$0            | \$0            |
| MK-48 ADCAP (CBASS—New Start) .....  | -\$1,000,000   | \$0            | -\$600,000     |
| Standard Missile Improvements (LASM—New Start) .....                                 | -\$5,500,000   | \$0            | \$0            |
| Inflation Adjustment .....   | -\$9,000,000   | -\$9,000,000   | -\$9,000,000   |
| Research, Development, Test and Evaluation, Air Force:                               |                |                |                |
| AWACs .....  | -\$25,000,000  | \$0            | -\$12,500,000  |
| Threat Simulator Development .....   | -\$5,000,000   | \$0            | \$0            |
| Classified .....   | -\$200,000,000 | -\$100,000,000 | -\$130,000,000 |
| WCMD .....   | -\$3,500,000   | \$0            | -\$3,500,000   |
| JDAM .....   | -\$4,000,000   | \$0            | -\$4,000,000   |
| Inflation Adjustment .....   | -\$22,000,000  | -\$22,000,000  | -\$22,000,000  |
| Research, Development, Test and Evaluation, Defense-Wide:                            |                |                |                |
| NIMA .....   | \$0            | -\$80,000,000  | -\$22,000,000  |
| Dual-Use Funds (COSSI) .....   | -\$100,000,000 | \$0            | -\$50,000,000  |
| Dual-Use Funds .....   | \$0            | -\$100,000,000 | \$0            |
| Inflation Adjustment .....   | -\$15,000,000  | -\$15,000,000  | -\$15,000,000  |
| National Defense Sealift Fund: LMSR .....  | \$0            | -\$35,000,000  | -\$25,200,000  |
| Defense Health Program:  |                |                |                |
| Inflation Adjustment .....   | -\$10,000,000  | \$0            | -\$10,000,000  |
| Foreign Currency Savings .....   | -\$11,000,000  | \$0            | -\$11,000,000  |
| Chemical Agents and Munitions Destruction, Defense:                                  |                |                |                |
| Inflation Adjustment .....   | -\$2,000,000   | -\$2,000,000   | -\$2,000,000   |

|  | House            | Senate           | Conference       |
|--|------------------|------------------|------------------|
| Operation and Maintenance .....  | \$0              | -\$5,000,000     | -\$5,000,000     |
| Procurement .....  | \$0              | -\$20,000,000    | -\$20,000,000    |
| Drug Interdiction and Counter-Drug Activities, Defense: Inflation Adjustment ..... | -\$2,000,000     | -\$2,000,000     | -\$2,000,000     |
| Total .....  | -\$1,853,867,000 | -\$1,664,463,000 | -\$1,734,152,000 |

#### APPLICATION OF RESCISSIONS

The conferees agree to the detailed instructions in the House report specifying the manner in which rescissions made to updated inflation estimates are to be applied to each budget activity, activity group, and subactivity group.

#### SERVICE CRAFT

The conferees agree to rescind \$18,700,000 of fiscal year 1994 "Shipbuilding and Conversion, Navy" funds for service craft, rather than \$28,700,000 as proposed by the House. The rescinded funds are for a barracks craft for which the Navy does not plan to obligate funds until fiscal year 1998. The conferees note there are additional funds in the 1998 budget for this purpose. This action is solely due to the three year delay in program execution, and does not preclude the Navy from reinstating these funds in future fiscal years if appropriate. None of the rescission is to be applied to the YDT 17 Diving Tender program.

#### ATACMS

The conferees agree to rescind \$22,000,000 of fiscal year 1997 funds appropriated for economic order quantity (EOQ) purchases associated with a proposed ATACMS Block IA multiyear program, rather than the \$69,000,000 proposed by the Senate. The conferees note that changing circumstances in the program have led the Army to defer its plans for a multiyear acquisition strategy for the ATACMS Block IA missile. However, the conferees note that there are outstanding requirements in the ATACMS program and therefore direct the Army to: (1) reprogram \$3,200,000 to the Research, Development, Test and Evaluation, Army account to cover requirements associated with the extended ATACMS Block IA development program; and (2) with the remaining \$43,800,000, procure additional Block I missiles in fiscal year 1997 and/or procure Block IA missiles as part of the fiscal year 1998 Block IA full rate production contract. The Army is directed to provide the Appropriations Committees within 30 days a detailed plan outlining its planned use of these funds.

#### CBASS TORPEDO PROGRAM

The conference agreement rescinds \$2,500,000 from the CBASS torpedo program, rather than \$5,000,000 as proposed by the House. The conferees direct that none of the rescission may be applied to ongoing torpedo test and evaluation support activities.

## TOMAHAWK

The conferees do not agree to rescind \$10,000,000 in fiscal year 1997 Tomahawk research and development funding, as proposed by the House. However, the conferees are aware the Navy is considering several alternatives with regard to the future direction of the Tomahawk program which could affect the Navy's use of these fiscal year 1997 funds as well as the fiscal year 1998 Tomahawk program. The conferees direct that the Secretary of the Navy submit a report to the Appropriations Committees detailing the Navy's plans to obligate these fiscal year 1997 funds, and further direct that none of these funds may be obligated until 30 days after submission of this report.

## CLASSIFIED ACTIVITIES

The conference agreement includes rescissions against certain classified activities. The conferees direct these rescissions be carried out in conformance with the classified annex accompanying this conference report.

## GENERAL PROVISIONS, CHAPTER 2

The conferees agree to delete specific general provisions, as proposed by the House, which rescinded funds to reflect savings from revised economic assumptions, revised foreign currency exchange rates, amounts associated with unobligated balances, and amounts associated with prior year appropriations that were expected to expire at the end of fiscal year 1997. Rescissions in these categories approved by the conferees are included in Title 1, Chapter 2 of the conference agreement.

The conferees agree to delete language, as proposed by the Senate, which recommended repealing Section 5803 of Public Law 104-208.

## DEPARTMENT OF DEFENSE

## MILITARY CONSTRUCTION

## (RESCISSIONS)

In section 201, the conferees agree to rescissions of fiscal year 1996 appropriated amounts totaling \$180,000,000 to offset unbudgeted costs associated with contingency operations, which is identical to the amounts in both the House and the Senate bills, with a technical correction to one account. In addition, the conferees agree to rescissions of fiscal year 1997 appropriated amounts totaling \$9,000,000 to further offset unbudgeted costs associated with contingency operations, rather than \$55,000,000 as proposed by the Senate. The House bill contained no rescission of fiscal year 1997 funds. These amounts are rescinded to reflect savings from revised economic assumptions, as follows:

|   |           |
|---|-----------|
| Military Construction, Army .....         | 1,000,000 |
| Military Construction, Navy .....         | 2,000,000 |
| Military Construction, Air Force .....    | 3,000,000 |
| Military Construction, Defense-wide ..... | 3,000,000 |
|   | <hr/>     |
|   | 9,000,000 |

The conferees direct that these rescissions reflecting savings from revised economic assumptions and program execution, totaling \$189,000,000, shall not result in the delay or reduction in scope of any project for which funds have been appropriated.

In section 202, the conferees also agree to project cancellation and rescission of \$6,480,000 from funds appropriated in fiscal year 1995 for a bachelor enlisted quarters project at Norfolk, Virginia, as provided in both the House and the Senate bills, to offset fully funds appropriated (in Title I, Chapter 1, section 106) for repair of hurricane-damaged family housing units.

#### GENERAL PROVISIONS, CHAPTER 3

The conferees agree to delete language proposed by the House limiting the obligation of funds to the current fiscal year unless otherwise specified. This language has been included in Title III which will apply to the entire Act.

The conferees agree to delete, without prejudice, language proposed by the House which placed certain administrative requirements on the Office of the Assistant Secretary of the Navy (Financial Management and Comptroller). The conferees share the concerns expressed in the House report, but do not believe that legislation is warranted at this time. The conferees commend the leadership of the Navy for its prompt attention to the concerns expressed by the House, as evidenced by recent written assurances from the Secretary of the Navy that Navy financial management procedures and processes are being reassessed and revised. The conferees expect the Navy to fully address the concerns expressed in the House report, advise the Appropriations Committees on its progress in developing a plan to strengthen its financial management procedures, and continue a dialogue with the Committees with the goal of attaining efficient program execution of appropriated funds. The conferees will monitor the Navy's progress in strengthening its financial management procedures.

The conferees agree to amend Section 301, as proposed by the Senate. The conferees understand that the Ballistic Missile Defense Organization (BMDO) has no plans to transfer management, development, and acquisition authority over the National Missile Defense Program from the military services until the contract for a Lead System Integrator (LSI) for the National Missile Defense Program is awarded. Section 301 of the conference agreement directs the Department of Defense to provide a report to the congressional defense committees 30 days prior to taking any action to transfer management, development, and acquisition authority over the National Missile Defense Program from the military services. The conferees further direct that BMDO provide a report to the congressional defense committees on the specific plans for transferring management responsibility under the LSI acquisition strategy within 30 days of enactment of this Act. Section 301 also directs an analysis by the Joint Requirements Oversight Council (JROC) regarding recommended roles of the military services in regards to National Missile Defense, with the results of said analysis to be provided to the congressional defense committees within 60 days of enactment, and directs that no actions shall be taken to delay or

defer planned activities under the National Missile Defense Program based solely on the conduct of this JROC analysis.

The conferees agree to retain Section 302, as proposed by the Senate, which allows the Secretary of Defense discretionary authority to allow his designee on the Board of the Panama Canal Commission to continue service.

The conferees agree to amend Section 303, as proposed by the Senate, allowing the Secretary of Defense to enter into a lease agreement in support of the Defense Finance and Accounting Service at Lexington Blue Grass Station, Kentucky.

The conferees agree to amend Section 304, as proposed by the Senate, with regard to the MK-50 torpedo program.

The conferees agree to retain Section 305, as proposed by the Senate, which limits manpower for the National Missile Defense Joint Program Office in the National Capital Region.

The conferees agree to amend Section 306, as proposed by the Senate, which provides the Air Force the authority to accept funds transferred by NASA in reimbursement of expenses incurred by the Air Force in support of the Cassini mission.

The conferees agree to include Section 307, which makes a technical correction requested by the Department of Defense regarding eligibility for the Defense Experimental Program to Stimulate Competitive Research.

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### AIRBORNE MINE COUNTERMEASURES

The conferees support the intent of language in the House report regarding the need to acquire airborne mine countermeasures capability as soon as practicable. Therefore, they direct the Navy to complete the competitive flyoff directed in the report accompanying the conference agreement on the fiscal year 1997 Department of Defense Appropriations Act by September 30, 1997. The conferees note that the fiscal year 1997 Department of Defense Appropriations Act provided \$12,000,000 for this flyoff, but stipulated that all concepts were to be given an opportunity to compete in this effort. The conferees further explain that they are aware of a system which uses hyperspectral data in meeting this requirement and strongly recommend that the Navy include this technology in its competitive flyoff.

##### ADVANCED SPACECRAFT TECHNOLOGY

The conferees direct that the Department of Defense proceed expeditiously with a thorough review of hyperspectral technology, existing hyperspectral sensors, planned sensors, and Warfighter-1. The review shall include representation from the Air Force Phillips Lab as well as experts outside the government. Based on this review, the Office of the Undersecretary of Defense for Acquisition and Technology shall make a decision whether to proceed with the current Warfighter program or a restructured hyperspectral program no later than June 30, 1997. The conferees further direct that none of the funds appropriated for Warfighter-1 shall be reallocated or reprogrammed until 15 days after the Congress is informed of the Department of Defense's plans.

## U.S. FORCES KOREA POINT OBSTACLE BREACHING CAPABILITY

The conferees are aware of Army proposals to shift the point obstacle breaching mission in Korea from outdated and expensive Combat Engineer Vehicles mounted with 165mm guns to M1 Abrams tanks using special tank munitions (XM908). The Army is directed to report on the status of this plan to the Appropriations Committees no later than July 1, 1997. Such report shall describe the results of the XM908 test program, the status of changing the demolition mission in Korea, and the estimated future procurement requirement and cost for the XM908 round by fiscal year.

