

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS  
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998, AND  
FOR OTHER PURPOSES

APRIL 30, 1998.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 3579]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3579) “making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes” having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses 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 the fiscal year ending September 30, 1998, 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”, \$184,000,000: Provided, That such amount is designated by the*

*Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*MILITARY PERSONNEL, NAVY*

*For an additional amount for “Military Personnel, Navy”, \$22,300,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) 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”, \$5,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) 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”, \$10,900,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*RESERVE PERSONNEL, NAVY*

*For an additional amount for “Reserve Personnel, Navy”, \$4,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*OPERATION AND MAINTENANCE*

*OPERATION AND MAINTENANCE, ARMY*

*For an additional amount for “Operation and Maintenance, Army”, \$1,886,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*OPERATION AND MAINTENANCE, NAVY*

*For an additional amount for “Operation and Maintenance, Navy”, \$48,100,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*OPERATION AND MAINTENANCE, AIR FORCE*

*For an additional amount for “Operation and Maintenance, Air Force”, \$27,400,000: Provided, That such amount is designated by*

*the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*OPERATION AND MAINTENANCE, DEFENSE-WIDE*

*(INCLUDING TRANSFER OF FUNDS)*

*For an additional amount for "Operation and Maintenance, Defense-Wide", \$1,390,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*For an additional amount for "Operation and Maintenance, Defense-Wide", \$125,528,000, for emergency expenses resulting from natural disasters in the United States: Provided, That the Secretary of Defense may transfer these funds to current applicable operation and maintenance and working capital funds appropriations, to be merged with and 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 provision is in addition to any transfer authority available to the Department of Defense: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$125,528,000, 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.*

*OPERATION AND MAINTENANCE, ARMY RESERVE*

*For an additional amount for "Operation and Maintenance, Army Reserve", \$650,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

*For an additional amount for "Operation and Maintenance, Air Force Reserve", \$229,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

*For an additional amount for "Operation and Maintenance, Army National Guard", \$175,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

*For an additional amount for “Overseas Contingency Operations Transfer Fund”, \$1,814,100,000, to remain available until expended: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer these funds to fiscal year 1998 appropriations for operation and maintenance, working capital funds, the Defense Health Program, procurement, and research, development, test and evaluation: 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, except that funds made available for or transferred to classified programs shall remain available until September 30, 1999: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained in Public Law 105-56.*

REVOLVING AND MANAGEMENT FUNDS

NAVY WORKING CAPITAL FUND

*For an additional amount for “Navy Working Capital Fund”, \$23,017,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

DEFENSE-WIDE WORKING CAPITAL FUND

*For an additional amount for “Defense-Wide Working Capital Fund”, \$1,000,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

*For an additional amount for “Defense Health Program”, \$1,900,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

GENERAL PROVISIONS—THIS CHAPTER

*SECTION 1. In addition to the amounts provided in Public Law 105-56, \$36,500,000 is appropriated under the heading “Overseas Humanitarian, Disaster, and Civic Aid”: Provided, That from the funds made available under that heading, the Secretary of Defense shall make a grant in the amount of \$16,500,000 to the American Red Cross for Armed Forces emergency services: Provided further, That from the funds made available under that heading, the Sec-*

*retary of Defense shall make a grant in the amount of \$20,000,000 to the American Red Cross for reimbursement for disaster relief and recovery expenditures at overseas locations: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$36,500,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

*SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).*

*SEC. 3. In addition to the amounts appropriated to the Department of Defense under Public Law 105-56, there is hereby appropriated \$47,000,000 for the "Reserve Mobilization Income Insurance Fund", to remain available until expended: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$47,000,000, 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.*

*SEC. 4. The President is urged to encourage other nations who are allies and friends of the United States to contribute to the burden being borne by the United States in preventing the government of Iraq from using Weapons of Mass Destruction, which pose a threat to the world community. The President is also urged to seek financial, in-kind and other contributions to help defray the costs being incurred by the United States in this operation. For this purpose, a special account shall be established in the Treasury which will accept such financial contributions, and from which funds will be subject to obligation through the normal appropriations process. The Secretary of Defense, after consultation with the Secretary of State, shall provide a report to the Congress within 60 days after enactment as to the status of this effort, and shall make a comprehensive account of the efforts made and results obtained to share the burden of the common defense. The Director of the Office of Management and Budget shall report to the Congress within 30 days as to the establishment of such burden-sharing account in the Department of the Treasury.*

(INCLUDING TRANSFER OF FUNDS)

*SEC. 5. (a) QUALITY ASSURANCE REPORT ON MILITARY HEALTH CARE.—The Secretary of Defense shall appoint an independent panel of experts to evaluate recent measures taken by the Acting Assistant Secretary of Defense for Health Affairs and the Surgeons General of the Army, Navy and Air Force to improve the quality of care provided by the Military Health Services System.*

(b) *MEMBERSHIP.*—(1) *The panel shall be composed of nine members appointed by the Secretary of Defense. At least five of those members shall be persons who are highly qualified in the medical arts, have experience in setting health care standards, and possess a demonstrated understanding of the military health care system and its unique mission requirements. The remaining members shall be persons who are current beneficiaries of the Military Health Services System.*

(2) *The Secretary shall designate one member to serve as chairperson of the panel.*

(3) *The Secretary shall appoint the members of this panel not later than 45 days after enactment of this Act.*

(c) *FUNCTIONS OF THE PANEL.*—*The panel shall review the Department of Defense Access and Quality Improvement Initiative announced in early 1998 (together with other related quality improvement actions) to assess whether all reasonable measures have been taken to ensure that the Military Health Services System delivers health care services in accordance with consistently high professional standards. The panel shall specifically assess actions of the Department to accomplish the following objectives of that initiative and related management actions:*

(1) *Upgrade professional education and training requirements for military physicians and other health care providers;*

(2) *Establish “Centers of Excellence” for complicated surgical procedures;*

(3) *Make timely and complete reports to the National Practitioner Data Bank and eliminate associated reporting backlogs;*

(4) *Assure that Military Health Services System providers are properly licensed and have appropriate credentials;*

(5) *Reestablish the Quality Management Report to aid in early identification of compliance problems;*

(6) *Improve communications with beneficiaries to provide comprehensive and objective information on the quality of care being provided;*

(7) *Strengthen the National Quality Management Program;*

(8) *Ensure that all laboratory work meets professional standards; and*

(9) *Ensure the accuracy of patient data and information.*

(d) *REPORT.*—*Not later than six months after the date on which the panel is established, the panel shall submit to the Secretary a report setting forth its findings and conclusions, and the reasons therefor, and such recommendations it deems appropriate. The Secretary shall forward the report of the panel to Congress not later than 15 days after the date on which the Secretary receives it, together with the Secretary’s comments on the report.*

(e) *PANEL ADMINISTRATION.*—(1) *The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized by law for employees of agencies while away from their homes or regular places of business in the performance of services for the panel.*

(2) *Upon request of the chairperson of the panel, the Secretary of Defense may detail to the panel, on a nonreimbursable basis, personnel of the Department of Defense to assist the panel in carrying out its duties. The Secretary of Defense shall furnish to the panel*

such administrative and support services as may be requested by the chairman of the panel.

(f) *PANEL FINANCING.*—Of the funds appropriated in Public Law 105–56 for “Research, Development, Test and Evaluation, Navy”, \$4,700,000 shall be transferred to “Defense Health Program”, to be available through fiscal year 1999, only for administrative costs of this panel and for the express purpose of initiating or accelerating any activity identified by the panel that will improve the quality of health care provided by the Military Health Services System.

(TRANSFER OF FUNDS)

*SEC. 6.* Of the funds appropriated in Public Law 105–56, under the heading “Chemical Agents and Munitions Destruction, Defense” for Operation and maintenance, \$40,000,000 shall be transferred to “Operation and Maintenance, Defense-Wide”.

*SEC. 7.* (a) Congress urges the President to seek concurrence among the members of the North Atlantic Treaty Organization (NATO) on arrangements that set forth—

(1) the benchmarks for achieving a sustainable peace process that are detailed in the report accompanying the certification that was made by the President to Congress on March 3, 1998;

(2) estimated target dates for achieving the benchmarks; and

(3) a process for NATO to review progress toward achieving the benchmarks.

(b) The President shall submit to Congress—

(1) not later than June 30, 1998, a report on efforts to gain agreement on arrangements described in subsection (a), and such report should include an explanation of the Administration’s view of whether it would promote United States interests to adopt firm schedules or deadlines for achieving such benchmarks; and

(2) semiannually after that report, so long as United States ground combat forces continue to participate in the Stabilization Force for Bosnia (SFOR), a report on the progress made toward achieving the benchmarks referred to in subsection (a)(1), including any developments which may affect the ability of the relevant parties to achieve the benchmarks in a timely manner.

(c) The Congress urges the President to ensure that efforts to meet the estimated target dates described in this section do not jeopardize the safety of United States Armed Forces in Bosnia.

(d) The enactment of this section does not reflect approval or disapproval of the benchmarks submitted by the President in the certification to Congress transmitted on March 3, 1998.

*SEC. 8.* Notwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the Armed Forces.

*SEC. 9. In addition to the amounts provided in Public Law 105-56, \$179,000,000 is appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide": Provided, That the additional amount shall be made available for enhancements to selected theater missile defense programs to counter enhanced ballistic missile threats: Provided further, That of the additional amount appropriated, \$45,000,000 shall be made available only for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program: Provided further, That of the additional amount appropriated, \$38,000,000 shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) Program: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$179,000,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

*SEC. 10. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.*

*(2) The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:*

*(A) The parcels known as the Mashpee bogs, located on the Quashnet River adjacent to the Massachusetts Military Reservation, Massachusetts.*

*(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.*

*(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.*

*(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.*

*(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to \$2,000,000 may be available to acquire interest under subsection (a).*

*SEC. 11. In addition to the amounts provided in Public Law 105-56, \$272,500,000 is appropriated under the heading "Aircraft Procurement, Navy": Provided, That the additional amount shall be made available only for the procurement of eight F/A-18 aircraft for the United States Marine Corps: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$272,500,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

*SEC. 12. Funds appropriated in fiscal year 1997, 1998 and hereafter for the Pacific Disaster Center may be obligated to carry out such missions as the Secretary of Defense may specify for disaster information management supporting mitigation, preparedness, response and recovery from this federal facility and assuring critical infrastructure availability and humanitarian assistance at the federal, state, local and regional levels in the geographic area of responsibility of the Commander in Chief, Pacific and beyond in support of the Global Disaster Information Network as appropriate.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 13. Of the funds provided in Public Law 105-56 for "Research, Development, Test and Evaluation, Navy", \$300,000 shall be transferred to "Operation and Maintenance, Defense-Wide": Provided, That the Secretary of Defense shall make grants from the "Operation and Maintenance, Defense-Wide" account in the total amount of not to exceed \$300,000 to the Outdoor Odyssey at Roaring Run to initiate a youth development and leadership program.*

*SEC. 14. Notwithstanding section 7306 of title 10 United States Code, and any other provision of law, of the funds made available to the Department of the Navy by Public Law 105-56, \$3,000,000 may be used only for disposal of residual fuel contained on the U.S.S. Alabama.*