## NEW START PROGRAMS

The conferees agree with the House position with regard to the Navy's initiation of new programs without the prior approval of the Office of the Secretary of Defense (OSD) and Congress. Advance Congressional review and approval is a fundamental requirement for proper use of appropriated funds. Therefore, the conferees fully expect the Navy to comply with the longstanding OSD reprogramming procedures on all proposed new start programs.

## TITLE II

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR  
RECOVERY FROM NATURAL DISASTERS

## CHAPTER 1

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG  
ADMINISTRATION, AND RELATED AGENCIES

## DEPARTMENT OF AGRICULTURE

## FARM SERVICE AGENCY

## AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a subsidy level of \$18,000,000 for emergency insured loans, as proposed by the Senate. This allows for a program loan level of approximately \$59,000,000. The agreement also includes a subsidy level of \$5,000,000 for guaranteed subsidized operating loans, instead of \$10,000,000 as proposed by the Senate. This allows for a loan level of approximately \$55,000,000. In addition, the conference agreement provides \$6,300,000 for direct farm operating loans, instead of \$12,600,000 as proposed by the Senate. This will fund approximately \$50,000,000 in additional loans. The House had no similar provisions.

## EMERGENCY CONSERVATION PROGRAM

The conference agreement provides \$70,000,000 for the emergency conservation program instead of \$65,000,000 as proposed by the House and \$77,000,000 as proposed by the Senate.

## TREE ASSISTANCE PROGRAM

The conference agreement provides \$9,000,000 for emergency assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters as proposed by the House instead of \$9,500,000 as proposed by the Senate. These funds are available for all states affected by natural disasters. The agreement also deletes the use of \$500,000 of this amount for the Forestry Incentives Program as proposed by the Senate. The House bill contained no similar provision.

## COMMODITY CREDIT CORPORATION FUND

## DISASTER RESERVE ASSISTANCE PROGRAM

The conference agreement provides for a livestock indemnity program of up to \$50,000,000 to be derived from proceeds from the sale of grain in the disaster reserve as proposed by the Senate. The House bill contained no similar provision.

## NATURAL RESOURCES CONSERVATION SERVICE

## WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides \$166,000,000 for emergency watershed and flood prevention operations, instead of \$150,700,000 as proposed by the House and \$171,000,000 as proposed by the Senate. These funds are available for all states affected by natural disasters. The agreement allows up to \$15,000,000 of the total to be used for floodplain easements, instead of \$10,000,000 as proposed by the House and \$20,000,000 as proposed by the Senate. The agreement prohibits the use of these funds for the salmon memorandum of understanding as proposed by the House.

## RURAL HOUSING SERVICE

## RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

## RURAL HOUSING ASSISTANCE PROGRAM

The conference agreement deletes \$250,000 in funding for Section 515 Rural Housing loans and \$4,000,000 for the Rural Housing Assistance Program, as proposed by the Senate. The House bill had no similar provisions. The conference agreement retains Senate bill language providing that unexpended emergency funds from prior year disaster assistance acts may be used for Sections 502 and 515 rural housing loans, very low-income housing repair loans and grants, and domestic farm labor grants. The House bill had no similar provisions. The conference agreement includes bill language making the College Station area of Pulaski County, Arkansas, eligible for loans and grants from the Rural Housing Service, as proposed by the House and as referenced in the Senate report. The conference agreement also provides that the same eligibility criteria for community facility loans be used to determine eligibility for community facility grants to disaster-affected areas as proposed by the Senate. The House bill contained no similar provision.

The conferees support the continuation of New York State's Section 515 Rural Rental Housing Leveraged Loan Program. This pilot program would provide the Rural Housing Service with the flexibility to consider community based needs assessment criteria in its designation of new loans.

#### RURAL UTILITIES SERVICE

##### RURAL UTILITIES ASSISTANCE PROGRAM

The conference agreement provides \$4,000,000 for the Rural Utilities Assistance Program instead of \$6,500,000 as provided in the Senate bill. These funds are available for all States affected by natural disasters. The House bill had no similar provision.

#### FOOD AND CONSUMER SERVICE

##### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides \$76,000,000 for the special supplemental nutrition program for women, infants, and children (WIC) as proposed by the House instead of \$58,000,000 as proposed by the Senate.

The Administration has stated that \$76,000,000 in WIC supplemental funding is needed to maintain the fiscal year 1996 year-end participation level of 7,408,981. The conference agreement includes language as proposed by both the House and Senate which allows the Secretary to waive the regulatory funding formula when allocating the \$76 million provided by this Act. It is the intent of the conferees that the Secretary use this authority to distribute these additional funds to prevent caseload reductions in state programs facing funding shortfalls. These funds are not intended to be used to expand enrollment beyond the fiscal year 1996 year-end participation level.

#### COMMODITY FUTURES TRADING COMMISSION

The conferees are aware of the Chicago Board of Trade's proposal relating to delivery specifications for corn and soybean futures contracts and the importance of this proposal to individuals and firms in proximity to current delivery points, such as Toledo, Ohio. The conferees urge the Commission to act promptly on the pending proposal for corn and soybean delivery specifications using the appropriate criteria under the Commodity Exchange Act, meeting the standards set forth in section 5a(a)(10) of the Act, which require delivery points that "will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce." The conferees expect that the Commission will take all reasonable steps to solicit public comment on the proposal and will give due regard to the views of the full range of market users and others having an interest in its decision of the pending proposal for corn and soybean delivery specifications. The conferees also believe that a study by the General Accounting Office, provided to the Commission and to the appropriate Congressional committees, may be helpful to address issues

relating to corn and soybean futures contract delivery specifications.

GENERAL PROVISION, CHAPTER 1

BULK CHEESE PRICE SURVEY

The conference agreement retains Senate bill language requiring the Department of Agriculture to provide a weekly report on prices and terms of trade involving the production of bulk cheese. The House bill had no similar provision.

CHAPTER 2

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND  
RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM

The conferees direct the Attorney General to provide \$6,361,000 to the Federal Bureau of Investigation (FBI) from resources currently available in the Counterterrorism Fund to reimburse the State of New York and certain local jurisdictions in New York for their assistance in the investigation of the crash of TWA Flight 800, instead of providing \$12,420,000 to the FBI from this Fund for this purpose, as proposed in the House report. The Senate bill included \$12,420,000 under the Department of Transportation, Federal Aviation Administration for reimbursement of these expenses.

The amount included in the conference agreement represents costs for extraordinary expenses incurred by these jurisdictions in support of the FBI's investigation that the Department of Justice has verified to the Committee are appropriate for reimbursement from this Fund. The conference agreement also includes funding for other expenses related to the recovery operation, which are not covered by the Counterterrorism Fund, under the National Transportation Safety Board. In addition, the conferees expect the Attorney General to work closely with the Secretary of Transportation with respect to voluntary payment from the involved airlines and the airline carrier's insurance underwriter for these costs.

The conferees have provided \$1,950,000 in Chapter 9 of this Act to help meet the security needs related to the Summit of Eight meeting in Denver, Colorado, making the House report language under this heading unnecessary.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes \$52,200,000 for emergency disaster assistance activities, instead of \$54,700,000 as proposed in the Senate bill, \$49,700,000 included in the House bill, and

\$1,200,000 proposed by the Administration to be derived by transfer from the Economic Development Revolving Loan Fund. The conference agreement makes funds available for emergency infrastructure expenses and capitalization of revolving loan funds for assistance related to recent flooding, as proposed in the House bill. The conference agreement does not allow \$6,800,000 of the funds available to be used for planning and technical assistance grants, as included in the Senate bill. The conferees note that the EDA has already provided additional planning and technical assistance grants from regular fiscal year 1997 funds to those areas most severely impacted by recent natural disasters. The conference agreement designates up to \$2,000,000 to be available for administrative expenses as proposed in the House bill, instead of \$2,900,000 included in the Senate bill. In addition, these amounts are allowed to be transferred to and merged with the EDA "Salaries and Expenses" account, as included in the House bill. Finally, the conferees expect the EDA to submit a plan on the expenditure of these funds in accordance with the guidance included in the House report.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes language proposed in the House bill, and not included in the Senate bill, designating that not to exceed \$35,000,000 of the amount provided under this account in Public Law 104-208 is available for new grant awards under the Advanced Technology Program. When combined with \$27,000,000 in unobligated balances available from prior year appropriations, a total of \$62,000,000 is available for new grant awards in fiscal year 1997, in addition to \$6,000,000 previously awarded with fiscal year 1996 funds. In addition, \$155,000,000 is available in fiscal year 1997 to pay the continuation costs of grants made in prior fiscal years, and \$37,000,000 is available for administration, small business innovative research, and lab support. The conferees direct that any additional funds that become available through recoveries or any other means may be spent only after notification to the Committees on Appropriations of the House and Senate under standard reprogramming procedures.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$7,000,000 for disaster assistance for fisheries impacted by recent flooding and red tide as authorized by section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Of this amount, \$3,500,000 is provided for the Pacific Northwest, and \$3,500,000 is provided for the Gulf Coast region for impacts resulting from the opening of the Bonnet Carre Spillway and from red tide. The Senate bill proposed \$7,000,000 for disaster assistance pursuant to the Magnuson-Stevens Act to continue a salmon fishing buyback program. The conferees are aware that recent flooding has impacted certain regions of the country and intends that this funding be used for activities

which directly assist the fishermen in these areas. The conferees do not intend that any of these funds be used by NOAA to begin a new land acquisition program. Further, the conferees direct that NOAA submit an implementation plan to the Committees on Appropriations of the House and Senate in accordance with the re-programming procedures set forth in section 605 of Public Law 104-208 prior to the expenditure of these funds. In addition, the conference agreement includes \$2,000,000 for implementation of the provisions of the Magnuson-Stevens Act in the North Pacific fisheries. The conference agreement includes language, similar to the Senate bill, making the entire amount contingent upon the President submitting a budget request designating the entire amount as an emergency requirement.

The conferees understand that there are concerns about National Weather Service plans for its regional headquarters and expect the Department to continue to work with those Members who have expressed concerns in order to resolve them, and to take into account any forthcoming GAO report and recommendations concerning this issue while remaining within the existing financial plan for the current and succeeding fiscal years.

#### CONSTRUCTION

The conference agreement includes \$10,800,000, requested by the Administration, and included in both the House and Senate bills, to provide for repair of fish hatcheries along the Columbia River damaged by recent severe flooding.

#### DEPARTMENT OF STATE

##### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement does not include supplemental funding of \$100,000,000 for payment of United States arrearages to the United Nations, subject to authorization, as proposed in the Senate bill. The House bill provided no funding for this purpose. Recent developments related to the Balanced Budget Agreement negotiations indicate that the time frame for addressing the issue of arrearages is not intended to begin until fiscal year 1998.

#### RELATED AGENCIES

##### COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

The conference agreement includes \$2,000,000 for the Commission on the Advancement of Federal Law Enforcement as proposed in the House bill, instead of no funding as proposed in the Senate bill.

##### SMALL BUSINESS ADMINISTRATION

##### DISASTER LOANS PROGRAM ACCOUNT

The conferees direct the Small Business Administration to provide loan amounts under the disaster loan program sufficient to

meet building code requirements for energy efficiency in accordance with the Senate report.

#### GENERAL PROVISIONS, CHAPTER 2

Section 2001. The conference agreement includes a provision that specifies that \$3,000,000 currently available in the Department of Justice Counterterrorism Fund, be allocated to the appropriate unit of local government in Ogden, Utah, to upgrade security and communications infrastructure to counter any potential terrorism threat related to the 2002 Winter Olympic games, as proposed in the Senate bill as Section 302. The House bill did not include this provision.

Section 2002. The conference agreement includes a provision to extend the Small Business Competitiveness Demonstration Program for dredging through September 30, 1997, as proposed in the Senate bill as Section 329. The House bill did not address this matter.

Section 2003. The conference agreement includes a provision, as proposed in the Senate bill as Section 334, to provide for a good Samaritan exemption to the Marine Mammal Protection Act for the taking of a marine mammal if such taking results from an attempt to rescue a marine mammal entangled in fishing gear or debris. The House bill did not address this matter.

Section 2004. The conferees are aware that policy changes recently adopted by the National Aeronautics and Space Administration have resulted in reductions in fiscal year 1997 requirements within the National Oceanic and Atmospheric Administration's Satellite Observing Systems programs. The conferees are aware that the Department of Commerce is in the process of developing reprogramming proposals to reallocate these funds from this program to meet other operational requirements which the Committees will consider under standard reprogramming procedures. In addition, in consultation with the Committees, the Department is directed to develop a plan for the expenditure of the balance of these funds together with a reprogramming to be submitted to the Committees within 15 days of the enactment of this Act.

#### CHAPTER 2—A

#### DISTRICT OF COLUMBIA

The conference action deletes the Senate chapter which included the appropriation of an additional Federal payment of \$31,150,000 to the District of Columbia for police pay raises and emergency school repairs. The House bill did not contain a similar chapter.

CHAPTER 3  
ENERGY AND WATER DEVELOPMENT  
DEPARTMENT OF DEFENSE—CIVIL  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

The conference agreement includes \$20,000,000 for extraordinary maintenance needs on the Mississippi River and Tributaries project resulting from flooding in the lower Mississippi River valley as proposed by the House and the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conferees are in agreement with the language in the Senate report regarding Yazoo basin projects.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes \$150,000,000 for the Corps of Engineers to undertake repairs and extraordinary maintenance of projects impacted by flooding and other natural disasters throughout the nation as proposed by the House instead of \$137,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conferees are aware that a decision by the Administration to terminate the use of the existing ocean disposal site for material dredged from the Ports of New York and New Jersey has created an immediate need for additional funds in order for critical work to be accomplished prior to the closure of the disposal site. The conferees are concerned that the Administration did not anticipate the resource needs associated with the decisions related to dredged material disposal. The conferees urge the Corps of Engineers to reassess its maintenance dredging needs in an effort to make available additional funds for dredging during the current year.

The conference agreement deletes bill language proposed by the Senate directing the Secretary of the Army to use available funds to perform dredging and snagging and clearing of the Truckee River in Nevada, the San Joaquin River in California, and the Chena River in Alaska. The Secretary of the Army is directed, within existing authorities, to use available funds to perform emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River and Sacramento River channels, California; and to dredge shoaling which has occurred downstream from the Federal Chena River flood control facility.

The conferees are aware of the compacts between the States of Alabama, Florida, and Georgia for interstate cooperation, planning, and development of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins and have provided

\$5,000,000 for planning and studies related to consensus-based proposals for the allocation of water in these basins. The conferees direct the Corps of Engineers and other Federal agencies to limit those studies to issues agreed to by the States of Alabama, Florida, and Georgia until such time as the two compacts have been ratified by the Congress.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes \$415,000,000 for Flood Control and Coastal Emergencies as proposed by the House instead of \$390,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conferees are aware of the prolonged heavy rains, high surf, flooding, and land and mud slides which impacted Hawaii, including the area of the Lualualei Naval Magazine, last November. In light of this emergency, the conferees agree to consider solutions to this problem as the appropriations process continues for fiscal year 1998.

The conferees urge the Corps of Engineers to use available funds to assess the need for a flood preparedness and warning plan for the Reno, Nevada, area and to advise the House and Senate Committees on Appropriations on the need for such a plan in time for it to be addressed during the fiscal year 1998 appropriations process.

The conferees recognize the serious nature of the ongoing flooding at Devils Lake in North Dakota. In response to that situation, the conferees have provided \$5,000,000 for the Corps of Engineers to initiate and complete preconstruction engineering and design for an emergency outlet from Devils Lake to the Sheyenne River as proposed by the Senate with an amendment which deletes the requirement that preconstruction engineering and design be at full Federal expense. However, given the emergency situation, the conferees direct the Secretary of the Army to incorporate as part of any cost-sharing agreement for the emergency outlet a provision which permits the non-Federal sponsor to use other available Federal funding sources to satisfy the non-Federal share of the preconstruction engineering and design costs. Further, the conferees direct that the policy requiring concurrent non-Federal financing of preconstruction engineering and design shall not apply. It is the intent of the conferees that none of the funds made available in this Act shall be used to initiate any project which would divert water from the Missouri River to Devils Lake.

The conferees concur with the Senate direction to the Corps of Engineers to expedite action to raise the emergency levees at Devils Lake, as appropriate, beyond 1445 feet using funding appropriated herein. The conferees have not waived the cost-share requirements for that work. However, the conferees support the use of other, Federal funding sources to satisfy the non-Federal share of that work.

The conference agreement includes language which provides \$5,000,000 for channel restoration and improvements on the James River in South Dakota if the Secretary of the Army determines

that the need for such restoration and improvements constitutes an emergency instead of \$10,000,000 as proposed by the Senate.

## DEPARTMENT OF THE INTERIOR

### BUREAU OF RECLAMATION

#### OPERATION AND MAINTENANCE

The conference agreement includes \$7,355,000 for the Bureau of Reclamation to undertake repairs to facilities, including damages to archeological collections and recently identified damages to fish handling and water release structures, impacted by flooding in the western states and the upper Midwest as proposed by the House and the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

### GENERAL PROVISIONS, CHAPTER 3

#### RIVER BASIN COMMISSIONS

The conference agreement includes language proposed by the House requiring that the United States members and alternate members of the Susquehanna and Delaware River Basin Commission be officers of the Army Corps of Engineers who shall serve without additional compensation, instead of language proposed by the Senate requiring that the Secretary of the Interior or his designee serve as the alternate members of the Susquehanna and Delaware River Basin Commission.

The conference agreement includes language proposed by the House and the Senate establishing that the Federal representative on the Delaware River Basin Commission shall serve at the pleasure of the President.

The conference agreement includes technical and conforming language repealing reservations of the Susquehanna and Delaware River Basin Compacts.

#### WILLOW CREEK DAM, MONTANA

The conference agreement includes language which would increase from \$750,000 to \$1,200,00 the authority of the Secretary of the Interior to obligate funds for safety of dams construction work at the Willow Creek Dam, Sun River Project, Montana, without transmitting a modification report to Congress as required by section 5 of the Reclamation Safety of Dams Act of 1978, as amended. This new level of authority is necessary to permit completion of essential safety modifications at the Willow Creek Dam.

#### COMPLIANCE WITH THE ENDANGERED SPECIES ACT

The conference agreement includes a provision proposed by the Senate related to the application of the Endangered Species Act in emergency situations. The bill reported by the House Appropriations Committee contained a similar provision.

## RED ROCK DAM, IOWA

The conference agreement deletes a provision proposed by the Senate providing relief to agricultural producers for flooding losses related to operation of Red Rock Dam in Iowa.

## CHAPTER 4

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

## ASSISTANCE TO UKRAINE

Section 3002 of the House bill allowed the President to waive any of the earmarks in subsections (k) and (l) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in Public Law 104-208, if he determined, and so reported to the Committees on Appropriations, that the Government of Ukraine—

- (1) is not making significant progress toward economic reform and the elimination of corruption;
- (2) is not permitting American firms and individuals to operate in Ukraine according to generally accepted business principles; or
- (3) is not effectively assisting American firms and individuals in their efforts to enforce commercial contracts and resist extortion and other corrupt demands.

The Senate amendment contained no comparable provision.

The conference agreement, section 4001, allows the President to waive the minimum funding levels in subsection (k) only, for activities for the government of Ukraine funded in that subsection, if he determines, and so reports to the Committees on Appropriations, that the government of Ukraine—

- (1) has not made progress toward implementation of comprehensive economic reform;
- (2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or
- (3) is not taking steps to cease the illegal dumping of steel plate.

## URUGUAY

The House bill did not contain any provision relating to Uruguay.

Section 328 of the Senate amendment prohibited funds made available in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, from being made available for assistance to Uruguay unless the Secretary of State certified to the Committees on Appropriations that all cases involving seizure of United States business assets have been resolved.

The conference agreement deletes the Senate language. The managers are concerned that trade and relations with Uruguay may be affected by the recent seizure of private American assets and urge the Administration to take all necessary actions to rem-

edy this problem. The managers will review progress on this issue and may consider appropriate action in subsequent legislation.

CHAPTER 5  
 INTERIOR AND RELATED AGENCIES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 CONSTRUCTION  
 (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$4,796,000 for construction as proposed by the House and the Senate, of which \$4,403,000 is to be derived by transfer from the Oregon and California grant lands account as proposed by the Senate instead of \$3,003,000 by transfer as proposed by the House.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides \$2,694,000 for Oregon and California grant lands, using unobligated balances of funds made available as supplemental appropriations in Public Law 104-134, as proposed by the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE  
 RESOURCE MANAGEMENT

The conference agreement provides \$5,300,000 for resource management instead of \$2,250,000 as proposed by the House and \$8,350,000 as proposed by the Senate. Increases from the House proposed level include \$550,000 for fire restoration at the Bosque Del Apache National Wildlife Refuge and \$2,500,000 to pay private landowners for the voluntary use of private lands to store water in restored wetlands. The funds for use of private lands to store water are not provided for any specific region and should be allocated on a competitive basis taking into account the level of non-Federal cost sharing, associated benefits to fish and wildlife, and the degree to which future flood damage will be mitigated.

The conference agreement also provides for these resource management funds to remain available until expended instead of two-year funds as proposed by the House and a combination of two-year and three-year funds as proposed by the Senate.

CONSTRUCTION

The conference agreement provides \$88,000,000 for construction instead of \$81,000,000 as proposed by the House and \$91,000,000 as proposed by the Senate. The managers agree to the following distribution of funds:

| <i>Region: States</i>   | <i>Amount</i> |
|---|---------------|
| 1: California, Idaho, Nevada, Oregon, Washington .....        | \$52,915,000  |
| 2: Oklahoma, Texas .....                                      | 7,310,000     |
| 3: Illinois, Indiana, Iowa, Minnesota, Wisconsin .....        | 5,474,000     |
| 4: Alabama, Arkansas, Louisiana, Mississippi, Tennessee ..... | 5,097,000     |

| <i>Region: States</i>                              | <i>Amount</i> |
|--|---------------|
| 5: Maine, Massachusetts, West Virginia .....       | 1,662,000     |
| 6: Montana, North Dakota, South Dakota, Utah ..... | 15,542,000    |
| Total .....  | 88,000,000    |

## LAND ACQUISITION

The conference agreement provides \$10,000,000 for land acquisition instead of \$15,000,000 as proposed by the House and \$5,000,000 as proposed by the Senate.

## NATIONAL PARK SERVICE

## CONSTRUCTION

The conference agreement provides \$187,321,000 for construction to address emergency requirements as proposed by the Senate instead of \$186,912,000 as proposed by the House. The conference agreement also provides \$10,000,000 in non-emergency funding, as proposed by the House and the Senate. The managers agree to the following distribution of funds.

| <i>Site</i>                                    | <i>Amount</i> |
|--|---------------|
| Yosemite National Park, CA (emergency) .....   | \$176,053,000 |
| transportation (non-emergency) .....           | 10,000,000    |
| Devils Postpile National Monument, CA .....    | 74,000        |
| Lassen Volcanic National Park, CA .....        | 171,000       |
| Lava Beds National Monument, CA .....          | 49,000        |
| Redwood National Park, CA .....                | 8,955,000     |
| Sequoia/Kings Canyon National Parks, CA .....  | 331,000       |
| Whiskeytown National Recreation Area, CA ..... | 216,000       |
| Oregon Caves National Monument, OR .....       | 83,000        |
| North Cascades National Park, WA .....         | 41,000        |
| Mount Rainier National Park, WA .....          | 13,000        |
| Olympic National Park, WA .....                | 130,000       |
| Mammoth Cave National Park, KY .....           | 542,000       |
| North Dakota group .....                       | 210,000       |
| Cape Cod National Seashore, MA .....           | 60,000        |
| Fire Island National Seashore, NY .....        | 125,000       |
| Minute Man National Historical Park, MA .....  | 79,000        |
| Roosevelt/Vanderbilt sites, NY .....           | 189,000       |
| Total .....                                    | 197,321,000   |

## UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides \$4,650,000 for surveys, investigations, and research as proposed by the Senate instead of \$4,290,000 as proposed by the House. No funds are provided for post-flood data collection or risk assessment.