*SEC. 15. Notwithstanding any other provision of law, funds appropriated for the Defense Health Program for fiscal year 1998 may be used to provide health benefits under section 1086 of title 10, United States Code, to a person who is described in paragraph (1) of subsection (d) of such section, would be eligible for health benefits under such section in the absence of such paragraph (1), and satisfies the requirements of subparagraphs (A) and (B) of paragraph (2) of such subsection (d), if the Secretary of Defense considers that the provision of health benefits under such section is appropriate to ensure health care coverage for such a person who may have been unaware of the termination of the person's eligibility for such health benefits.*

*(INCLUDING TRANSFER OF FUNDS)*

*SEC. 16. In addition to the amounts provided in Public Law 105-56, \$28,000,000, to remain available until expended, is appropriated and shall be available for deposit in the International Trust Fund of the Republic of Slovenia, Mine Clearance, and Assistance to Mine Victims in Bosnia and Herzegovina (the "Fund") and other land mine-affected countries in the region: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes a 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 to the Congress by the President: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act: Provided further, That the amount designated as an emergency shall be transferred to the Department of State for administration: Provided further, That such amount may be deposited in the Fund in two equal annual installments, upon emergency designation, only*

*if the President certifies annually to the Congress of the United States that such amounts could be used effectively and for objectives consistent with ongoing efforts to carry out humanitarian demining activities in and around Bosnia: Provided further, That such amount may be deposited in the Fund only to the extent of deposits of matching amounts in that Fund by other governments, entities, or persons.*

*SEC. 17. It is the sense of the Congress that none of the funds appropriated or otherwise made available by this Act may be made available for the conduct of offensive operations by United States Armed Forces against Iraq for the purpose of obtaining compliance by Iraq with United Nations Security Council Resolutions relating to inspection and destruction of weapons of mass destruction in Iraq unless such operations are specifically authorized by a law enacted after the date of the enactment of this Act.*

*SEC. 18. CAVALESE, ITALY AIR TRAGEDY.—The United States Congress expresses regret and extends its deepest sympathies to the families of the victims for the tragic incident involving Marine Corps aircraft near Cavalese, Italy on February 3, 1998. The Secretary of Defense shall make available on a timely basis all legal and other technical assistance necessary to facilitate the expeditious processing and resolution of legitimate claims for wrongful death, loss of business and profits, and property damage under the procedures set forth under the NATO Status of Forces Agreement. The Secretary of Defense shall ensure that any claim to replace the destroyed funicular system before the upcoming winter tourist season be considered on a priority basis.*

## CHAPTER 2

### DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

*For an additional amount for “Military Construction, Army National Guard” to cover costs arising from storm related damage, \$3,700,000, to 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 the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

#### FAMILY HOUSING, NAVY AND MARINE CORPS

*For an additional amount for “Family Housing, Navy and Marine Corps” to cover costs arising from Typhoon Paka related damage, \$15,600,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*For an additional amount for “Family Housing, Navy and Marine Corps” to cover costs arising from El Niño related damage,*

*\$2,500,000, to 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 the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

#### *FAMILY HOUSING, AIR FORCE*

*For an additional amount for "Family Housing, Air Force" to cover costs arising from Typhoon Paka related damage, \$1,500,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*For an additional amount for "Family Housing, Air Force" to cover costs arising from El Niño related damage, \$900,000, to 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 the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

#### *BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III*

*For an additional amount for "Base Realignment and Closure Account, Part III" to cover costs arising from El Niño related damage, \$1,020,000, to 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 the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

#### *GENERAL PROVISION—THIS CHAPTER*

*SEC. 20. Notwithstanding any other provision of law, using amounts appropriated in Public Law 104-196 for "Military Construction, Navy", for the military construction project for North Island Naval Air Station, California, and contributions (if any) provided by the State of California and local governments to support that project, the Secretary of the Navy, in cooperation with local governments, shall carry out beach replenishment in connection with that project using sand obtained from any location. The contributions (if any) provided by the State of California and local governments shall be available only for beach replenishment activities performed after the date of the enactment of this Act.*

## TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

## CHAPTER 1

## DEPARTMENT OF AGRICULTURE

## FARM SERVICE AGENCY

## AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

*For additional gross obligations for the principal amount of emergency insured loans authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, for losses in fiscal year 1998 resulting from natural disasters, \$87,400,000.*

*For the additional cost of emergency insured loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$21,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for \$21,000,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

## EMERGENCY CONSERVATION PROGRAM

*For an additional amount for the “Emergency Conservation Program” for expenses resulting from natural disasters, \$30,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for \$30,000,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

*For an additional amount for the “Emergency Conservation Program” to provide cost-sharing assistance to maple producers to replace taps and tubing that were damaged by ice storms in northeastern States in 1998, \$4,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for \$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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

## TREE ASSISTANCE PROGRAM

*An amount of \$14,000,000 is provided for assistance to replace or rehabilitate trees, excluding trees used for pulp and/or timber,*

*and vineyards damaged by natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request for \$14,000,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

**COMMODITY CREDIT CORPORATION FUND**

**LIVESTOCK DISASTER ASSISTANCE PROGRAM**

*Effective only for losses incurred beginning on November 27, 1997, through the date of enactment of this Act, \$4,000,000 to implement a livestock indemnity program to compensate producers for losses of livestock (including ratites) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such a period in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

**DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM**

*Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, \$6,800,000 to implement a dairy production indemnity program to compensate producers at a payment rate of \$4.00 per hundredweight for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: Provided, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disasters and the payment rate shall be \$4.00 per hundredweight of milk: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$6,800,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) 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 resulting from natural disasters, \$80,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for \$80,000,000, 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

CHAPTER 2

UNITED STATES INFORMATION AGENCY  
INTERNATIONAL BROADCASTING OPERATIONS

*For an additional amount for “International Broadcasting Operations”, \$5,000,000, to remain available until September 30, 1999, for a grant to Radio Free Europe/Radio Liberty for surrogate radio broadcasting to the Iraqi people: Provided, That such broadcasting shall be designated “Radio Free Iraq”: Provided further, That within 30 days of enactment into law of this Act the Broadcasting Board of Governors shall submit a detailed report to the appropriate committees of Congress on plans to establish a surrogate broadcasting service to Iraq: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount 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.*

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS—CIVIL  
OPERATION AND MAINTENANCE, GENERAL

*For emergency repairs due to flooding and other natural disasters, \$105,185,000, to remain available until expended, of which such amounts 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, That the entire amount 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 de-*

*fined 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)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

**DEPARTMENT OF THE INTERIOR**

**BUREAU OF RECLAMATION**

**WATER AND RELATED RESOURCES**

*For an additional amount for "Water and Related Resources" to repair damage caused by floods and other natural disasters, \$4,520,000, to remain available until expended, which 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, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

**CHAPTER 4**

**DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

**CONSTRUCTION**

*For an additional amount for "Construction", \$1,837,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

**UNITED STATES FISH AND WILDLIFE SERVICE**

**CONSTRUCTION**

*For an additional amount for "Construction", \$32,818,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of such amount, \$29,130,000 shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement*

*pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

NATIONAL PARK SERVICE

CONSTRUCTION

*For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, \$9,506,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

*For an additional amount for "Surveys, Investigations, and Research" for emergency expenses resulting from floods and other natural disasters, \$1,198,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.*

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

*For an additional amount for "Construction", \$1,065,000, to remain available until expended, of which \$700,000 is to repair damage caused by floods and other natural disasters, and \$365,000 is for replacement of fixtures and testing for and remediation of Polychlorinated biphenyls (PCBs) in Bureau of Indian Affairs schools and administrative facilities: Provided, That the entire amount shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## STATE AND PRIVATE FORESTRY

*For an additional amount for "State and Private Forestry" for emergency expenses resulting from damages from ice storms, tornadoes and other natural disasters, \$48,000,000, to remain available until expended: Provided, That of such amount, \$28,000,000 shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## NATIONAL FOREST SYSTEM

*For an additional amount for the "National Forest System" for emergency expenses resulting from damages from ice storms, tornadoes and other natural disasters, \$10,461,000, to remain available until expended: Provided, That of such amount, \$5,461,000 shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## WILDLAND FIRE MANAGEMENT

*For an additional amount for "Wildland Fire Management" for emergency expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands, in response to damages caused by windstorms in Texas, \$2,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## DEPARTMENT OF ENERGY

## STRATEGIC PETROLEUM RESERVE

*The paragraph under this head in Public Law 105-83 is amended by inserting before the period, “: Provided further, That the drawdown and sale of oil from the Strategic Petroleum Reserve shall be prohibited to the extent that such actions are determined by the President to be imprudent in light of current market conditions and that an official budget request for a prohibition of the drawdown and sale of oil from the Strategic Petroleum Reserve and including a designation of the entire request and the \$207,500,000 of revenue foregone 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 the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act”.*

## CHAPTER 5

## DEPARTMENT OF TRANSPORTATION

## 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 floods and other natural disasters, as authorized by 23 U.S.C. 125, \$259,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of such amount, \$35,000,000 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 such Act is transmitted by the President to the Congress: Provided further, That any obligations for the Emergency Relief Program shall not be subject to the prohibition against obligations in section 2(e)(3)(A) and (D) of the Surface Transportation Extension Act of 1997: Provided further, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from flooding during the fall of 1997 through the winter of 1998 in California: Provided further, That if sufficient carryover balances for the necessary expenses for administration and operation (including motor carrier safety program operations) of the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Bureau of Transportation Statistics are not available, and pending the reauthorization of the Federal-aid highways program, the Secretary of Transportation may borrow such sums as may be necessary for such expenses from the unobligated balances of discretionary allocations for the Federal-aid highways program made available by this Act.*

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 that occurred between and including September 1996 and March 1998, \$9,800,000, to be awarded to the States subject to the discretion of the Secretary on a case-by-case basis: Provided, 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 rights-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)(A) 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, 1998.*

CHAPTER 6

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

*For an additional amount for "Community development block grants", as authorized under title I of the Housing and Community Development Act of 1974, \$130,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable by 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 and except as provided in the next proviso, the Secretary of Housing and Urban Development (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 may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: Provided further, That all funds under this head shall be allocated by the Secretary to States to be administered by each State in conjunction with its Federal Emergency Management Agency program or its community development block grants program or by the entity designated by its Chief Executive Officer to administer the HOME Investment Partnerships Program: Provided further, That each State shall provide not less than 25 percent in non-federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this head: Provided further, That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs: Provided further, That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist States with all Presidentially declared disasters designated during this fiscal year: Provided further, That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas: Provided further, That 10 days prior to distribution of funds, the Secretary and the Director shall submit a list to the House and Senate Appropriations Subcommittees on VA, HUD and Independent Agencies, setting forth the proposed uses of funds and the most recent estimates of unmet needs (including all uses of waivers and the reasons therefore): Provided further, That the Secretary and the Director shall submit quarterly reports to the Subcommittees regarding the actual projects, localities and needs for which funds have been provided: Provided further, That these reports shall be based upon quarterly reports submitted to HUD and the Director by each State receiving funds under this head: 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)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