## BUREAU OF INDIAN AFFAIRS

## OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$14,317,000 for operation of Indian programs as proposed by the Senate instead of \$11,100,000 as proposed by the House.

## CONSTRUCTION

The conference agreement provides \$6,249,000 for construction as proposed by the Senate instead of \$5,554,000 as proposed by the House.

Bill language also is included, as proposed by the Senate, requiring that funds appropriated for fiscal year 1997 for repair of the Wapato irrigation project are made available on a non-reimbursable basis. The House had no similar provision.

## RELATED AGENCIES

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## NATIONAL FOREST SYSTEM

The conference agreement provides \$39,677,000 for the National forest system as proposed by the Senate instead of \$37,107,000 as proposed by the House. The managers agree to the following distribution of funds:

Region: States:

|  | <i>Amount</i> |
|--|---------------|
| 1: Idaho, Montana .....                        | \$1,361,000   |
| 4: Idaho, Nevada, California .....             | 5,596,000     |
| 5: California .....                            | 14,816,000    |
| 6: Oregon, Washington, California, Idaho ..... | 14,362,000    |
| 9: Illinois, Indiana, Ohio .....               | 3,542,000     |
| Total .....                                    | 39,677,000    |

## RECONSTRUCTION AND CONSTRUCTION

The conference agreement provides \$27,685,000 for reconstruction and construction as proposed by the Senate instead of \$32,334,000 as proposed by the House. The managers agree to the following distribution of funds:

Region: States:

|  | <i>Amount</i> |
|--|---------------|
| 1: Idaho, Montana .....                        | \$165,000     |
| 4: Idaho, Nevada, California .....             | 1,636,000     |
| 5: California .....                            | 8,945,000     |
| 6: Oregon, Washington, California, Idaho ..... | 15,375,000    |
| 9: Illinois, Indiana, Ohio .....               | 1,564,000     |
| Total .....                                    | 27,685,000    |

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## INDIAN HEALTH SERVICE

## INDIAN HEALTH SERVICES

The conference agreement provides \$1,000,000 for Indian health services as proposed by the House and the Senate.

## INDIAN HEALTH FACILITIES

The conference agreement provides \$2,000,000 for Indian health facilities as proposed by the House and the Senate.

## GENERAL PROVISIONS, CHAPTER 5

Section 5001.—The conference agreement includes language in section 5001 that amends the recreation fee demonstration program to permit the collecting agencies to keep 100% of the funds in excess of the amount collected for fiscal year 1994 as proposed by the House and by the Senate.

Section 5002.—The conference agreement includes language in section 5002, as proposed by the Senate, that permits the Indian Health Service to receive and retain reimbursements from tribes or tribal organizations in exchange for goods and services. The House had no similar provision.

Section 5003.—The conference agreement includes language in section 5003, modifies language proposed by the House which amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend the expiration date of the Act and to ratify the agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation and the Secretary of the Interior. The Senate had no similar provision. The conference agreement amends the House language to establish the final terms of the water lease, between the Phelps Dodge Corporation and the San Carlos Apache Tribe, under which the Corporation will pay the Tribe for water.

Section 5004.—The conference agreement includes language in section 5004 that amends the Marine Mammal Protection Act Amendments of 1994 to allow the import of polar bear trophies legally taken in Canada before April 30, 1994. This amendment will not affect the authority of the Fish and Wildlife Service to require that all polar bear trophies be imported through a designated port. This is important to ensure that there is no stimulation of illegal import or illegal trade in the United States in polar bear parts. The language also does not interfere with the Service's authority to collect a \$1,000 fee for each polar bear trophy imported. The additional fees generated as a result of this amendment will provide increased benefits for polar bear conservation.

Section 5005.—The conference agreement includes language in section 5005 that modifies a Senate provision relating to rights-of-way established pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932). The new language establishes a commission to recommend to the Secretary of the Interior and the Congress changes in law to provide for an expeditious resolution of all outstanding claims regarding R.S. 2477 rights-of-way. The commission is required to make its recommendations by March 1, 1998. The Secretary of the Interior must approve or disapprove the commission's recommendations in their entirety by March 31, 1998. If the Secretary of the Interior approves the commission's recommendations, a "fast track" procedure is provided for Congressional consideration of the recommendations. Subsection (b)(5)(A) has been included to make it clear that this section does not provide the express authorization required by Public Law 104-208 for the issuance of final rules or regulations regarding R.S. 2477 rights-of-way. The House had no similar provision.

## CHAPTER 6

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND  
RELATED AGENCIES

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## HEALTH RESOURCES AND SERVICES ADMINISTRATION

## HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

The conference agreement includes a Senate provision to allow the use of up to \$499,000 in Health Education Assistance Loan (HEAL) premiums to support the Office of HEAL Default Reduction. The House bill contains no similar provision.

## CENTERS FOR DISEASE CONTROL AND PREVENTION

## DISEASE CONTROL, RESEARCH, AND TRAINING

The conferees are concerned by the high disease burden and mortality of hepatitis C, estimated to afflict 3.9 million Americans. This disease is under-recognized by health care provider and the public health community. Given these and other concerns recently defined by the National Institutes of Health Consensus Conference on Hepatitis C, the conferees encourage the Centers for Disease Control and Prevention to enhance efforts to define the burden of acute and chronic hepatitis C in the United States and risk factors for its acquisition. Better chronic liver disease surveillance will enhance determination of disease trends and provide a means to evaluate the effectiveness of various prevention or treatment strategies.

## ADMINISTRATION FOR CHILDREN AND FAMILIES

## CHILDREN AND FAMILIES SERVICES PROGRAMS

The conference agreement includes a Senate provision making a technical change to the fiscal year 1997 appropriations act for this account by inserting a legal citation to section 1110 of the Social Security Act. The House bill included no similar provision.

## OFFICE OF THE SECRETARY

## PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement modifies language proposed by the Senate which would have appropriated \$15,000,000 to the Public Health and Social Services Emergency Fund within the Office of the Secretary for competitively awarded research on the environmental links to breast cancer. The Senate language designated the funding as an emergency appropriation. The House bill had no similar provision.

The conferees agree that \$15,000,000 is appropriated to support high priority biomedical research. These funds will be made available on a competitive basis and through mechanisms to be determined by the Secretary, in consultation with the Directors of the National Institutes of Health and the Centers for Disease Control

and Prevention, and the Deputy Assistant Secretary for Women's Health. The conferees request that the Secretary provide a report to both Committees on the research plan and allocation methodology accompanying these additional funds by July 1, 1997. Among the priorities the conferees encourage the Secretary to consider is cancer research, especially research investigating the environmental factors that may be associated with breast cancer in communities with high incidence of the disease. The conferees have removed the emergency designation for these funds, offsetting the cost elsewhere within the bill.

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

The Conference agreement includes \$101,133,000 in additional funding for title I, Grants to Local Education Agencies, instead of \$198,176,000 as proposed by the Senate. Included in the agreement is \$78,362,000 for basic grants and \$22,771,000 for concentration grants. The House bill contained no similar provision.

The agreement provides additional title I funds to States that would have received a reduction in funds as a result of the Department of Education's decision to use a blend of 1990 and 1994 child poverty data. The 1994 reauthorization of the Elementary and Secondary Education Act required the National Academy of Sciences to study and recommend a safeguard against using census data if it was unreliable or inappropriate. The Academy recommended that the title I funds be distributed based on the blended rate which resulted in some of the poorest States in the Nation losing title I funds.

The conference agreement provides each state that would lose funds as a result of the use of new census data with one-half of the difference between what the state would have received had the 1990 data been used and then added the supplemental funds to the blended rate.

The agreement also provides authority to the Secretary of Education to distribute the additional funds to counties that would lose funds as a result of the shift in the population data; and, prorate payments, if necessary. Also included is a provision excluding these additional funds from the formula used to determine State allocations under any other education programs.

Finally, the agreement makes these additional funds available on July 1, 1997, instead of October 1, 1997 as proposed by the Senate.

The conference agreement does not include a provision in the Senate amendment reducing the advance appropriation for title I from \$1,298,386,000 to \$713,386,000.

## RELATED AGENCY

### NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

#### SALARIES AND EXPENSES

The conference agreement provides \$650,000 as proposed by the House and as authorized in Title IV of this Act for the National

Commission on the Cost of Higher Education. The Senate bill did not contain a similar provision.

#### GENERAL PROVISIONS, CHAPTER 6

##### EDUCATION FUNDING FLEXIBILITY IN DISASTER AREAS

The conference agreement includes provisions proposed by the Senate in section 311 that (1) extend the availability of fiscal year 1995 funds awarded under state-administered programs of the Department of Education and fiscal year 1996 Rehabilitation Act state programs until September 30, 1998 for obligation by areas that are Presidentially-declared areas; and (2) extend the waiver authority under section 14401 of the Elementary and Secondary Education Act to all state-administered programs of the Department for funds awarded for fiscal years 1995, 1996 and 1997. The agreement adds language specifying that the disaster areas must have been declared as such during fiscal year 1997. The House bill contained no similar provisions.

##### WAIVERS OF STUDENT AID STATUTE AND REGULATIONS

The conference agreement modifies section 312 of the Senate bill to permit the Secretary of Education to waive or modify regulatory or statutory provisions of title IV of the Higher Education Act (student aid) for funds awarded in school years 1996–1997 and 1997–1998 to individuals or institutions affected by natural disasters in areas declared to be such by the President. The provision specifically includes those who were operating, attending or residing in an institution of higher education or employed in a disaster area at the time of the disaster. The House bill did not contain a similar provision.

##### DENVER MEDICARE DEMONSTRATION

The conference agreement includes a provision (section 313 in the Senate bill) prohibiting the use of any fiscal year 1997 funds to implement a Medicare Competitive Pricing/Open Enrollment Demonstration Project in Denver, Colorado. The House bill contains no similar provision.

##### LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement deletes without prejudice a provision of the Senate bill directing the Secretary of Health and Human Services to obligate from previously appropriated funds \$45,000,000 in emergency funding under the Low Income Home Energy Assistance Program (LIHEAP) to victims of flooding and other natural disasters in fiscal year 1997. The conferees note that of the LIHEAP emergency funds previously appropriated by Congress, \$205,000,000 remain available and could be released by the President at any time. The conferees further note that the LIHEAP authorizing legislation permits these funds to be expended to meet the needs of one or more States arising from a natural disaster or other emergency. Therefore, additional appropriations are not necessary at this time, since the President has sufficient funding and authority to meet existing emergency conditions.

## EMERGENCY USE OF CHILD CARE FUNDS

The conference agreement includes a provision to allow the use of previously appropriated Federal child care funds for victims of major disasters who are involved in unpaid work activities resulting from the recent flood emergency, including the cleaning, repair, restoration and rebuilding of homes, businesses and schools. The provision is operational only during the period April 30, 1997 to July 30, 1997. The Senate bill included a similar provision; the House bill contained no provision.

## SUPPLEMENTAL SECURITY INCOME

The conference agreement includes a provision similar to those included in both the House and Senate bills amending the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the availability of Supplemental Security Income benefits for legal non-citizens who are current beneficiaries from August 22, 1997, through September 30, 1997. This provision reconciles several technical differences in citation and drafting between the House and Senate bills.

## CHAPTER 7

## LEGISLATIVE BRANCH

## CONGRESSIONAL OPERATIONS

## SENATE

## CONTINGENT EXPENSES OF THE SENATE

## SECRETARY OF THE SENATE

## (TRANSFER OF FUNDS)

A transfer of \$5,000,000 is provided from funds available under the heading "Senate" to the Secretary of the Senate, to be available through September 30, 2000, for development and implementation of a comprehensive, Senatwide legislative information system [LIS]. The accounts from which the transfers occur are contingent upon the approval of the Committee on Appropriations of the Senate. Pursuant to section 8 of the Legislative Branch Appropriations Act, 1997, the Secretary is required to develop and implement LIS under the oversight of the Committee on Rules and Administration.

## HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF  
CONGRESS

Funds are provided for the customary death gratuity for children of Frank Tejada, late a Representative from the State of Texas.

## OTHER AGENCY

## BOTANIC GARDEN

## SALARIES AND EXPENSES

The bill provides \$33.5 million, a reduction of \$1.5 million under the amount estimated, for the emergency repair and renovation of the U.S. Botanic Garden Conservatory. The Architect of the Capitol has notified the Committees on Appropriations and the Joint Committee on the Library that the Conservatory must be closed for safety and accessibility reasons, due to the unacceptable risk of potential injury to the public and staff resulting from hazardous conditions in the Conservatory. By fully funding the necessary emergency repair and renovation, the Architect will be able to perform the necessary work over a two-year period instead of a phased four-year repair schedule, which had been estimated to cost \$35 million.

## GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. This provision allows for the establishment of a no-pay status for the Capitol Police appointed by the Senate. The provision is necessary to allow the Secretary of the Senate to transfer the payroll functions for the Senate Capitol Police to the National Finance Center pursuant to the requirement of a unified payroll under title 40 U.S.C. 207a. This provision does not alter any of the prerogatives of the Senate. The intention is to provide the Secretary of the Senate with the ability to outsource the payroll function for the Senate Capitol Police.

SEC. 7002. This provision provides the Sergeant at Arms and Doorkeeper of the Senate, with the approval of the Senate Rules and Administration Committee, the authority to provide temporary home State facilities, equipment, and office space to a Senator when there has been a disaster or emergency declared by the President. This provision is intended to provide the additional facilities, equipment, and office space consistent with those already provided to a Senator under current authority and regulation.

SEC. 7003. Authority is provided to transfer up to \$10,000 within the funds available to the Office of the Secretary of the Senate, subject to approval.

SEC. 7004. This provision has been requested by the General Accounting Office (GAO) and extends to the agency the same flexibility in contracting that is currently available to executive branch agencies in the Federal Property and Administrative Services Act and the Federal Acquisition Regulation (FAR). Although not technically subject to the Property Act and FAR, GAO conforms to those provisions as a matter of policy. Providing this authority will yield savings due to flexibility in contracting. The Committees on Appropriations of the House and Senate expect that GAO will continue adhering to the requirements of the Property Act and FAR, in keeping with sound procurement policies.

## CHAPTER 8

DEPARTMENT OF TRANSPORTATION AND RELATED  
AGENCIES

## DEPARTMENT OF TRANSPORTATION

## COAST GUARD

## OPERATING EXPENSES

Appropriates \$1,600,000 for incremental operating expenses of the Coast Guard related to support activities in the TWA Flight 800 crash investigation and recovery efforts instead of \$6,473,000 as proposed by the Senate. The House bill contained no similar appropriation.

## RETIRED PAY

The conference agreement provides a mandatory appropriation of \$9,200,000 for the retired pay of Coast Guard military personnel. The House and Senate bills each included \$4,200,000 for this purpose, as requested by the administration. However, more recent information from Coast Guard officials and the Office of Management and Budget has indicated that an additional \$5,000,000 will be required during fiscal year 1997.

## FEDERAL AVIATION ADMINISTRATION

## FACILITIES AND EQUIPMENT

## (AIRPORT AND AIRWAY TRUST FUND)

The conference agreement deletes the appropriation of \$40,000,000 proposed by the House to maintain the production line for certified explosives detection systems. The conferees believe that recent foreign orders of this equipment combined with Federal Aviation Administration actions designed to slow down the delivery rate now make it likely that this production line can be maintained well into fiscal year 1998, making additional funds in this urgent supplemental bill unnecessary. Should additional funds be necessary next year, the conferees agree to consider such funding during the regular appropriations process for fiscal year 1998. The Senate bill contained no similar appropriation.

## GRANTS-IN-AID FOR AIRPORTS

The conference agreement deletes the appropriation of \$15,520,000 proposed by the Senate to reimburse state and local agencies for unanticipated costs associated with support activities related to the TWA Flight 800 and ValuJet Flight 592 tragedies. The House bill contained no similar appropriation.

The conference agreement provides funds for reimbursement to state and local agencies related to the TWA Flight 800 and ValuJet Flight 592 tragedies from funds appropriated to the National Transportation Safety Board. The conference agreement also directs that funds be made available from the Department of Jus-

tice’s counterterrorism fund to reimburse state and local agencies for the TWA Flight 800 tragedy.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

Provides \$650,000,000 for emergency relief activities of the Federal Highway Administration as proposed by both the House and Senate. The conference agreement deletes a provision proposed by the House that makes eligible for emergency relief funding a project to repair or reconstruct any portion of a federal-aid primary route in California which was destroyed as a result of storms in the winter of 1982–1983. The Senate bill contained a similar provision under “Federal-aid highways, limitation on obligations”.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement increases obligation authority for Federal-aid highways by \$694,810,534, of which \$139,733,491 is distributed to those states that had their fiscal year obligation authority reduced as a result of a clerical error made by the Department of the Treasury in recording the Highway Trust Fund receipts in December 1994; \$318,077,043 is distributed to those States who had their fiscal year 1997 obligation authority reduced as a result of the Treasury error; and \$237,000,000 is distributed to those states whose fiscal year 1997 obligation authority is less than they received in fiscal year 1996.

The additional obligation authority of \$694,810,534 is estimated to be distributed as follows:

|                        | <i>New Obligation<br/>Authority</i> |
|------------------------|-------------------------------------|
| Alabama .....          | \$20,931,160                        |
| Alaska .....           | 8,163,962                           |
| Arizona .....          | 12,007,562                          |
| Arkansas .....         | 6,506,921                           |
| California .....       | 50,711,555                          |
| Colorado .....         | 6,577,269                           |
| Connecticut .....      | 11,495,143                          |
| Delaware .....         | 2,503,194                           |
| Dist of Columbia ..... | 1,603,800                           |
| Florida .....          | 51,658,920                          |
| Georgia .....          | 56,862,527                          |
| Hawaii .....           | 3,845,863                           |
| Idaho .....            | 2,082,397                           |
| Illinois .....         | 21,890,066                          |
| Indiana .....          | 11,574,082                          |
| Iowa .....             | 6,556,907                           |
| Kansas .....           | 6,690,815                           |
| Kentucky .....         | 29,879,840                          |
| Louisiana .....        | 7,240,399                           |
| Maine .....            | 3,098,969                           |
| Maryland .....         | 13,390,159                          |

|                      | <i>New Obligation<br/>Authority</i> |
|----------------------|-------------------------------------|
| Massachusetts .....  | 27,424,798                          |
| Michigan .....       | 14,747,139                          |
| Minnesota .....      | 12,888,358                          |
| Mississippi .....    | 5,314,543                           |
| Missouri .....       | 9,678,737                           |
| Montana .....        | 8,643,559                           |
| Nebraska .....       | 4,518,489                           |
| Nevada .....         | 3,483,013                           |
| New Hampshire .....  | 2,788,867                           |
| New Jersey .....     | 15,930,195                          |
| New Mexico .....     | 7,057,801                           |
| New York .....       | 34,185,699                          |
| North Carolina ..... | 15,054,880                          |
| North Dakota .....   | 3,373,984                           |
| Ohio .....           | 7,201,580                           |
| Oklahoma .....       | 7,096,552                           |
| Oregon .....         | 6,433,609                           |
| Pennsylvania .....   | 16,916,047                          |
| Rhode Island .....   | 5,465,112                           |
| South Carolina ..... | 18,202,593                          |
| South Dakota .....   | 3,671,957                           |
| Tennessee .....      | 9,427,283                           |
| Texas .....          | 64,694,961                          |
| Utah .....           | 5,215,722                           |
| Vermont .....        | 2,553,396                           |
| Virginia .....       | 13,986,103                          |
| Washington .....     | 11,971,851                          |
| West Virginia .....  | 5,353,926                           |
| Wisconsin .....      | 10,167,297                          |
| Wyoming .....        | 3,639,211                           |
| Puerto Rico .....    | 2,451,761                           |

The House bill provided \$318,077,043 in additional obligation authority to those states that had their fiscal year 1997 obligation authority reduced as a result of a recent correction of a clerical error made by the Department of the Treasury in recording Highway Trust Fund receipts in 1994. The Senate bill provided \$933,193,000 in additional obligation authority, of which \$318,077,043 would be provided to those states as proposed in the House bill; \$139,733,491 would be provided to those states that had their fiscal year 1996 obligation authority reduced as a result of the Treasury clerical error; and \$475,382,466 would be provided to hold harmless all states at their fiscal year 1996 obligation level. The conference agreement also deletes the projects specified in the Senate bill.

#### FEDERAL RAILROAD ADMINISTRATION

##### EMERGENCY RAILROAD REHABILITATION AND REPAIR

Appropriates \$18,900,000 for emergency expenses to repair and rebuild railroad bridges, rights-of-way, and other facilities of the regional and short line railroad system as a result of floods in September 1996 and March and April 1997 instead of \$24,000,000 as proposed by the Senate and \$10,000,000 as proposed by the House. The conference agreement provides that up to \$900,000 shall be solely for damage incurred in West Virginia in September 1996 and \$18,000,000 shall be for damage incurred in floods in the northern plains states in March and April 1997. Funds shall be available only to the extent an official budget request designating the funds

provided as an emergency is transmitted by the President. The House bill provided funds to repair and rebuild rail lines resulting from the floods in the northern plains states in the spring of 1997.

#### RELATED AGENCY

##### NATIONAL TRANSPORTATION SAFETY BOARD

###### SALARIES AND EXPENSES

Appropriates \$29,859,000 for salaries and expenses of the National Transportation Safety Board (NTSB) instead of \$23,300,000 as proposed by the House and \$14,100,000 as proposed by the Senate. The conference agreement provides funds for aviation accident investigation costs, NTSB travel and overtime, and for assistance to families of aviation accident victims as authorized by the Federal Aviation Reauthorization Act of 1996. Of the total provided, no more than \$6,059,000 shall be available to reimburse the State of New York and local counties for the costs they incurred while assisting in the TWA Flight 800 accident investigation; no more than \$3,100,000 shall be available to reimburse Metropolitan Dade County, Florida for costs it incurred as a result of the crash of ValuJet Flight 592; and no more than \$300,000 shall be available to reimburse Monroe County, Michigan for the costs it incurred as a result of the crash of Comair Flight 3272. Before distributing these funds, NTSB shall verify the appropriateness of individual reimbursement requests to assure that these funds compensate local and state entities for the extraordinary, incremental costs related to the investigations. Funds shall be available only to the extent an official budget request designating the funds provided as an emergency is transmitted by the President. Of the total provided, \$4,877,000 shall remain available until expended.

Although the conferees recognize that the recovery and accident-related costs of the TWA, ValuJet, and Comair tragedies have been significant and have provided sufficient funding to compensate the affected parties for these costs, the conferees agree that these reimbursements shall be a one-time occurrence. The NTSB has heretofore not been responsible for nor has it reimbursed local entities for wreckage and victim recovery or victim identification costs. As a general rule, the carrier's insurance underwriter has paid for wreckage recovery unless the aircraft crashed into water. Insurance coverage for victim recovery is a rare exception. In the past, such recovery activities have been the responsibility of state and local governments. However, following the passage of the Aviation Disaster Family Assistance Act of 1996, the carriers' underwriters have assumed that the NTSB is responsible for these expenses. The conferees believe that this is not the intent of the Aviation Disaster Family Assistance Act. The conferees further believe that the Chairman of the NTSB, the Secretary of Transportation, and the appropriate authorizing committees of Congress should take necessary action to address this situation so that a long-term approach that fairly allocates these costs to the aviation industry and the carriers' underwriters can be instituted. The Chairman of the NTSB and the Secretary of Transportation shall report to the House and Senate Committees on Appropria-

tions and the appropriate authorizing committees of Congress not later than August 1, 1997, on their recommendations. Further, the Chairman of the NTSB and the Secretary of Transportation shall work to secure voluntary payment for any costs reimbursed under this provision from the involved airlines and the carriers' underwriters.