INDEPENDENT AGENCY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF

*For an additional amount for "Disaster relief", \$1,600,000,000, to remain available until expended: Provided, That these funds shall be available only to the extent that an official budget request for a specific 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)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CHAPTER 7  
RESCISSIONS

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, \$241,000,000 are rescinded.*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PUBLIC AND INDIAN HOUSING  
SECTION 8 RESERVE PRESERVATION ACCOUNT  
(RESCISSION)

*Of the amounts recaptured under this heading during fiscal year 1998 and prior years, \$2,347,190,000 are rescinded.*

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY

*During fiscal year 1998, not to exceed \$543,000 from funds available to the Secretary of Agriculture to provide compensation to agriculture producers and other persons under section 105(b) of the Federal Plant Pest Act (7 U.S.C. 150dd(b)) may be available for payments to any person who had wheat stored in a storage facility that was subject to an emergency action notice issued by the Sec-*

*retary relating to the presence or presumed presence of Karnal bunt to compensate the person for economic losses incurred as a result of the effect of the notice on the operation of the storage facility (including wheat plowed under in calendar year 1996) after issuance of an emergency action notice due to Karnal bunt. The determination by the Secretary of the amount of any compensation to be paid under this section shall be final.*

*DEPARTMENTAL ADMINISTRATION*

*For an additional amount for "Departmental Administration", \$2,000,000.*

*OFFICE OF THE GENERAL COUNSEL*

*For an additional amount for the "Office of the General Counsel", \$235,000.*

*GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION*

*INSPECTION AND WEIGHING SERVICES*

*For expenses necessary to recapitalize the revolving fund established under section 7(j)(1) of the United States Grain Standards Act (7 U.S.C. 79(j)(1)), \$1,500,000.*

*FARM SERVICE AGENCY*

*AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT*

*For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$43,320,000, of which \$25,000,000 shall be available for guaranteed loans; operating loans, \$105,000,000, of which \$35,000,000 shall be for subsidized guaranteed loans; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$18,814,000.*

*For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$3,356,000, of which \$967,000 shall be for guaranteed loans; operating loans, \$7,973,000, of which \$3,374,000 shall be for subsidized guaranteed loans; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$222,000.*

*FOOD STAMP PROGRAM*

*Of the amounts made available under this head in Public Law 105–86, funds for employment and training shall remain available until expended as authorized by section 16(h)(1) of the Food Stamp Act.*

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## FOOD AND DRUG ADMINISTRATION

## SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses" from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed \$25,918,000, to remain available until expended: Provided, That fees derived from applications received during fiscal year 1998 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1998 limitation.*

## GENERAL PROVISIONS—THIS CHAPTER

*SEC. 1001. Notwithstanding any other provision of law, permanent employees of county committees employed during fiscal year 1998 pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies.*

*SEC. 1002. Notwithstanding any other provision of law regarding a competitive research, education, or extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.*

## CHAPTER 2

## DEPARTMENT OF ENERGY

## DEPARTMENTAL ADMINISTRATION

*Such additional amounts as necessary, not to exceed \$5,408,000, to cover increases in the estimated amount of cost of Work for Others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of Work for Others are offset by revenue increases of the same or greater amount derived from fees authorized by sections 31 and 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2051 and 2053), to remain available until expended.*

## GENERAL PROVISIONS—THIS CHAPTER

*SEC. 2001. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which funds were identified in the Conference Report (House Report 105-271) accompanying the Energy and Water Development Appropriations Act, 1998, Public Law 105-62 (111 Stat. 1320, et seq.), under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).*

*SEC. 2002. The Secretary of the Army, acting through the Chief of Engineers, is directed to use available funds, up to the maximum amount authorized per project under Section 205 of the Flood Control Act of 1948, as amended, to provide a level of enhanced flood protection at Elba, Alabama.*

*SEC. 2003. Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104-318; 110 Stat. 3862) is amended by adding at the end the following new section:*

*“(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—*

*“(1) shall extend the period for repayment by the City of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6-07-01-x0675, relating to the Nueces River reclamation project, Texas, until—*

*“(A) August 1, 2029 for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and*

*“(B) until August 1, 2044 for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract, and*

*“(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14-06-500-485 relating to the Canadian River reclamation project, Texas, until October 1, 2021.”*

*SEC. 2004. Section 303 of the Energy and Water Development Appropriations Act, 1998 (Public Law 105-62), does not apply to the worker transition plan for the Pinellas Plant site.*

### CHAPTER 3

#### DEPARTMENT OF THE INTERIOR

##### NATIONAL PARK SERVICE

###### OPERATION OF THE NATIONAL PARK SYSTEM

*For an additional amount for “Operation of the National Park System”, \$340,000, to remain available until expended, to provide for public access at Katmai National Park and Preserve and for litigation costs related to the disposition of an allotment within the Park.*

##### MINERALS MANAGEMENT SERVICE

###### ROYALTY AND OFFSHORE MINERALS MANAGEMENT

*For an additional amount for “Royalty and Offshore Minerals Management” to meet increased demand and workload requirements stemming from higher than anticipated leasing activity in the Gulf of Mexico, \$6,675,000, to remain available until expended, to be derived from increased receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on*

*September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993.*

*OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
ABANDONED MINE RECLAMATION FUND  
(TRANSFER OF FUNDS)*

*For an additional amount for the “Abandoned Mine Reclamation Fund”, \$3,163,000, to be derived by transfer from amounts available in Public Law 105–83 under the heading, “Regulation and Technology”, and to be subject to the same terms and conditions of the account to which transferred.*

*BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS*

*For an additional amount for “Operation of Indian Programs”, \$1,050,000, to remain available until expended, for the cost of document collection and production, including electronic imaging, required to support litigation involving individual Indian trust fund accounts.*

*OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS  
FEDERAL TRUST PROGRAMS*

*For an additional amount for “Federal Trust Programs”, \$4,650,000, to remain available until expended, for the cost of document collection and production, including electronic imaging, required to support litigation involving individual Indian trust fund accounts.*

*DEPARTMENT OF HEALTH AND HUMAN SERVICES  
INDIAN HEALTH SERVICE  
INDIAN HEALTH SERVICES*

*For an additional amount for “Indian Health Services”, \$100,000, to remain available until expended, for suicide prevention counseling.*

*GENERAL PROVISIONS—THIS CHAPTER*

*SEC. 3001. Section 330C(c) of subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended by section 4922 of Public Law 105–33, is further amended by inserting “, to remain available until expended,” after the words “fiscal years 1998 through 2002, \$30,000,000”.*

*SEC. 3002. Construction of the Trappers Loop connector road, and any related actions, by any Federal or state agency or other entity are deemed to be non-discretionary actions authorized and directed by Congress under title III, section 304(e)(3) of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4093).*

*SEC. 3003. Neither the issuance by the United States of an easement on and across National Forest lands for the Boulder City Pipe-*

line (also known as Lakewood Pipeline) nor the acceptance of such easement by the City of Boulder, Colorado, nor the relocation of such pipeline on such easement, shall cause, be construed as, or result in the abandonment, termination, relinquishment, revocation, limitation, or diminution of any rights claimed by such city pursuant to or as a result of any prior grant, including the Act of July 26, 1866 (43 U.S.C. 661) and the Acts authorizing the conveyance of such city of the Silver Lake Watershed. The alignment of the relocated pipeline shall be considered neither more nor less within the scope of any prior grants than the alignment of the pipeline existing prior to the issuance of such easement.

SEC. 3004. Notwithstanding any other provision of law, the Secretary of the Interior, through the Bureau of Indian Affairs, may hereafter directly transfer to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force Base in North Dakota that have been declared excess by the Department of Defense and requested for transfer by the Department of the Interior: Provided, That the Department of the Interior shall not be responsible for rehabilitation of the portable housing units or remediation of any potentially hazardous substances.

SEC. 3005. PETROGLYPH NATIONAL MONUMENT. (a) SHORT TITLE.—This section may be cited as the “Petroglyph National Monument Boundary Adjustment Act”.

(b) FINDINGS.—Congress finds that—

(1) the purposes for which Petroglyph National Monument (referred to in this section as “the monument”) was established continue to be valid;

(2) it is of mutual benefit to the trustee institutions of the New Mexico State Trust lands and the National Park Service for land exchange negotiations to be completed with all due diligence, resulting in the transfer of all State Trust lands within the boundaries of the monument to the United States in accordance with State and Federal law;

(3) because the city of Albuquerque, New Mexico, has acquired substantial acreage within the monument boundaries, purchased with State and municipal funds, the consolidation of land ownership and jurisdiction under the National Park Service will require the consent of the city of Albuquerque, and options for National Park Service acquisition that are not currently available;

(4) corridors for the development of Paseo del Norte and Unser Boulevard are depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), and the alignment of the roadways was anticipated by Congress before the date of enactment of the Act;

(5) it was the expectation of the principal proponents of the monument, including the cities of Albuquerque and Rio Rancho, New Mexico, and the National Park Service, that passage of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) would allow the city of Albuquerque—

(A) to utilize the Paseo del Norte and Unser Boulevard corridors through the monument; and

(B) to design and construct infrastructure within the corridors with the cultural and natural resources of the monument in mind;

(6) the city of Albuquerque has not provided for the establishment of rights-of-way for the Paseo del Norte and Unser Boulevard corridors under the Joint Powers Agreement (JPANO 78-521.81-277A), which expanded the boundary of the monument to include the Piedras Marcadas and Boca Negra units, pursuant to section 104 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note);

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction within the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

(10) adequate planning and cooperation between the city of Albuquerque and the National Park Service is essential to avoid resource degradation within the monument resulting from storm water runoff, and drainage conveyances through the monument should be designed and located to provide sufficient capacity for effective runoff management; and

(11) the monument will best be managed for the benefit and enjoyment of present and future generations with cooperation between the city of Albuquerque, the State of New Mexico, and the National Park Service.

(c) PLANNING AUTHORITY.—

(1) STORM WATER DRAINAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this section as the "Secretary"), and the city of Albuquerque, New Mexico, shall enter into negotiations to provide for the management of storm water runoff and drainage within the monument, including the design and construction of any storm water corridors, conveyances, and easements within the monument boundaries.

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for

the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A-2 of the Unser Middle Transportation Corridor Record of Decision prepared by the city of Albuquerque dated December 1993.

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument by the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter "the Director"), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

(d) ACQUISITION AUTHORITY; BOUNDARY ADJUSTMENT; ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—

(1) ACQUISITION AUTHORITY.—Section 103(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313, 16 U.S.C. 431 note) is amended—

(A) by striking "(a) The Secretary" and inserting the following:

"(a) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary";

(B) by striking ", except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange"; and

(C) by adding at the end the following:

"(2) LAND OWNED BY THE STATE OR A POLITICAL SUBDIVISION.—No land or interest in land owned by the State or a political subdivision of the State may be acquired by purchase before—

"(A) the State or political subdivision holding title to the land or interest in land identifies the land or interest in land for disposal; and

"(B)(i) all private land within the monument boundary for which there is a willing seller is acquired; or

"(ii) 2 years have elapsed after the date on which the Secretary has made a final offer (for which funds are available) to acquire all remaining private land at fair market value."

(2) BOUNDARY ADJUSTMENT.—Section 104(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by inserting "(1)" after "(a)"; and

(C) by adding at the end the following:

"(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—

"(i) the boundary of the monument is adjusted to exclude the Paseo Del Norte corridor in the Piedras Marcadas Unit described in Exhibit B of the document described in subparagraph (B); and

"(ii) the inclusion of the Paseo Del Norte corridor within the boundary of the monument before the date of enactment of this paragraph shall have no effect on any future ownership, use, or management of the corridor.

"(B) The document described in this subparagraph is the document entitled 'Petroglyph National Monument Roadway/Utility Corridors', dated October 30, 1997, on file with the Secretary of the Interior and the mayor of the city of Albuquerque, New Mexico."

(e) ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.—Section 105 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313, 16 U.S.C. 431 note) is amended by adding at the end the following:

"(f) BOCA NEGRA AND PIEDRAS MARCADAS UNITS.—If the binding agreement providing for the expansion of the monument pursuant to section 104 is amended, in accordance with the terms of the agreement, to transfer to the National Park Service responsibility for operation, maintenance, and repair of any or all property within the Boca Negra or Piedras Marcadas unit of the monument, the Secretary may employ, at a comparable grade and salary within the National Park Service, any willing employees of the city assigned to the unit."

(f) DOUBLE EAGLE II AIRPORT ACCESS ROAD.—The Administrator of the Federal Aviation Administration shall allow the use of the access road to the Double Eagle II Airport in existence on the date of enactment of this Act for visitor access to the monument.

SEC. 3006. COUNTY PAYMENT MITIGATION—TRANSPORTATION SYSTEM MORATORIUM. (a)(1) This section provides compensation for loss of revenues that would have been provided to counties if no road moratorium, as described in subsection (a)(2), were implemented or no substitute sales offered as described in subsection (b)(1). This section does not endorse or prohibit the road building moratorium nor does it affect the applicability of existing law to any moratorium.

(2) The Chief of the Forest Service, Department of Agriculture, in his sole discretion, may offer any timber sales that were scheduled October 1, 1997, or thereafter, to be offered in fiscal year 1998 or fiscal year 1999 even if such sales would have been delayed or halted as a result of any moratorium (resulting from the Federal Register proposal of January 28, 1998, pages 4351-4354) on construction of roads in roadless areas within the National Forest System adopted as policy or by regulation that would otherwise be applicable to such sales.

(3) Any sales offered pursuant to subsection (a)(2) shall—

(A) *comply with all applicable laws and regulations and be consistent with applicable land and resource management plans, except any regulations or plan amendments which establish or implement the moratorium referred to in subsection (a)(2); and*

(B) *be subject to administrative appeals pursuant to part 215 of title 36 of the Code of Federal Regulations and to judicial review.*

(b)(1) *For any previously scheduled sales that are not offered pursuant to subsection (a)(2), the Chief may, to the extent practicable, offer substitute sales within the same State in fiscal year 1998 or fiscal year 1999. Such substitute sales shall be subject to the requirements of subsection (a)(3).*

(2)(A) *The Chief shall pay as soon as practicable after fiscal year 1998 and fiscal year 1999 to any State in which sales previously scheduled to be offered that are referred to in, but not offered pursuant to, subsection (a)(2) would have occurred, 25 percentum of any anticipated receipts from such sales that—*

(i) *were scheduled from fiscal year 1998 or fiscal year 1999 sales in the absence of any moratorium referred to in subsection (a)(2); and*

(ii) *are not offset by revenues received in such fiscal years from substitute projects authorized pursuant to subsection (b)(1).*

(B) *After reporting the amount of funds required to make any payments required by subsection (b)(2)(A), and the source from which such funds are to be derived, to the Committees on Appropriations of the House of Representatives and the Senate, the Chief shall make any payments required by subsection (b)(2)(A) from any funds available to the Forest Service in fiscal year 1998 or fiscal year 1999, subject to approval of the Committees on Appropriations of the House of Representatives and Senate, that are not specifically earmarked for another purpose by the applicable appropriation Act or a committee or conference report thereon.*

(C) *Any State which receives payments required by subsection (b)(2)(A) shall expend such funds only in the manner, and for the purposes, prescribed in section 500 of title 16 of the United States Code.*

(c)(1) *During the term of the moratorium referred to in subsection (a)(2), the Chief shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on each of the following—*

(A) *a study of whether standards and guidelines in existing land and resource management plans compel or encourage entry into roadless areas within the National Forest System for the purpose of constructing roads or undertaking any other ground-disturbing activities;*

(B) *an inventory of all roads within the National Forest System and the uses which they serve, in a format that will inform and facilitate the development of a long-term Forest Service transportation policy; and*

(C) *a comprehensive and detailed analysis of the economic and social effects of the moratorium referred to in subsection (a)(2) on county, State, and regional levels.*

*SEC. 3007. PROVISION OF CERTAIN HEALTH CARE SERVICES FOR ALASKA NATIVES. Section 203(a) of the Michigan Indian Land Claims Settlement Act (Public Law 105-143; 111 Stat. 2666) is amended—*

*(1) by inserting “other than community based alcohol services,” after “Ketchikan Gateway Borough,”; and*

*(2) by inserting at the end the following new sentence: “Notwithstanding any other provision of law, such contract or compact shall provide services to all Indian and Alaska Native beneficiaries of the Indian Health Service in the Ketchikan Gateway Borough without the need for resolutions of support from any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).”*

*SEC. 3008. Section 326(a) of the Act making Appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998 and for other purposes (Public Law 105-83; 111 Stat. 1543) is amended by striking “with any Alaska Native village or Alaska Native village corporation” and inserting “to any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))”.*

*SEC. 3009. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking prior to October 1, 1998 with respect to the valuation of crude oil for royalty purposes, including without limitation a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997).*

#### CHAPTER 4

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

#### DISEASE CONTROL, RESEARCH, AND TRAINING

*For an additional amount for the Centers for Disease Control and Prevention, “disease control, research, and training”, \$9,000,000.*

#### HEALTH CARE FINANCING ADMINISTRATION

#### PROGRAM MANAGEMENT

*For an additional amount for “Program management”, \$2,200,000.*

*Title II of Public Law 105-78 is amended under this heading by striking the fourth proviso and inserting the following new proviso: “Provided further, That \$20,000,000 appropriated under this heading for the transition to a single Part A and Part B processing system and \$20,000,000 to be used only to the extent needed for Year 2000 century date change conversion requirements of external contractor systems shall remain available until expended.”*

## OFFICE OF THE SECRETARY

## GENERAL DEPARTMENTAL MANAGEMENT

*Of the funds appropriated under the heading "general departmental management" in Public Law 105-78 to carry out title XX of the Public Health Service Act, \$10,831,000 shall be for activities specified under section 2003(b)(2), of which \$9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX.*

## DEPARTMENT OF EDUCATION

## SPECIAL EDUCATION

*Public Law 105-78, under the heading "special education" is amended by inserting before the period the following: ": Provided further, That \$600,000 of the funds provided under section 672 of the Act shall be for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region, which funds shall be used to provide training, technical support, services, and equipment to address personnel and other needs".*

## GENERAL PROVISIONS—THIS CHAPTER

*SEC. 4001. (a) If a State child health plan under title XXI of the Social Security Act is approved on or after October 1, 1998, and before October 1, 1999, for purposes of such title (including allotments under section 2104(b) of such title) the plan shall be treated as having been approved with respect to amounts allotted under such title for fiscal year 1998, as well as for fiscal year 1999.*

*(b) The appropriation in section 2104(a)(1) of such title for fiscal year 1998 shall remain available to be obligated through September 30, 1999.*

*SEC. 4002. Notwithstanding any other provision of law, the Department of Health and Human Services shall permit the submission of public comments until August 31, 1998, on the final rule entitled "Organ Procurement and Transplantation Network" published by the Department in the Federal Register on April 2, 1998 (63 Fed. Reg. 16295 et seq.), and such rule shall not become effective before October 1, 1998, after the end of such comment period.*

## CHAPTER 5

## LEGISLATIVE BRANCH

## CONGRESSIONAL OPERATIONS

## HOUSE OF REPRESENTATIVES

## PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

*For payment to Lois G. Capps, widow of Walter H. Capps, late a Representative of the State of California, \$133,600.*

*For payment to Mary Bono, widow of Sonny Bono, late a Representative of the State of California, \$136,700.*

*ARCHITECT OF THE CAPITOL*  
*CAPITOL BUILDINGS AND GROUNDS*  
*CAPITOL BUILDINGS*  
*SALARIES AND EXPENSES*

*For an additional amount for "Capitol Buildings Salaries and Expenses", \$7,500,000, to remain available until expended, to begin repairs and rehabilitation of the Capitol dome: Provided, That this additional amount shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.*

*CAPITOL GROUNDS*  
*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for the design, installation and maintenance of the Capitol Square perimeter security plan, \$20,000,000 (of which not to exceed \$4,000,000 shall be transferred upon request of the Capitol Police Board to the Capitol Police Board, "Capitol Police", "General Expenses" for physical security measures associated with the Capitol Square perimeter security plan) to remain available until expended, subject to the review and approval by the appropriate House and Senate authorities: Provided, That this additional amount shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.*

*CHAPTER 6*  
*DEPARTMENT OF TRANSPORTATION*

*OFFICE OF THE SECRETARY*  
*AMTRAK REFORM COUNCIL*

*For necessary expenses of the Amtrak Reform Council, including the independent assessment of Amtrak, authorized under sections 202, 203, and 409 of Public Law 105-134, \$2,450,000, to remain available until September 30, 1999: Provided, That not to exceed \$400,000 shall be transferred to the Department of Transportation Inspector General for the new responsibilities associated with section 409(c) of Public Law 105-134.*

*FEDERAL AVIATION ADMINISTRATION*  
*FACILITIES AND EQUIPMENT*  
*(AIRPORT AND AIRWAY TRUST FUND)*

*For an additional amount for Facilities and Equipment for expenses relating to Year 2000 computer hardware and software problems, \$25,000,000, to remain available until September 30, 1999.*

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

*For an additional amount for Emergency Transportation activities, \$1,000,000, to remain available until expended: Provided, That of these funds, \$400,000 shall be available only for costs associated with construction and establishment of an emergency transportation response center in Arab, Alabama; \$550,000 shall be available only for costs associated with purchase and establishment of a mobile emergency response system to be administered jointly by the Alabama Department of Transportation and the Alabama Emergency Management Agency; and \$50,000 shall be for Research and Special Programs Administration administrative costs associated with these projects.*

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

*For an additional amount for "Salaries and Expenses" for necessary expenses resulting from the crash of TWA Flight 800, \$5,400,000: Provided, That the entire amount is available only for costs associated with rental of the facility in Calverton, New York, of which not to exceed \$500,000 is for security expenses: Provided further, That no funds or unobligated balances are available to provide for or permit flight operations at the Calverton airfield.*