The conference agreement also requires that the NTSB reimburse the Department of the Navy no more than \$10,330,000 from the total appropriation for the costs it incurred in connection with the TWA Flight 800 investigation.

#### GENERAL PROVISIONS, CHAPTER 8

Section 8001. The conference agreement modifies language proposed by the House that corrects an enrolling error in the Department of Transportation and Related Agencies Appropriations Act, 1997, relating to federal transit funds made available to DeKalb County, Georgia, as proposed by the Senate.

Section 8002. The conference agreement modifies language proposed by the House that corrects an enrolling error in the Department of Transportation and Related Agencies Appropriations Act, 1997, relating to user fees of the Bureau of Transportation Statistics as proposed by the Senate.

Section 8003. The conference agreement includes language proposed by both the House and Senate that makes available \$500,000 in additional contract authority for Section 410 alcohol-impaired driving prevention incentive grants.

Section 8004. The conference agreement includes language proposed by the House that authorizes the National Driver Register for fiscal year 1997. The Senate bill contained no similar provision.

The conference agreement deletes language proposed by the Senate that would have exempted general aviation operations and Canada-to-Canada and Mexico-to-Mexico overflights from the overflight user fee if those two countries do not impose similar charges on flights operated by U.S. citizens. However, the conferees are concerned that the Federal Aviation Administration (FAA) would collect user fees under the interim final rule from general aviation users before certifying to the Congress that the anticipated fees from general aviation sources exceed the cost of administering the international overflight fee on general aviation users and other costs to the government of implementing the interim final rule on the general aviation community. The conferees are also concerned about the implications of the proposed Canada-to-Canada and Mexico-to-Mexico overflight fees in light of the objections of the Canadian Government and the international community. The FAA should work with the international community to ensure that the international obligations of the United States are adhered to. The House bill contained no similar provision.

The conference agreement also deletes, without prejudice, language proposed by the Senate that would authorize at least \$50,000,000 in overflight user fees in fiscal year 1998 and each year thereafter. The FAA has assured the conferees that the anticipated revenues from international overflight user fees under the interim final rule for a full year are estimated to be in excess of \$50,000,000. The House bill contained no similar provision.

## CHAPTER 9

## TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

## DEPARTMENT OF THE TREASURY

## DEPARTMENTAL OFFICES

## SALARIES AND EXPENSES

The Senate provided a supplemental of \$1,950,000 and directed that the amount be used to compensate the city and county of Denver and the State of Colorado law enforcement agencies for costs associated with continuing to provide security support to Federal agencies for the Oklahoma City bombing trial while concurrently hosting the Summit of Eight. The House did not address this issue. The conferees have agreed to make these funds available, as proposed by the Senate.

The conferees are concerned that the State of Colorado, the County of Denver, and the City of Denver law enforcement agencies are facing extraordinary burdens associated with the security requirements of the Oklahoma City bombing trial while concurrently hosting an international event the magnitude of the Summit of Eight scheduled for June of 1997. The conferees recognize that hosting an event that includes eight heads of states and their accompanying delegations while simultaneously providing security surrounding a domestic terrorism trial is both extraordinary and unprecedented. The conferees have therefore included up to \$1,950,000 to reimburse the State of Colorado, the County of Denver, and the City of Denver law enforcement agencies for costs associated with these events. The conferees have made this one time expenditure subject to verification by the Secretary of Treasury and expect that reimbursement will be made for only those expenses that are determined to be appropriate.

## UNITED STATES CUSTOMS SERVICE

The House included a provision making \$16,000,000 of fiscal year 1997 funds appropriated for Counter-Terrorism and Drug Law Enforcement available until September 30, 1998. The Senate did not include this provision. The conferees agree to make these funds available until September 30, 1998, as proposed by the House.

## U.S. POSTAL SERVICE

## PAYMENT TO THE POSTAL SERVICE FUND

The House provided a \$5,300,000 supplemental for payments to the Postal Service Fund for the revenue forgone program. The Senate provided \$5,383,000, the amount requested by the Administration. The conferees agree to provide \$5,383,000, as proposed by the Senate.

GENERAL PROVISIONS, CHAPTER 9  
MONTGOMERY, ALABAMA COURTHOUSE

The Senate included a provision which authorizes the General Services Administration to proceed with the construction of the U.S. Courthouse in Montgomery, Alabama. The House did not address this issue. The conferees agree to authorize the GSA to proceed with the construction of this project, as proposed by the Senate.

RESTRICTION ON FUNDS USED TO ENFORCE ELECTRONIC FUNDS TAX  
TRANSFER SYSTEM

The Senate included a provision which places a six month prohibition on the use of funds to impose or collect any Internal Revenue Service (IRS) penalty on small businesses which have failed to comply with the electronic funds transfer program. The House did not address this issue. The conferees agree to the House position and do not include this provision.

REPEAL OF SECTION 1555 OF THE FEDERAL ACQUISITION  
STREAMLINING ACT (FASA)

The Senate included a provision repealing Section 1555 of the Federal Acquisition Streamlining Act of 1994 (P.L. 103-355). The House did not address this issue. The conferees agree to modify the Senate provision by extending the current moratorium until the date of adjournment of the 1st session of the 105th Congress.

The conferees received a great deal of input on this issue from a variety of interest groups, the Office of Management and Budget, and various Congressional committees. This input was often conflicting. Therefore, the conferees agree that the most prudent course of action is to allow the authorizing committees of jurisdiction to conduct hearings on this issue and to address any required remedy in separate legislation.

The conferees are distressed that those with conflicting interests and concerns could not aid in coming to a compromise on this issue. The potential cost savings which could be realized by state and local governments through the purchase of supplies and equipment, especially in the area of medical supplies and equipment, is considerable. However, there is great concern that cost savings currently experienced by the Federal government could be reduced if these schedules were opened up to other large government organizations.

The conferees are especially distressed that this compromise means that drugs used to treat HIV and HIV-related illnesses will not be offered to state and local governments and Public Health Hospitals. However, the conferees agree that, at this time, this issue, as well as issues involving the impact on state and local governments and small businesses, must be addressed by the appropriate Congressional oversight committees.

PROCUREMENT OF DISTINCTIVE CURRENCY PAPER

The House included a provision to clarify Congressional intent respecting procurement of distinctive currency paper. The Senate

did not include this provision. The conferees agree to modify the House provision by prohibiting the award of a new contract for the production of distinctive currency paper until certain requirements are met, limiting the "bridge" contract to 24 months, and requiring the Secretary of the Department of the Treasury to certify that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. The Secretary is also required to report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

The Bureau of Engraving and Printing (BEP) and the Department of the Treasury have had a 117-year virtual sole-source supplier of distinctive currency paper. The result is that the federal government has a single supplier of distinctive currency paper. The conferees believe the Congress should have a neutral-party assessment of the potential for disruption of currency paper production with a sole-source supplier and the optimum circumstances for government procurement of distinctive currency paper, including the benefits and costs and the advantages and disadvantages which might accrue from competition in the procurement of distinctive currency paper.

The Department of the Treasury prohibited the BEP from furnishing capital to contractors to induce competition, which was contained in Solicitation No. BEP-96-13 (TN). The Department of the Treasury directed the BEP to issue Solicitation No. BEP-97-13 (TN) which does not furnish capital to contractors to induce competition. Solicitation No. BEP-97-13 (TN) seeks bidders for a four-year, multi-hundred-million dollar contract, which commences on October 1, 1998.

The conferees agree that before the contract for this solicitation can be awarded, additional information and the opportunity for Congressional oversight is required. Therefore, the conferees have modified the House bill to prohibit the BEP and the Department of the Treasury from awarding the contract for the current solicitation until the General Accounting Office (GAO) has conducted a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper and has reported its findings to the House and Senate Committees on Appropriations. The conference provision also limits the "bridge" contract to 24 months, and requires the Secretary of the Department of the Treasury to certify that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. The "bridge" contract is necessary to ensure the supply of currency paper until such time as the aforementioned restrictions are removed.

The conferees direct the GAO to report on the current limitations on competition in currency paper procurement; the fairness and reasonableness of prices paid for currency paper and passport paper; possible alternatives to the current procurement situation, including the impact of Federal acquisition guidelines on supply competition; the potential for disruption of U.S. currency paper and passport paper supplies by the inability of the single government

supplier to meet contract requirements and the adequacy of contingency supply arrangements made by the single government supplier, the impact of security requirements, especially the need for Federal law enforcement agencies to monitor paper production and security features, on any contract arrangements; the role of the Bureau of Engraving and Printing and the Department of the Treasury in the development of competitive proposals for the production of currency paper; and the impact of capitalization requirements on distinctive currency paper contracts.

#### EMERGENCY LEAVE TRANSFER FOR FEDERAL EMPLOYEES

The House bill includes a provision which establishes an emergency leave transfer program for Federal employees who are adversely affected by disasters and emergencies. The Senate did not include this provision. The conferees agree to include this provision, as proposed by the House.

#### PROHIBITION ON THE USE OF FUNDS TO STUDY OF THE MEDICINAL USE OF MARIJUANA

The House bill includes a provision which prohibits the use of funds in this Act for the study of the medicinal use of marijuana. The Senate did not include this provision. The conferees agree to the Senate position.

### CHAPTER 10

#### VA, HUD, AND INDEPENDENT AGENCIES

##### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS BENEFITS ADMINISTRATION

##### COMPENSATION AND PENSIONS

Inserts language appropriating \$928,000,000 for compensation and pensions, instead of language appropriating \$753,000,000 as proposed by the House and the Senate. The increase of \$175,000,000 above the original supplemental estimate of \$753,000,000 was recently requested by the Department of Veterans Affairs due to higher than expected payment costs. The VA indicates the additional funds will ensure adequate funding for compensation and pensions payments through the remainder of this fiscal year.

##### ADMINISTRATIVE PROVISIONS

Inserts language proposed by the Senate authorizing \$12,300,000 for the parking facility component of the ambulatory care addition project at the Cleveland VA Medical Center.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Inserts language proposed by the Senate to reallocate \$1,000,000 from a special purpose grant provided in P.L. 102-139 for Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

Provides \$3,500,000 as proposed by the House to correct a technical error which resulted in excluding inadvertently the Valley Vista Property in Syracuse, New York, from inclusion in the statutory standard for preservation carve-out properties. Without this correction, this 124-unit property would convert to elderly apartments or to a congregate care facility, increasing the chance that the current low-income residents, all of whom are elderly, could be displaced.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

Deletes language proposed by the House to provide \$30,200,000 for Drug Elimination Grants for Low-Income Housing by transfer from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND  
AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

Transfers \$30,200,000 as proposed by the Senate, with modifications, from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account to the National Community Development Initiative (NCDI) for capacity building activities. This issue is further addressed under general provisions, section 10004.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

Amends language proposed by the House and the Senate by providing \$500,000,000 for community development block grants (CDBG) funds, of which \$250,000,000 shall become available in fiscal year 1998. These funds are limited to buyouts, relocation, long-term recovery, and mitigation in communities affected by disasters occurring during fiscal year 1997 and other disasters that were designated 30 days prior to the start of fiscal year 1997. While the immediacy of reacting to a disaster event is often the focus of attention, the conferees are well aware that long-term recovery efforts are necessary to truly remedy the social and economic impacts of natural disasters. Whether relocating an upper Midwest town ravaged by floods, helping to rebuild a small Southern town ripped by a tornado, or replacing farm worker dwellings destroyed by flooding in the West, the conferees understand the importance that a community places in providing emergency funds to meet these

challenges. The Department is thus urged to give full consideration to all appropriate applications for assistance.

In addition, the conferees make clear that these CDBG funds may not be used for activities that are reimbursable by or for which funds are made available by the Federal Emergency Management Agency (FEMA), the Small Business Administration, or the Army Corps of Engineers. Finally, the amount is available only if the President transmits a budget request that meets the emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees recommend retaining language suggested by the House and the Senate (1) to allow the Secretary to waive certain statutes or regulations if necessary; (2) to require the Secretary to publish a notice of the Federal Register if CDBG funds are used in conjunction with any program administered by FEMA for buyouts in disaster areas; (3) to require the submission of a plan if a State or local government receives funds used for buyouts; and (4) to require HUD and FEMA to submit quarterly reports in the event any funds are used for buyouts.