GENERAL PROVISION—THIS CHAPTER

*SEC. 6001. Of the balances available to the Federal Transit Administration from previous appropriations Acts, \$1,000,000 shall be made available for a comprehensive transportation investment analysis of the primary urban corridor from Ewa to east Honolulu, Hawaii: Provided, That these funds shall remain available until September 30, 2001.*

CHAPTER 7

DEPARTMENT OF THE TREASURY

AUTOMATION ENHANCEMENT

YEAR 2000 CENTURY DATE CHANGE CONVERSION

*For necessary expenses of the Department of the Treasury for Year 2000 century date change conversion requirements, \$35,500,000, to remain available until September 30, 2000.*

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

*For an additional amount for "Salaries and Expenses", for Year 2000 century date change conversion requirements, \$5,300,000, to remain available until September 30, 2000.*

## GENERAL PROVISIONS—THIS CHAPTER

**SEC. 7001. FEDERAL EMPLOYEE VOLUNTARY EARLY RETIREMENT.**

(a) *CIVIL SERVICE RETIREMENT SYSTEM.*—Effective for purposes of the period beginning on the date of enactment of this Act and ending on September 30, 1999, paragraph (2) of section 8336(d) of title 5, United States Code, shall be applied as if it had been amended to read as follows:

“(2)(A) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in subparagraph (D);

“(B) is serving under an appointment that is not time limited;

“(C) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

“(D) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

“(i) such agency (or, if applicable, the component in which the employee is serving) is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

“(ii) a significant percentage of the employees serving in such agency (or component) will be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); and

“(E) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

“(i) one or more organizational units;

“(ii) one or more occupational series or levels;

“(iii) one or more geographical locations;

“(iv) other similar nonpersonal factors the Office determines appropriate; or

“(v) any appropriate combination of such factors.”.

(b) *FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.*—Effective for purposes of the period beginning on the date of enactment of this Act and ending on September 30, 1999, subparagraph (B) of section 8414(b)(1) of title 5, United States Code, shall be applied as if it had been amended to read as follows:

“(B)(i) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in clause (iv);

“(ii) is serving under an appointment that is not time limited;

“(iii) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

“(iv) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

“(I) such agency (or, if applicable, the component in which the employee is serving) is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

“(II) a significant percentage of the employees serving in such agency (or component) will be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); and

“(v) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

“(I) one or more organizational units;

“(II) one or more occupational series or levels;

“(III) one or more geographical locations;

“(IV) other similar nonpersonal factors the Office determines appropriate; or

“(V) any appropriate combination of such factors;”.

SEC. 7002. Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the two dependent children of deceased United States Customs Senior Special Agent Manuel Zurita attending the Antilles Consolidated School System at Fort Buchanan, Puerto Rico, to complete their primary and secondary education at this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable educational expenses to cover these costs.

## CHAPTER 8

### DEPARTMENT OF VETERANS AFFAIRS

#### VETERANS BENEFITS ADMINISTRATION

##### COMPENSATION AND PENSIONS

For an additional amount for “Compensation and pensions”, \$550,000,000, to remain available until expended.

##### INDEPENDENT AGENCIES

#### ENVIRONMENTAL PROTECTION AGENCY

##### STATE AND TRIBAL ASSISTANCE GRANTS

Notwithstanding any other provision of law, eligible recipients of the funds appropriated to the Environmental Protection Agency in the State and Tribal Assistance Grants account since fiscal year 1997 and hereafter for multi-media or single media grants, other than Performance Partnership Grants authorized pursuant to Public Law 104-134 and Public Law 105-65, for pollution prevention, control, and abatement and related activities have been and shall

be those entities eligible for grants under the Agency's organic statutes.

ADMINISTRATIVE PROVISION

No requirements set forth in any carbon monoxide Federal implementation plan (FIP) that are based on the Clean Air Act as in effect prior to the 1990 amendments to such Act may be imposed in the State of Arizona.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(TRANSFER OF FUNDS)

The Administrator of the National Aeronautics and Space Administration shall transfer from amounts made available for NASA in Public Law 105-65 under the heading, "Mission support", \$53,000,000 to "Human space flight" for Space Station activities, to be merged with and to be available for the same purposes of such account: Provided, That the total amount available for Space Station activities in fiscal year 1998 shall be up to \$2,441,300,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 8001. Section 206 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105-65; October 27, 1997) is amended by inserting the following before the final period: ", and for loans and grants for economic development in and around 18<sup>th</sup> and Vine".

SEC. 8002. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS. (a) Notwithstanding any other provision of law, with respect to the amount allocated for fiscal year 1998, and the amounts that would otherwise be allocated for fiscal year 1999, to the City of Philadelphia, Pennsylvania on behalf of the Philadelphia, PA-NJ Primary Metropolitan Statistical Area (in this section referred to as the "metropolitan area"), under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development shall adjust such amounts by allocating to the State of New Jersey the proportion of the metropolitan area's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area that is located in New Jersey.

(b) The State of New Jersey shall use amounts allocated to the State under this section to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan area that is located in New Jersey.

SEC. 8003. RATIFICATION OF INTERNET INTELLECTUAL INFRASTRUCTURE FEE. (a) The 30 percent portion of the fee charged by Network Solutions, Inc. between September 14, 1995 and March 31, 1998 for registration or renewal of an Internet second-level domain name, which portion was to be expended for the preservation and enhancement of the intellectual infrastructure of the Internet under a cooperative agreement with the National Science Foundation, and which portion was held to have been collected without authority in *William Thomas et al. v. Network Solutions, Inc. and National*

*Science Foundation, Civ. No. 97-2412, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had, by prior act of Congress, been specifically authorized and directed.*

*(b) The National Science Foundation is authorized and directed to deposit all money remaining in the Internet Intellectual Infrastructure Fund into the Treasury and credit that amount to its Fiscal Year 1998 Research and Related Activities appropriation to be available until expended for the support of networking activities, including the Next Generation Internet.*

## CHAPTER 9

### RESCISSIONS AND OFFSET

#### DEPARTMENT OF AGRICULTURE

##### AGRICULTURAL RESEARCH SERVICE

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$223,000 are rescinded.*

##### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

###### SALARIES AND EXPENSES

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$350,000 are rescinded.*

##### AGRICULTURAL MARKETING SERVICE

###### MARKETING SERVICES

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$25,000 are rescinded.*

##### GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

###### SALARIES AND EXPENSES

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$38,000 are rescinded.*

##### FOOD SAFETY AND INSPECTION SERVICE

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$502,000 are rescinded.*

*FARM SERVICE AGENCY*

*SALARIES AND EXPENSES*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$1,080,000 are rescinded.*

*AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT*

*(RESCISSION)*

*Of the funds made available for the cost of the unsubsidized guaranteed operating loans under this heading in Public Law 105-86, \$8,273,000 are rescinded.*

*NATURAL RESOURCES CONSERVATION SERVICE*

*CONSERVATION OPERATIONS*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$378,000 are rescinded.*

*RURAL HOUSING SERVICE*

*SALARIES AND EXPENSES*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$846,000 are rescinded.*

*FOOD PROGRAM ADMINISTRATION*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 105-86, \$114,000 are rescinded.*

*DEPARTMENT OF THE INTERIOR*

*BUREAU OF LAND MANAGEMENT*

*MANAGEMENT OF LANDS AND RESOURCES*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 104-208, \$1,188,000 are rescinded.*

*OREGON AND CALIFORNIA GRANT LANDS*

*(RESCISSION)*

*Of the funds made available under this heading in Public Law 104-208, \$2,500,000 are rescinded.*

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

*Of the funds made available under this heading in Public Law 105-18, \$250,000 are rescinded.*

CONSTRUCTION

(RESCISSION)

*Of the funds made available under this heading in Public Law 104-208, \$1,188,000 are rescinded.*

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

*Of the funds made available under this heading in Public Law 104-208, \$1,638,000 are rescinded.*

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

*The following amounts, totaling \$1,605,000, are rescinded from funds made available under this heading: in Public Law 103-332, \$1,255,000; in Public Law 103-138, \$60,000; in Public Law 102-381, \$173,000; and in Public Law 102-154, \$117,000.*

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

*Of the funds made available under this heading in Public Law 104-208, \$837,000 are rescinded.*

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

(RESCISSION)

*Of the funds made available under this heading in Public Law 105-83, \$148,000 are rescinded.*

STATE AND PRIVATE FORESTRY

(RESCISSION)

*Of the funds made available under this heading in Public Law 105-83, \$59,000 are rescinded.*

NATIONAL FOREST SYSTEM

(RESCISSION)

*Of the funds made available under this heading in Public Law 105-83, \$1,094,000 are rescinded.*

WILDLAND FIRE MANAGEMENT

(RESCISSION)

*Of the funds made available under this heading in Public Law 105-83, \$148,000 are rescinded.*

RECONSTRUCTION AND CONSTRUCTION

(RESCISSION)

*Of the funds made available under this heading in Public Law 105-83, \$30,000 are rescinded.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH PROFESSIONS EDUCATION FUND

(RESCISSION)

*Of the funds made available under the Health Professions Education Fund appropriation account, \$11,200,000 are rescinded.*

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(RESCISSION)

*Of the funds made available under this heading in Public Law 101-516 and subsequently obligated, \$2,500,000 shall be deobligated and are hereby rescinded.*

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

*Of the budgetary resources provided for "Small Community Air Service" by Public Law 101-508 for fiscal years prior to fiscal year 1998, \$3,000,000 are rescinded.*

FEDERAL AVIATION ADMINISTRATION

FACILITIES, ENGINEERING, AND DEVELOPMENT

(RESCISSION)

*Of the funds made available under this heading in previous appropriations Acts, \$500,000 are rescinded.*

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, \$54,000,000 are rescinded.*

FEDERAL RAILROAD ADMINISTRATION  
CONRAIL LABOR PROTECTION  
(RESCISSION)

*Of the funds made available under this heading in previous appropriations Acts, \$508,234 are rescinded.*

DEPARTMENT OF THE TREASURY  
UNITED STATES CUSTOMS SERVICE  
SALARIES AND EXPENSES  
(RESCISSION)

*Of the funds made available under this heading in Public Law 104–208, as amended by Public Law 105–18, \$6,000,000 are rescinded.*

OPERATIONS AND MAINTENANCE, CUSTOMS P–3 DRUG INTERDICTION PROGRAM  
(RESCISSION)

*Of the funds made available under this heading in Public Law 102–393, \$4,470,000 are rescinded.*

INTERNAL REVENUE SERVICE  
INFORMATION TECHNOLOGY INVESTMENTS  
(RESCISSION)

*Of the funds made available under this heading in Public Law 105–61, \$30,330,000 are rescinded.*

GENERAL PROVISION—THIS CHAPTER

*SEC. 9001. None of the funds appropriated or otherwise made available in Public Law 105–86 shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program as authorized by section 335 of Public Law 104–127 in excess of \$11,000,000.*

GENERAL PROVISIONS—THIS TITLE

*SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 10002. None of the funds appropriated or otherwise made available in this or any prior Act may be obligated or expended by*

the Patent and Trademark Office to plan for the lease of new facilities until 30 days after the submission of a report, to be delivered not later than May 15, 1998, to the Committees on Appropriations, on the space plans and detailed cost estimate for the build-out of the new facilities: Provided, That such funds shall be made available only in accordance with section 605 of Public Law 105-119.