Finally, to ensure the speedy distribution of CDBG funds, the language provides the Secretary with authority to waive provisions requiring that activities be limited to low- and moderate-income families. This authority is granted only on a case-by-case basis.

#### MANAGEMENT AND ADMINISTRATION

##### SALARIES AND EXPENSES

Directs HUD to provide \$1,000,000 from its Salaries and Expenses account to fund a review of Departmental management systems. While the conferees are pleased that the Secretary has stated that improving HUD's management deficiencies is one of his priorities, it is impossible to overlook the fact that the Department remains designated "high risk" by the General Accounting Office. Therefore, HUD is directed to enter into a contract with the National Academy of Public Administration (NAPA) no later than one month after this legislation is enacted to review HUD's contracting procedures, basic administrative organization, and the development of personnel needs based on meaningful measures. The conferees expect NAPA to submit their report to the House and Senate Committees on Appropriations by March 1, 1998.

The Senate had proposed \$1,500,000 for this purpose, the House had no comparable provision.

#### INDEPENDENT AGENCIES

##### ENVIRONMENTAL PROTECTION AGENCY

##### BUILDINGS AND FACILITIES

Inserts language proposed by the House regarding EPA's Center for Ecology Research and Training instead of similar language proposed by the Senate.

## HAZARDOUS SUBSTANCE SUPERFUND

The conferees have deleted language included in section 333 of the Senate bill which required that the Agency for Toxic Substances and Disease Registry (ATSDR) conduct certain studies regarding childhood cancer in Dover Township, New Jersey, authorized grants to the State of New Jersey, and authorized a specific appropriation for these purposes. The conferees agree that this provision is unnecessary because additional statutory authority is not needed for ATSDR to conduct such studies, provide grants, or for the Congress to provide appropriations. The conferees have in fact already appropriated some \$1,200,000 for ATSDR to conduct various studies in this regard, and fully expect to provide the future resources necessary for EPA, ATSDR, and the State of New Jersey to investigate fully and completely this situation and provide appropriate remedies and restoration activities.

## STATE AND TRIBAL ASSISTANCE GRANTS

Inserts language proposed by the Senate which permits EPA to use funds appropriated for State or tribal grants to implement certain grant programs in the absence of an acceptable State or tribal program.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## DISASTER RELIEF

Provides \$3,300,000,000 for disaster relief instead of \$3,100,000,000 as proposed by the Senate and \$3,067,677,000 as proposed by the House. Of the approved amount, \$2,300,000,000 will become available on September 30, 1997, but only after the Director of FEMA submits to the Congress a legislative proposal to control disaster relief costs. The conferees have also included language proposed by the Senate which provides authority to FEMA to transfer up to \$20,000,000 from the Disaster Relief Fund to the Disaster Assistance Direct Loan Program for emergency education operations assistance. Any such transfer of funds to the Community Disaster Loan Program shall be solely for loans to municipal governments in communities stricken by federally-declared disasters in which school districts have incurred unanticipated requirements because of the displacement of students whose schools were damaged or destroyed by the disaster. The Committees on Appropriations are to be notified by FEMA of any transfer of funds for this purpose.

## SALARIES AND EXPENSES

Deletes language proposed by the House to provide additional funds for salaries and expenses and deletes language proposed by the Senate to rescind salary and expense funds provided in Public Law 102-368.

The conferees understand that there may be a need for full-time Federal Coordinating Officers (FCO) to manage disaster response and recovery activities in the ten regions. At present, FEMA does not employ individuals with sole responsibility for federal coordinating officer activities. Individuals tapped to act as FCOs are

detailed away from their normal day-to-day responsibilities, sometimes for months at a time, and often must abandon routine duties entailed in their official job. This has been disruptive and counter-productive at times. FEMA has been considering how to address this issue, including the possibility of hiring full-time FCOs, and the conferees are not necessarily opposed to this option. The conferees therefore direct FEMA to submit its plan for addressing the need for full-time FCOs to the Committees on Appropriations prior to mark-up of the fiscal year 1998 appropriations bill. The conferees expect to be fully apprised of any changes in policy or procedure, such as using disaster relief funds for full-time employees, with respect to this issue.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conferees note that recent floods in Northern California have highlighted the lack of critical information relating to the levees and topography of the Sacramento and San Joaquin valleys. In this regard, the conferees are aware that new technologies which have previously been available only in a military context may prove particularly useful and cost-effective in providing this critical information in California as well as in other areas of the nation where flooding has been a recurring problem. One such technology is the so-called IFSAR-E digital mapping service.

Because of the potential benefits of the use of this technology, the conferees direct FEMA to review fully the matter and report back to the Committees on Appropriations within 30 days of enactment of this Act on the viability of using this and/or other technologies to assist in these important mapping requirements. Should FEMA determine that the IFSAR-E technology is in fact useful and appropriate, the conferees expect FEMA to use such Mitigation Program funds as are appropriate and which can be charged to the National Flood Insurance Fund in a manner consistent with FEMA's other flood mapping programs to enter into, within 60 days of enactment of this Act, a collaborative demonstration project with the Defense Advanced Research Projects Agency, the State of California Department of Conservation's GeoSAR Project, and Army TEC for the creation of a geographical information system for the collection, maintenance and analysis of data relevant to flood threats in the Sacramento and San Joaquin valleys.

Such a project should serve to assess potential improvements in accuracy and cost effectiveness of applying this technology broadly in the flood mapping program.

#### NATIONAL FLOOD INSURANCE FUND

Deletes language proposed by the House which reduced from 30 to 15 the number of days a purchaser of a flood insurance policy must wait before the policy goes into effect.

#### GENERAL PROVISIONS, CHAPTER 10

Amends language proposed by the Senate by directing the Secretary of HUD to provide twice annually a list of all contracts and task orders in excess of \$250,000 entered into by the Secretary,

GNMA, OFHEO, or any officer of HUD or these offices to the Committees on Appropriations (Sec. 10001).

Amends language proposed by the Senate. The new language reduces from one year to 180 days the notice period for tenants when a section 8 contract may not be renewed (Sec. 10002).

Inserts language proposed by the Senate authorizing the Secretary to increase commitments by 7,500 units under the Multifamily Risk Sharing Program (Sec. 10003).

Amends language proposed by the Senate providing \$30,200,000 by transfer from the Homeownership and Opportunity for People Everywhere Grants (HOPE) account to the National Community Development Initiative (NCDI) for the purpose of capacity building and technical support for community development organizations. The language makes a technical change to include certain participating intermediary organizations and to conform section 4 of the HUD Demonstration Act of 1993 to action taken in this supplemental. It is the intent of the conferees that funds available shall be equally divided among participating intermediary organizations (Sec. 10004).

Inserts language authorizing HUD to insure a condominium mortgage in an amount up to 100 percent of the appraised value of an FHA-approved property, where the mortgagor establishes that his or her home was destroyed or extensively damaged by a major disaster (Sec. 10005).

Inserts language amending section 211(b)(4)(B) of HUD's fiscal year 1997 Appropriations Act to clarify that the definition of "owner" includes not only the actual person or entity that owns the project, but includes persons or entities that control the owner, are controlled by the owners, or are under common control with the owner. This provision will ensure that HUD is able to opt against renewing contracts with an owner who has demonstrated a pattern of mismanagement (Sec. 10006).

## CHAPTER 11

### OFFSETS AND RESCISSIONS

#### DEPARTMENT OF AGRICULTURE

##### OFFICE OF THE SECRETARY

##### FUND FOR RURAL AMERICA

In order to provide assistance to natural disaster victims and for other high priority needs, savings had to be achieved which have included a reduction of \$20,000,000 in the Fund for Rural America as proposed in the House bill. The Senate bill had no similar provision. The conferees are aware that while a portion of the Fund has been identified for obligation and, in some cases, announced as obligated, funds do remain in many of those accounts for which the Fund was used to supplement. The conferees are also aware of the recent closing date for research grants to be made available under the Fund and note the importance this effort will play in furthering a competitive applied research science base to complement the more basic research conducted under the NRI. In view of the importance of the Fund for Rural America, the con-

ferrees urge the Secretary to review all areas he has previously identified and make adjustments accordingly best to absorb this reduction in funding so as to minimize the impact on rural America and best to avoid duplication of research and other activities for which funds were provided in P.L. 104-108.

The conference agreement deletes House bill language permitting the use of the Fund for Rural America for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

#### NATURAL RESOURCES CONSERVATION SERVICE

##### WETLANDS RESERVE PROGRAM

The conference agreement deletes the House provision to reduce the unobligated balance remaining from the fiscal year 1996 wetlands reserve program by \$19,000,000. The Senate bill contained no similar provision.

#### FOOD AND CONSUMER SERVICE

##### THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

The Administration proposed a reduction for TEFAP commodity purchases through the food stamp program as an offset for supplemental requests. The conference agreement reduces the amount available through the food stamp program for TEFAP commodity purchases to \$80 million as proposed by both the House and Senate.

#### FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

##### EXPORT CREDIT

The conference agreement reduces the total amount available for the export credit guarantee program to \$3,500,000,000 as proposed by both the House and Senate.

##### EXPORT ENHANCEMENT PROGRAM

The conference agreement retains House bill language limiting spending for the Export Enhancement Program to \$10 million in fiscal year 1997. The Senate bill had a spending limit of \$50 million.

#### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### WORKING CAPITAL FUND

##### (RESCISSION)

The conference agreement includes a rescission of \$6,400,000,000 of unobligated balances in the Department of Justice Working Capital Fund, as proposed in both the House and Senate bills.

## LEGAL ACTIVITIES

## ASSETS FORFEITURE FUND

## (RESCISSION)

The conference agreement includes a rescission of \$3,000,000 from surplus balances available in the Assets Forfeiture Fund, as proposed in the House bill, instead of no rescission as proposed in the Senate bill.

## IMMIGRATION AND NATURALIZATION SERVICE

## CONSTRUCTION

## (RESCISSION)

The conference agreement includes a rescission of \$1,000,000 from unobligated balances from fiscal year 1995 appropriations in the Immigration and Naturalization Service (INS) Construction account related to the construction of a permanent checkpoint on Interstate 19, as proposed in the House bill, instead of no rescission as proposed in the Senate bill.

In addition, the conferees direct the INS to use \$20,000 of funds made available from appropriations or fee accounts in fiscal year 1997 to install videophones in time for the 1997 boating season in the communities of Morristown, Ogdensburg, Waddington, and Clayton, New York, in order to provide a means of inspection conducive to the boating traffic along the United States-Canada border in the St. Lawrence River. In addition, the conferees direct INS to use up to \$100,000 of funds made available from appropriations or fee accounts in fiscal year 1997 for both an additional automated permit port on the United States-Canada border at Pittsburg, New Hampshire and an additional enrollment center at a site to be determined.

## DEPARTMENT OF COMMERCE

## NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

## INDUSTRIAL TECHNOLOGY SERVICES

## (RESCISSION)

The conference agreement includes a rescission of \$7,000,000 from the unobligated balances under this account for the Advanced Technology Program, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill. This amount has been identified as in excess of requirements for existing award commitments due to unanticipated awards changes and project cancellations during the first quarter of fiscal year 1997.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
 FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION  
 (RESCISSION)

The conference agreement does not include a rescission of \$2,000,000 from this account that was proposed in the House bill. The Senate bill did not include a rescission from this account.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION  
 SALARIES AND EXPENSES  
 (RESCISSION)

The conference agreement includes a rescission of \$1,000,000 from the unobligated balances available in this account, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill. These funds are available for rescission due to lower-than-expected staffing levels and higher-than-anticipated fee recoveries during fiscal years 1996 and 1997.

OUNCE OF PREVENTION COUNCIL  
 (RESCISSION)

The conference agreement includes a rescission of \$1,000,000 from the Ounce of Prevention Council, as proposed in the House bill, instead of no rescission, as proposed in the Senate bill.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL  
 CONSTRUCTION, GENERAL

The conference agreement deletes the rescission of \$30,000,000 in Construction, General, funds proposed by the Senate.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS  
 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES  
 (RESCISSION)

The conference agreement rescinds \$11,180,000 instead of \$22,532,000 as proposed by the House. This rescission reflects one-half of the level of unobligated carryover balances available for programs on October 1, 1996. The Department is directed to reduce programs in accordance with each program's share of the \$11,180,000 as detailed in the following table:

*Energy Supply, Research and Development*

|   |              |
|---|--------------|
| Solar and Renewable Energy:                           |              |
| Solar energy:   |              |
| Solar building technology research .....              | - 193,000    |
| Photovoltaic energy systems .....                     | - 79,000     |
| Solar thermal energy systems .....                    | - 63,000     |
| Biomass/biofuels energy systems .....                 | - 325,000    |
| Wind energy systems .....                             | - 14,000     |
| International solar energy program .....              | - 89,000     |
| Resource assessment .....                             | - 5,000      |
| Geothermal technology development .....               | - 18,000     |
| Hydrogen research .....                               | - 13,000     |
| Hydropower development .....                          | - 16,000     |
| Program direction .....                               | - 1,374,000  |
| Prior year projects, solar and renewable energy ..... | - 1,419,000  |
| Nuclear energy:                                       |              |
| Nuclear energy R&D:                                   |              |
| Light water reactor .....                             | - 8,000      |
| Advanced reactor R&D .....                            | - 4,000      |
| Space reactor power systems .....                     | - 22,000     |
| Advanced radioisotope power system .....              | - 548,000    |
| Oak Ridge landlord .....                              | - 36,000     |
| Advanced test reactor fusion irradiation .....        | - 23,000     |
| Termination costs .....                               | - 11,000     |
| Soviet design reactor safety program .....            | - 644,000    |
| Program direction .....                               | - 1,298,000  |
| Prior year projects, nuclear energy .....             | - 12,000     |
| Civilian waste research and development .....         | - 238,000    |
| Environment, Safety and Health:                       |              |
| Environment, safety and health .....                  | - 1,497,000  |
| Energy Research:                                      |              |
| Fusion energy .....                                   | - 64,000     |
| Basic energy sciences:                                |              |
| Materials sciences .....                              | - 9,000      |
| Chemical sciences .....                               | - 269,000    |
| Applied mathematical sciences .....                   | - 39,000     |
| Engineering and geosciences .....                     | - 25,000     |
| Energy biosciences .....                              | - 24,000     |
| Other energy research:                                |              |
| Advanced neutron source .....                         | - 2,000      |
| Energy research analyses .....                        | - 166,000    |
| Laboratory technology transfer .....                  | - 19,000     |
| SBIR .....  | - 38,000     |
| Program direction .....                               | - 2,100,000  |
| Multiprogram energy labs—facility support             |              |
| Multiprogram general purpose facilities .....         | - 1,000      |
| Energy Support Activities:                            |              |
| University and science education programs:            |              |
| Laboratory cooperative science centers .....          | - 9,000      |
| University programs .....                             | - 1,000      |
| Technical information management program .....        | - 100,000    |
| In-house energy management .....                      | - 187,000    |
| Environmental Restoration & Waste Mgmt. (Non-defense) |              |
| Waste management .....                                | - 132,000    |
| Nuclear materials and facilities stabilization .....  | - 46,000     |
| <hr/>   |              |
| Total, Energy Supply, Research and Development .....  | - 11,180,000 |
| <hr/>   |              |

POWER MARKETING ADMINISTRATIONS  
CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,  
WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

The conference agreement rescinds \$11,352,000 from this account. The rescission reflects funds that are available and would otherwise be carried forward to supplement funds appropriated in fiscal year 1998.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

The conference agreement includes a rescission of \$17,000,000 in clean coal technology funding as proposed by the House and the Senate.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

The conference agreement includes a rescission of \$11,000,000 in strategic petroleum reserve funding as proposed by the House and Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

The conference agreement includes a provision contained in both the House and Senate bills rescinding unused fiscal year 1997 funds under the Job Opportunities and Basic Skills (JOBS) program.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds \$750,000,000 in contract authority instead of \$778,000,000 as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
HIGHWAY TRAFFIC SAFETY GRANTS  
(HIGHWAY TRUST FUND)  
(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds \$13,000,000 in contract authority instead of \$10,600,000 as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

FEDERAL TRANSIT ADMINISTRATION  
TRUST FUND SHARE OF EXPENSES  
(HIGHWAY TRUST FUND)  
(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds \$271,000,000 in contract authority as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

DISCRETIONARY GRANTS  
(HIGHWAY TRUST FUND)  
(RESCISSION OF CONTRACT AUTHORIZATION)

Rescinds \$588,000,000 in contract authority as proposed by the Senate. The House bill contained no similar rescission. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

GENERAL SERVICES ADMINISTRATION  
FEDERAL BUILDINGS FUND—REPAIRS AND ALTERATIONS  
(RESCISSION)  
(LIMITATION ON EXPENSES)

AGRICULTURAL RESEARCH SERVICE LABORATORY

The House included a rescission of \$1,400,000 from funds made available in fiscal year 1997 for renovation of the Agricultural Research Service Laboratory in Ames, Iowa. The Senate did not include this rescission. The conferees agree with the Senate position. However, the conferees wish to restate the original Congressional position that the \$8,000,000 provided in fiscal year 1997 shall be available only for the purpose for which it was appropriated: the renovation of an existing Agricultural Research Service (ARS) Laboratory. These funds may not be used for the construction of a new facility for use by any part of the Department of Agriculture. The Department of Agriculture is responsible for the construction of any such facilities.

The Administrator of the General Services shall provide a renovation status report on the ARS Laboratory to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

PRESIDENTIAL TRANSITION

(RESCISSION)

Both the House and the Senate included a rescission of \$5,600,000 from the amount appropriated in fiscal year 1997 for Presidential Transition. The conferees agree to include this rescission.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Rescinds \$3,650,000,000 from excess section 8 reserve funds as proposed by the Senate instead of \$3,823,440,000 as proposed by the House. The conferees have provided a Section 8 Reserve Preservation Account to ensure that adequate funding resources are present to cover a \$5,600,000,000 budget authority shortfall expected in fiscal year 1998. Additionally, HUD must be able to account for the funds appropriated for the section 8 rental assistance programs. Therefore, the conferees recommend that GAO conduct an audit of HUD's budgeting and accounting systems for the section 8 rental assistance programs to ensure that unexpended funds do not reach unreasonable levels and that appropriated amounts are spent in a timely manner.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

Deletes language proposed by the Senate to rescind \$85,000,000 from available negative credit subsidy funds resulting from the sale of mortgage notes.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Rescinds \$365,000,000 as proposed by the Senate instead of \$38,000,000 as proposed by the House. The funds are available because NASA has decided to pursue improvements in the Nation's testing capability using lower cost technologies and computational methods which do not require construction of new facilities at this time.

FUNDS APPROPRIATED TO THE PRESIDENT UNANTICIPATED NEEDS  
(RESCISSION)

Rescinds \$4,200,000 as proposed by the Senate. The House did not have a rescission proposal for this account. The funds are available for rescission because the cost of repair of contractor facilities as a result of the Northridge, CA earthquake was less than anticipated.

TITLE III

GENERAL PROVISIONS—THIS ACT

BUY AMERICA

The conference agreement includes a House provision on “Buy America.” This provision is substantially the same as ones included in recent regular appropriations acts.

UNIVERSITIES AFFECTED BY FLOODS

The conferees have directed the Office of Management and Budget to work with Federal agencies to support the extension and revision of Federal grants, contracts, and cooperative agreements with universities, or which flow to the universities through other entities, in designated Federal disaster areas where work was suspended due to severe flooding. It is the conferees understanding that these floods have severely damaged university buildings, research equipment, supplies, and documents, and it may be some time before work can recommence on their Federal grants, contracts, or cooperative agreements. Therefore, OMB is directed to ensure that the relevant Federal agencies work closely with university officials to assess and to compensate for the full impact of the flood disaster on all aspects of the grants, contracts, and cooperative agreements, including the revision of such agreements and the extension of time required to complete the tasks, redefining the scope of the tasks, payment of salaries and benefits, and other assistance, as appropriate, to reactivate university research laboratories and facilities as quickly as possible.

TITLE IV

COST OF HIGHER EDUCATION REVIEW

The conference agreement modifies a provision proposed by the House which authorizes \$650,000 for the National Commission on the Cost of Higher Education which is funded in Title II, Chapter 6 of this Act. The agreement expands the membership of the Commission from seven as proposed in the House bill to eleven as follows: three each appointed by the Speaker of the House and the Majority Leader of the Senate, two each appointed by the Minority Leaders of the House and Senate, and one by the Secretary of Education. The agreement also deletes a provision proposed by the House to offset the cost of the Commission by rescinding \$849,000 from Federal Family Education Loan administrative appropriations. The Senate bill did not contain similar provisions.

## TITLE V

## DEPOSITORY INSTITUTION DISASTER RELIEF

Both the House and Senate passed bills contain similar language providing regulatory flexibility for banks and other depository institutions to meet better the unique credit and banking needs of communities affected by the flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers. The conference report inserts the House version of this legislation amended by a Sense of the Congress that regulators should waive certain appraisal requirements for loans on real property located within the disaster areas as proposed by the Senate.

## TITLE VI

## TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

The conference agreement includes several technical provisions with respect to education. The conference agreement amends the Elementary and Secondary Education Act to (1) extend by one year the date by which the Title I evaluation must be completed, (2) deem Kansas and New Mexico to have made timely submission required by section 8009 of the Act, (3) extend hold harmless payments under section 2 of the Impact Aid program, (4) change the year for which data shall be used to calculate payments under section 8003(f) of the Act, (5) amend the formula for making certain payments under section 8002 of the Act, and (6) deem as timely filed the submission of certain applications filed under section 8003 of the Act. The conference agreement also amends the Higher Education Act to change the period for which certain institutions must report graduation rates.

The Senate bill contained the same provisions except those relating to the formula for making certain payments under section 8002 of the Elementary and Secondary Education Act and the timely submission of certain applications made under section 8003 of the Act. The House bill did not contain any similar provisions.

## TITLE VII

## FOOD STAMP PROGRAM

The conference agreement amends the language proposed by the Senate that would allow States to reimburse USDA for all costs related to the purchase and distribution of food stamps to continue benefits to legal immigrants. The House bill contained no similar provision.

## TITLE VIII

## 2000 DECENNIAL CENSUS

The conference agreement includes a provision amending Section 141 of Title 13 of the United States Code to prohibit the use of sampling or any other statistical procedure, including any statistical adjustment, in any determination of population for the purposes of apportionment, and to prohibit the expenditure of any

funds to plan or otherwise prepare for the use of sampling or any other statistical procedure, including statistical adjustment, for such purposes.

The Senate bill proposed a provision in Section 302 prohibiting any fiscal year 1997 funds available to the Department of Commerce from being used to make irreversible plans or preparations for the use of sampling or any other statistical method, including statistical adjustment, in taking the 2000 decennial census for the purposes of apportionment. The House bill did not address this matter.

TITLE IX

GOVERNMENT SHUTDOWN PREVENTION ACT

The conference agreement includes a provision contained in both the House and Senate versions of the bill that would provide automatic spending authority for those functions of government funded through regular appropriations bills in the event any of those bills are not enacted by the beginning of the fiscal year.

The total new budget (obligational) authority for the fiscal year 1997 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 budget estimates, and the House and Senate bills for 1997 follow:

|  |                 |
|--|-----------------|
| Budget estimates of new (obligational) authority, fiscal year 1997 ..... | 975,324,000     |
| House bill, fiscal year 1997 .....                                       | 1,678,834,000   |
| Senate bill, fiscal year 1997 .....                                      | 136,035,000     |
| Conference agreement, fiscal year 1997 .....                             | 561,670,600     |
| Conference agreement compared with:                                      |                 |
| Budget estimates of new (obligational) authority, fiscal year 1997 ..... | - 413,653,400   |
| House bill, fiscal year 1997 .....                                       | - 1,117,163,400 |
| Senate bill, fiscal year 1997 .....                                      | +425,635,600    |

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