SEC. 10003. Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

“(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);”.

SEC. 10004. (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, Public Law 105-119, may transfer any amount to the Department of State, subject to the limitations of subsection (b) of this section, for the purpose of making technical adjustments to the amounts transferred by section 404 of such Act.

(b) Funds transferred pursuant to subsection (a) shall not exceed \$12,000,000, of which not to exceed \$3,500,000 may be transferred from the United States Information Agency, of which not to exceed \$3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed \$1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed \$900,000 may be transferred from the Peace Corps, and of which not to exceed \$500,000 may be transferred from any other single agency listed in section 404(b) of Public Law 105-119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provision of law.

SEC. 10005. Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking “For purposes” and inserting “Notwithstanding any other provision of law, for purposes”; and

(B) by striking “fiscal year 1997” and inserting “fiscal years 1998 and 1999”; and

(2) by amending subsection (b) to read as follows:

“(b) ALIENS COVERED.—

“(1) IN GENERAL.—An alien described in this subsection is an alien who—

“(A) is the son or daughter of a qualified national;

“(B) is 21 years of age or older; and

“(C) was unmarried as of the date of acceptance of the alien’s parent for resettlement under the Orderly Departure Program.

“(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term ‘qualified national’ means a national of Vietnam who—

“(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

“(ii) is the widow or widower of an individual described in clause (i); and

“(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

“(ii) on or after April 1, 1995, is accepted—

“(I) for resettlement as a refugee; or

“(II) for admission as an immigrant under the Orderly Departure Program.”.

SEC. 10006. *The President shall instruct the United States Representatives to the World Trade Organization to seek the adoption of procedures that will ensure broader application of the principles of transparency and openness in the activities of the organization, including by urging the World Trade Organization General Council to—*

(1) *permit appropriate meetings of the Council, the Ministerial Conference, dispute settlement panels, and the Appellate Body to be made open to the public; and*

(2) *provide for timely public summaries of the matters discussed and decisions made in any closed meeting of the Conference or Council.*

#### DISTRICT OF COLUMBIA CHIEF OF POLICE

SEC. 10007. (a) EMPLOYMENT CONTRACT.—*Paragraph 2 of section 1 of the Act entitled “An Act relating to the Metropolitan police of the District of Columbia”, approved February 28, 1901 (DC Code, sec. 4–104), and any other provision of law affecting the employment of the Chief of the Metropolitan Police Department of the District of Columbia shall not apply to the Chief of the Department to the extent that such paragraph or provision is inconsistent with the terms of an employment agreement entered into between the Chief, the Mayor of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.*

(b) APPOINTMENT AND REMOVAL DURING CONTROL YEAR.—

(1) APPOINTMENT.—*During a control year, the Chief of the Metropolitan Police Department of the District of Columbia shall be appointed by the Mayor of the District of Columbia as follows:*

(A) *Prior to appointment, the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this subsection referred to as the “Authority”) may submit recommendations for the appointment to the Mayor.*

(B) *In consultation with the Authority and the Council of the District of Columbia, the Mayor shall nominate an*

*individual for appointment and notify the Council of the nomination.*

*(C) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under subparagraph (B), the Mayor shall notify the Authority of the nomination.*

*(D) The nomination shall be effective subject to approval by a majority vote of the Authority.*

*(2) REMOVAL.—During a control year, the Chief of the Metropolitan Police Department of the District of Columbia may be removed by the Authority or by the Mayor with the approval of the Authority.*

*(3) CONTROL YEAR DEFINED.—In this subsection, the term “control year” has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.*

*(c) EFFECTIVE DATE.—This section shall be effective as of April 21, 1998.*

*SEC. 10008. SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ. Notwithstanding any other provision of law, of the funds made available under the heading “Economic Support Fund” in Public Law 105–118, \$5,000,000 shall be made available for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes: Provided, That within 30 days of enactment into law of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on plans to establish a program to support the democratic opposition in Iraq.*

*This Act may be cited as the “1998 Supplemental Appropriations and Rescissions Act”.*

*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,  
JOHN P. MURTHA  
(except for IMF and section  
8 housing rescission),

*Managers on the Part of the House.*

TED STEVENS,  
THAD COCHRAN,  
ARLEN SPECTER,

PETE V. DOMENICI,  
C.S. BOND,  
SLADE GORTON,  
MITCH McCONNELL,  
CONRAD BURNS,  
RICHARD C. SHELBY,  
JUDD GREGG,  
R.F. BENNETT,  
BEN NIGHTHORSE CAMPBELL,  
LARRY CRAIG,  
LAUCH FAIRCLOTH,  
KAY BAILEY HUTCHISON,  
ROBERT C. BYRD,  
D.K. INOUE,  
ERNEST F. HOLLINGS,  
PATRICK J. LEAHY,  
DALE BUMPERS,  
FRANK R. LAUTENBERG,  
TOM HARKIN,  
BARBARA A. MIKULSKI,  
HARRY REID,  
BYRON L. DORGAN,  
*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. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

Report language included by the House in the report accompanying H.R. 3579 (H. Rept. 105-469) which is not changed by the report accompanying S. 1768 (S. Rept. 105-168), and Senate report language 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

Chapter 1 of the conference agreement recommends a total of \$2,834,775,000 in new budget authority for the Department of Defense, for costs resulting from ongoing contingency operations in Southwest Asia and Bosnia, storm damage at defense facilities, and other urgent requirements. Chapter 2 of this conference agreement contains additional emergency appropriations associated with military construction.

Of the funds provided in this Chapter, the conferees recommend \$2,040,500,000 in emergency supplemental appropriations to finance personnel and operations and maintenance costs associated with contingency operations in Southwest Asia and Bosnia. In addition, the conferees recommend a total of \$231,275,000 for the repair of defense facilities damaged by natural disasters. Of this amount, \$125,528,000 is designated as contingent emergency appropriations, to be made available upon the President's submission of a subsequent budget request designating the entire amount as an emergency requirement.

The following table provides details of the emergency supplemental appropriations in this Chapter for contingency operations and natural disasters.

## SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE

[In thousands of dollars]

	Budget request	House	Senate	Conference
Contingency operations—Military personnel:				
Army .....	184,000	184,000	184,000	184,000
Navy .....	22,300	22,300	22,300	22,300
Marine Corps .....	5,100	5,100	5,100	5,100
Air Force .....	10,900	10,900	10,900	10,900
Navy Reserve .....	4,100	4,100	4,100	4,100
Total .....	226,400	226,400	226,400	226,400
Overseas Contingency Operations Transfer Fund .....	1,621,900	1,829,900	1,556,000	1,814,100
Total, contingency operations .....	1,848,300	2,056,300	1,782,400	2,040,500
Natural disasters:				
Operation and maintenance:				
Army .....	1,886	2,586	1,886	1,886
Navy .....	48,100	53,800	33,272	48,100
Marine Corps .....	0	26,810	0	0
Air Force .....	27,400	49,200	21,509	27,400
Defense-Wide .....	1,390	1,390	1,390	1,390
Defense-Wide (El Nino, Ft Stewart) .....	50,000	0	44,000	125,528
Army Reserve .....	650	650	650	650
Air Force Reserve .....	229	229	229	229
Army National Guard .....	175	5,925	175	175
Air National Guard .....	0	975	0	0
Total .....	129,830	141,565	103,111	205,358
Working capital funds:				
Navy Working Capital Fund .....	23,017	30,467	23,017	23,017
Defense-Wide Working Capital Fund .....	1,000	1,000	1,000	1,000
Total .....	24,017	31,467	24,017	24,017
Defense Health Program .....	1,900	1,900	1,900	1,900
Total, Natural Disaster Relief .....	155,747	174,932	129,028	231,275

## CONTINGENCY OPERATIONS FUNDING

The conferees agree to reduce the Department of Defense budget request for contingency operations in Southwest Asia by \$50,000,000 for drawdown authority that will not be required in support of U.S. operations. The conferees also agree to reduce the budget request for operations in Bosnia by \$7,900,000 for excessive infrastructure development costs.

## DISASTER RELIEF TRANSFER ACCOUNT

Under the heading “Operation and Maintenance, Defense-Wide”, the conference agreement includes \$125,528,000, which is available for transfer to the applicable appropriations accounts, to cover the cost of storm damage at military facilities. This amount reflects updated storm damage costs provided by the Department of Defense. The following table displays the revised estimates of the storm damage caused by El Nino and tornadoes at Fort Stewart, Georgia. The conferees recognize that more complete damage assessments may require the Department to adjust the priority for funding between these accounts.

[In thousands of dollars]

	El Nino	Ft. Stewart	Total
Operation and maintenance, Army .....	700	40,300	41,000
Operation and maintenance, Navy .....	6,861	.....	6,861
Operation and maintenance, Marine Corps .....	27,185	.....	27,185
Operation and maintenance, Air Force .....	21,800	.....	21,800
Operation and maintenance, Army National Guard .....	5,750	3,200	8,950
Operation and maintenance, Air National Guard .....	975	.....	975
Navy Working Capital Fund .....	18,757	.....	18,757
Total .....	82,028	43,500	125,528

## EMERGENCY USE OF FUNDS FOR INFRASTRUCTURE PROJECTS

The conferees direct that funds provided to the Overseas Contingency Operations Transfer Fund may not be used to construct or modify any facility or project where the costs exceed \$2,000,000. Funds for such military construction projects in the Southwest Asia or Bosnia theaters of operations shall be requested by the Department of Defense and approved through the usual authorization and appropriation process.

## LOGCAP

The conferees are aware that the Army recently has entered into a Logistics Civil Augmentation Program (LOGCAP) contract with a new contractor to provide various world-wide logistics services. The conferees understand that despite this new contract, the previous LOGCAP provider was allowed to continue providing services in the Bosnia theater of operations due to the possibility that U.S. forces could be withdrawn within a matter of months. Given the President's decision to extend the Bosnia mission indefinitely, the conferees direct the Army to carefully reassess the costs and benefits of its decision to retain the old LOGCAP contractor in Bosnia and to take action to change its Bosnia contractor if appropriate. The Secretary of Defense shall report to the congressional defense committees by June 1, 1998, on the results of this review.

## CLASSIFIED PROGRAMS

The conference agreement concerning classified activities requested by the Administration is contained in a classified annex to this statement of the managers.

## RESERVE MOBILIZATION INCOME INSURANCE FUND

In section 3 of the General Provisions, the conferees recommend \$47,000,000 for the Reserve Mobilization Income Insurance Fund instead of \$37,000,000 as proposed by the House. The Senate did not address this issue. The Department of Defense has recently advised the conferees that \$47,000,000 is required to cover all remaining obligations for pending and future member appeals for this program. The conferees believe that this additional funding will resolve the outstanding financial obligations for those Reservists who participated in this program.

## ENHANCEMENTS TO SELECTED THEATER MISSILE DEFENSE PROGRAMS

In section 9 of the General Provisions, the conferees agree to provide \$179,000,000 for selected theater missile defense programs. The conferees direct that the following amounts shall be made available only for the following purposes: \$35,000,000 for Patriot/Aegis/GBR integration; \$15,000,000 for Patriot Remote Launch; \$40,000,000 for PAC-3 and Navy Area Demonstration; \$6,000,000 for Enhanced Early Warning; \$38,000,000 for Navy Theater Wide Missile Defense (Navy Upper-Tier); and \$45,000,000 for the Arrow Deployability Program. The additional investment in the Arrow Deployability Program is made available for the purpose of purchasing components for a third Arrow battery.

## YOUTH DEVELOPMENT AND LEADERSHIP PROGRAM

In section 13 of the General Provisions, the conferees agree to provide \$300,000 for the Office of the Assistant Secretary of Defense (Reserve Affairs) to initiate the Outdoor Odyssey Youth Development and Leadership program. These funds are to be derived by transfer from the fiscal year 1998 Navy research, development, test and evaluation account (surface combatant combat system engineering, TBMD/UYQ-70). Funds are to assist a non-profit corporation to acquire suitable property and facilities and to initiate operation of a youth training program patterned after successful Marine Corps and Army National Guard methods and procedures. Special emphasis is expected to be given towards educating and recruiting qualified youth for possible duty in the armed forces. The conferees direct that funds for property acquisition be obligated within thirty days of enactment.

## DISABLED HEALTH CARE

The conferees are aware that many CHAMPUS beneficiaries under the age of 65, who are entitled to Medicare on the basis of disability, do not know they must purchase Medicare Part B in order to have CHAMPUS as a secondary payer to Medicare. The Department has recently identified these beneficiaries and notified them of their ineligibility for CHAMPUS. However, notices were sent out on March 20, 1998, just prior to the Medicare enrollment closing date of March 31, 1998. The conferees believe this may not have provided beneficiaries sufficient time to enroll in Part B. In addition, for those who have enrolled, there will be a gap in coverage before the Part B policy takes effect. Therefore, the conferees have included section 15 in the General Provisions that will permit the use of fiscal year 1998 Defense Health Program funds to cover this potential temporary gap in health care for the disabled until they are covered or enrolled in Medicare Part B.

## BOSNIA DEMINING

In section 16 of the General Provisions, the conferees agree to provide \$28,000,000 to be deposited in the International Trust Fund of the Republic of Slovenia for Demining, Mine Clearance, and Assistance to Mine Victims in Bosnia and Herzegovina. The United States program and amounts appropriated will be administered by the State Department. Funding shall be deposited in two

equal installments to the extent others have contributed matching amounts. It is the conferees' intent that the amounts deposited and interest earned may be expended by the Republic of Slovenia only in consultation with the United States Government and with the concurrence of the Fund's Board of Advisors. Any submission to the United States government for reimbursement of funds appropriated in this act must be made utilizing an internationally recognized accounting method in compliance with accepted United States government accounting standards and principals. The conferees recommend that the President nominate, after consultation with the United States Congress, at least two citizens of the United States for membership on the Fund's Board of Advisors, and that membership on the Board shall be proportionate to the percentage of the United States government's contribution to the Fund.

The conferees agree that in the use of these funds, all economically feasible and commercially available equipment may be considered for demining activities. Some portion of these funds is directed for the flail method of demining. This method includes a robotically-controlled, skid-steer mobile unit with a flail attachment that detonates mines without human risk. Funds may be used to procure this type of equipment. To provide necessary support facilities, the conferees direct that funds also be made available for the Ultimate Building Machine system currently used by the armed forces to rapidly construct low cost, durable, semi-permanent structures.

#### BIOENVIRONMENTAL RESEARCH

The fiscal year 1998 Defense Appropriations Act provided \$5,000,000 to the Defense Special Weapons Agency for bioenvironmental research. The conferees direct that this funding be used only for continuation of the Agency's core five year, integrated bioenvironmental hazards research program that focuses primarily on the development of biosensors and biomarkers of exposure for human and ecological bioenvironmental problems relevant to DoD.

#### AIR BATTLE CAPTAIN PROGRAM

The conferees are concerned that the Army is not complying with directives of the conferees on the fiscal year 1998 Defense Appropriations Act and those of the Senate on this bill regarding the Air Battle Captain program. The conferees are disturbed with the apparent decision not to comply with these directives. The conferees reiterate their strongly held view that the Army shall obligate funds to cover the ongoing program and to initiate the recruitment of new students for the fall 1998 program.

#### WHITE SANDS MISSILE RANGE

The conferees understand that the White Sands Missile Range is in the process of completing civilian personnel drawdowns to reach personnel levels assumed in the fiscal year 1999 Department of Defense budget. The conferees direct that the Army take no actions to implement any personnel reductions below the levels assumed in the fiscal year 1999 Department of Defense budget with-

out notifying the congressional defense committees 45 days prior to taking any such action.

#### GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to delete language, as proposed by the House, which limits the availability of funds provided in this chapter to the current fiscal year unless otherwise specified.

The conferees agree to retain section 1, as proposed by the Senate, which provides funds to “Overseas Humanitarian, Disaster, and Civic Aid” for a grant to the American Red Cross for Armed Forces emergency services and for reimbursement for disaster relief at overseas locations.

The conferees agree to restore section 2, as proposed by the House, which provides technical language regarding obligation of funds in this Act for intelligence-related programs.

The conferees agree to delete language, as proposed by the Senate, which requires the Secretary of the Army to comply with a 1991 Memorandum of Agreement with the Washington State Parks and Recreation Commission concerning the Yakima Training Center.

The conferees agree to restore and amend section 3, as proposed by the House, to provide \$47,000,000 for the Reserve Mobilization Income Insurance Fund.

The conferees agree to retain section 4, as proposed by the Senate, which urges the President to seek burdensharing contributions from other nations to help defray the cost of United States deployments in the Gulf region.

The conferees agree to restore and amend section 5, as proposed by the House, which establishes an independent panel to evaluate the quality of health care initiatives begun by the Department of Defense.

The conferees agree to retain section 6, as proposed by the Senate, which transfers funds from “Chemical Agents and Munitions Destruction, Defense” to “Operation and Maintenance, Defense-Wide” for civil military programs.

The conferees agree to delete language, as proposed by the Senate, which prohibits the Army from proceeding with civilian personnel reductions at all Army Test Ranges.

The conferees agree to retain and amend section 7, as proposed by the Senate, which urges the President to enter into an agreement with NATO regarding a schedule for achieving benchmarks for a continued United States force presence in Bosnia.

The conferees agree to retain section 8, as proposed by the Senate, which concerns participants of the National Guard Youth Challenge Program and their eligibility for enlistment in the military.

The conferees agree to retain and amend section 9, as proposed by the Senate, which provides funds for selected theater missile defense programs.

The conferees agree to retain section 10, as proposed by the Senate, which allows the Secretary of Defense to lease land near the Massachusetts Military Reservation.

The conferees agree to delete language, as proposed by the Senate, concerning the termination date of the National Defense Panel.

The conferees agree to retain section 11, as proposed by the Senate, which provides funds for "Aircraft Procurement, Navy" for eight F/A-18 aircraft for the Marine Corps.

The conferees agree to include section 12 concerning obligation of funds for disaster information management.

The conferees agree to include section 13 concerning a youth development and leadership program.

The conferees agree to include section 14 which allows the Department of Defense to dispose of residual fuel.

The conferees agree to include section 15 concerning CHAMPUS beneficiaries, under the age of 65, who are entitled to Medicare on the basis of disability.

The conferees agree to retain and amend section 16, as proposed by the Senate, which provides funds for demining, mine clearance, and assistance to mine victims in Bosnia and Herzegovina.

The conferees agree to restore and amend section 17, as proposed by the House, which expresses the sense of the Congress that the conduct of offensive operations by United States forces against Iraq should be specifically authorized by law.

The conferees agree to include section 18 which directs the Department of Defense to expeditiously process claims as a result of the air tragedy in Italy.

## CHAPTER 2

### DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

The conferees provide a total of \$25,220,000, of which \$17,100,000 is designated as an emergency, for damage related to Typhoon Paka, and \$8,120,000 is provided as a contingent emergency for storm damage, as follows:

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conferees provide \$3,700,000 as a contingent emergency appropriation in order to demolish and replace buildings destroyed by storm damage at Fort Stewart, Georgia.

#### FAMILY HOUSING, NAVY AND MARINE CORPS

The conferees recommend \$15,600,000, as requested, for repair of family housing units, fences, damaged landscaping, and debris removal at Naval Station Marianas, Guam, as a result of Typhoon Paka. In addition, the conferees recommend \$2,500,000 as a contingent emergency, for repair of foundation slabs, pipes, erosion, and family housing units in California, associated with damages from El Niño.

#### FAMILY HOUSING, AIR FORCE

The conferees recommend \$1,500,000, as requested, for the repair of family housing units, debris removal, and replacement of furnishings at Andersen AFB, Guam, as a result of Typhoon Paka.

In addition, the conferees recommend \$900,000 for repair of family housing at Vandenberg AFB, California, associated with damages from El Niño. This funding was requested under "Operation and Maintenance, Defense-wide", as a contingent emergency.

#### BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

The conferees recommend \$1,020,000 for repairs to an ongoing project to provide an Aircraft Parking Apron at Camp Pendleton Marine Corps Air Station, California, for replacement of a protective berm surrounding the fuel farm facility, which was damaged as a result of El Niño. This funding was requested under "Operation and Maintenance, Defense-wide", as a contingent emergency.

#### FAMILY HOUSING IMPROVEMENT FUND

The Department of Defense is delaying the execution of family housing construction projects for which funds have been appropriated, for possible transfer into the Family Housing Improvement Fund. Funds that were appropriated for specific construction projects should be executed as justified to the Congress. The conferees support the Department's privatization efforts through the authorities that reside in the Fund, but intend that previously approved construction projects proceed in order to improve the quality of life for service members and their families at the earliest possible date.

The President's Budget for fiscal year 1999 indicates that the Family Housing Improvement Fund had an unobligated balance of \$28,000,000 available at the beginning of fiscal year 1998, and that no further funds would be transferred into the Fund during fiscal year 1998. Thus, based on the Administration's budget, this balance is sufficient to carry out planned activities throughout fiscal year 1998, and the execution of previously approved construction projects will cause no delays in privatization efforts. The conferees intend to review the operation of the Fund in detail in action on the budget request for fiscal year 1999.

The conferees note that, on April 22, 1998, the Department of the Army cancelled the proposed award of the whole-installation capital venture initiative project at Fort Carson, Colorado. This contact would have been the first exercise of the authority sought by the Department of Defense and enacted in the National Defense Authorization Act for fiscal year 1996 on February 10, 1996 (section 2801 of Public Law 104-106, 10 U.S.C. 2871). The Army's decision was based upon litigation in the U.S. Court of Federal Claims, and has resulted in re-examination of the acquisition process. The Army is now studying corrective action alternatives, including a return to best and final offers and resolicitation. The conferees are concerned about this development, and will follow further events closely in order to review the operation of this program and the Department of Defense's management of Service activities.

#### CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA

The conferees direct that not later than 30 days after enactment, the Secretary of the Navy provide a report detailing the cost of the 1993 flood, any corrective actions taken subsequent to the

flood, the cost of the corrective actions, and the impact of the current flooding on the bridge replacement and river flood control, Santa Margarita construction projects as authorized and appropriated in fiscal year 1998.

PICATINNY ARSENAL, NEW JERSEY

In fiscal year 1998, \$1,300,000 was provided for design of the Armament Software Engineering Center (ASEC) at Picatinny Arsenal. The conferees urge the Department of the Army to release this funding without delay.

GENERAL PROVISION

Sec. 20. The conferees have included a provision relating to a project at North Island Naval Air Station, California, for which funds were appropriated in Public Law 104-196.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

EMERGENCY INSURED LOANS

The conference agreement provides a subsidy of \$21,000,000 for emergency insured loans as proposed by both the House and Senate. The subsidy will support an estimated loan level of \$87,400,000. The conference agreement deletes supplemental appropriations of \$5,400,000 for subsidized guaranteed operating loans and \$3,200,000 for direct farm operating loans as proposed by the Senate.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides \$30,000,000 for the emergency conservation program instead of \$20,000,000 as proposed by the House and \$60,000,000 as proposed by the Senate. The conference agreement also includes \$4,000,000 for maple producers to replace taps and tubing damaged by ice storms in the northeast instead of \$4,480,000 as proposed by the Senate. The House bill had no similar provision.

TREE ASSISTANCE PROGRAM

The conference agreement provides \$14,000,000 for the tree assistance program instead of \$4,700,000 as proposed by the House and \$8,700,000 as proposed by the Senate.

The conference agreement also adds bill language to exclude producers from receiving assistance for trees used for pulp and/or timber.

COMMODITY CREDIT CORPORATION FUND  
LIVESTOCK DISASTER ASSISTANCE PROGRAM

The conference agreement provides \$4,000,000 for livestock disaster assistance as proposed by both the House and Senate.

The conference agreement also makes producers of ratites eligible for compensation under this program as proposed by the House.

DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

The conference agreement provides \$6,800,000 for dairy production disaster assistance as proposed by the House instead of \$10,000,000 as proposed by the Senate.

The conference agreement contains bill language to permit not more than \$4.00 per hundredweight as compensation for diminished production or for milk produced but not marketed.

NATURAL RESOURCES CONSERVATION SERVICE  
WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides \$80,000,000 for watershed and flood prevention operations instead of \$65,000,000 as proposed by the House and \$100,000,000 as proposed by the Senate.

CHAPTER 2

UNITED STATES INFORMATION AGENCY  
INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes an additional \$5,000,000, as proposed in the Senate bill, for the "International Broadcasting Operations" account of the United States Information Agency, to remain available until September 30, 1999, for the establishment of surrogate radio broadcasting to the Iraqi people by Radio Free Europe/Radio Liberty, which shall be designated "Radio Free Iraq". The House bill had no similar provision. The conferees agree that this funding shall provide for the total costs of such a broadcast service in fiscal years 1998 and 1999, including start-up costs, RFE/RL operational costs, and engineering and transmission costs incurred by the International Broadcasting Bureau. The conference agreement also requires the Broadcasting Board of Governors to submit a detailed report to the Congress, within 30 days of enactment, containing plans for the establishment and operation of such a broadcast service within the amount provided. The conference agreement designates this amount as an emergency requirement, and provides that the entire amount shall be available only to the extent that the President transmits to the Congress an official budget request, designating the request as an emergency requirement.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

## CONSTRUCTION, GENERAL

The conference agreement deletes language proposed by the Senate appropriating: \$8,000,000 for Archusa Dam in Mississippi; \$25,000,000 for levee and waterway repairs at Elba and Geneva, Alabama; \$2,500,000 for river and shoreline repairs along the Missouri River in South Dakota; \$1,100,000 for levee repairs at Suisun Marsh, California; \$1,400,000 for maintenance dredging at Apra Harbor, Guam; and \$500,000 for repair of Mackville Dam in Vermont. The conferees note that supplemental funding for the Suisun Marsh project is provided to the Bureau of Reclamation in this chapter under the paragraph entitled "Water and Related Resources." The conferees do not intend to preclude the Corps from undertaking emergency repair work where appropriate, to the extent authorized by law.

## OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates \$105,185,000 instead of \$84,457,000 as recommended by the House and \$30,000,000 as recommended by the Senate. The agreement deletes language proposed by the Senate providing for a transfer from the Flood Control and Coastal Emergencies account to the Operation and Maintenance, General account.

## DEPARTMENT OF THE INTERIOR

## BUREAU OF RECLAMATION

## WATER AND RELATED RESOURCES

The conference agreement appropriates \$4,520,000 as recommended by the House to repair damage caused by floods and other natural disasters.

## CHAPTER 4

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

The managers understand that the estimates, which form the basis for many of these emergency appropriations, are based on preliminary damage determinations. Refinements and re-estimates, possibly resulting in allocations different from preliminary projections, may be necessary. The managers expect funds to be provided consistent with established priorities. Before proceeding with final allocations to the field, the managers expect the agencies to provide a report that identifies all of the projects considered for funding, including any changes from earlier estimates.

DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 CONSTRUCTION

The managers have provided \$1,837,000 for construction, contingent on a Presidential declaration of emergency, as proposed by the Senate. The House proposed no funds for this purpose.

UNITED STATES FISH AND WILDLIFE SERVICE  
 CONSTRUCTION

The managers have provided \$32,818,000 for construction as proposed by the Senate instead of \$28,938,000 as proposed by the House. Of that amount, \$29,130,000 is contingent on a Presidential declaration of emergency. The allocation of these funds should be based on the most recent estimates and agency priorities, in accordance with the direction at the beginning of this chapter.

NATIONAL PARK SERVICE  
 CONSTRUCTION

The managers have provided \$9,506,000 for construction as proposed by the Senate instead of \$8,500,000 as proposed by the House. These funds are contingent on a Presidential declaration of emergency.

UNITED STATES GEOLOGICAL SURVEY  
 SURVEYS, INVESTIGATIONS, AND RESEARCH

The managers have provided \$1,198,000 for surveys, investigations, and research as proposed by the Senate instead of \$1,000,000 as proposed by the House. These funds are contingent on a Presidential declaration of emergency.

BUREAU OF INDIAN AFFAIRS  
 CONSTRUCTION

The managers have provided \$1,065,000 for construction, contingent on a Presidential declaration of emergency, as proposed by the Senate. The House proposed no funds for this purpose.

DEPARTMENT OF AGRICULTURE  
 FOREST SERVICE  
 STATE AND PRIVATE FORESTRY

The managers have provided \$48,000,000 for State and private forestry as proposed by both the House and the Senate. Of that amount \$28,000,000 is contingent on a Presidential declaration of emergency.

## NATIONAL FOREST SYSTEM

The managers have provided \$10,461,000 for the National forest system as proposed by the House instead of \$10,000,000 as proposed by the Senate. Of that amount \$5,461,000 is contingent on a Presidential declaration of emergency.

The managers have not included \$2,000,000 in non-emergency payments to States as proposed by the Senate. The House had no similar provision. This issue is discussed in more detail in section 3006 under General Provisions for Chapter 3 in Title III.

## WILDLAND FIRE MANAGEMENT

The managers have provided \$2,000,000 for wildlife fire management, contingent on a Presidential declaration of emergency, as proposed by the Senate. The House proposed no funds for this purpose. A technical correction has also been made to the appropriations language.

## DEPARTMENT OF ENERGY

## STRATEGIC PETROLEUM RESERVE

The managers have included language which, upon a Presidential declaration of emergency, would negate the sale of Strategic Petroleum Reserve oil to pay for Reserve operations in fiscal year 1998. The language modifies a provision included by the Senate. The House had no similar provision.

## CHAPTER 4A

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## CENTERS FOR DISEASE CONTROL AND PREVENTION

## DISEASE CONTROL, RESEARCH AND TRAINING

The conference agreement deletes a provision in the Senate bill that provided \$9,000,000 for polio eradication activities in Africa. The Senate bill declared the full amount of the appropriation an emergency for the purposes of the Budget Act and made obligation of the funds contingent upon a formal designation of the funds by the President as an emergency for the purposes of the Budget Act. The House bill contained no similar provision. Chapter 4 of Title III of the conference agreement provides a regular appropriation of \$9,000,000 for polio eradication activities in Africa. These funds are not designated as an emergency for the purposes of the Budget Act.

## CHAPTER 5

DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL-AID HIGHWAYS  
EMERGENCY RELIEF PROGRAM  
(HIGHWAY TRUST FUND)

The conference agreement provides \$259,000,000 in emergency appropriations for the emergency relief program to repair highway damage resulting from recent natural disasters nationwide. Of the amount provided, \$224,000,000 has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference agreement provides that the remaining \$35,000,000 is available only if designated by the President as an emergency requirement.

The conference agreement deletes language proposed by the Senate that provides that no announcement of allocation of emergency relief funds shall be made prior to 15 days after notification to the House and Senate Transportation Appropriations Subcommittees, the Senate Environment and Public Works Committee, and the House Transportation and Infrastructure Committee. The House bill contained no similar provision.

The conference agreement includes a provision that permits the Secretary of Transportation to borrow, pending the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, such sums as may be necessary for administrative expenses of the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Bureau of Transportation Statistics from the unobligated balances of discretionary allocations for the federal-aid highways program made available by this Act. The conferees further expect the Federal Highway Administration to proceed with highway research and development programs and projects to the extent to which funding is available after consultation with the House and Senate Committees on Appropriations.

The conference agreement waives the per-state per-disaster limitation for projects resulting from the fall of 1997 through the winter of 1998 flooding in California, as proposed by the House. The Senate bill proposed to waive the limitation to projects resulting from the fall of 1997 and winter of 1998 flooding in the western states.

FEDERAL RAILROAD ADMINISTRATION  
EMERGENCY RAILROAD REHABILITATION AND REPAIR

The conference agreement provides \$9,800,000 for emergency railroad rehabilitation and repair. These funds are available for flood and storm-related damages incurred by class II and III railroads from September 1, 1996 through March 31, 1998. The House bill provided \$9,000,000, of which \$2,650,000 was for flood damages in the Northern Plains states in March and April 1997, and

\$6,350,000 was for El Nino related damages in the fall of 1997 and winter of 1998. The Senate bill provided \$10,600,000, of which \$5,250,000 was for flood damages in California, West Virginia, and the Northern Plains states, and \$5,350,000 was for storm damages in the fall of 1997 through the winter of 1998.

The conferees believe that, to the maximum extent possible, insurance should provide for damages incurred by railroads from floods and other natural disasters. Generally, the Department of Transportation should not be responsible for reimbursing privately owned railroads for these damages. A long-term approach on how to handle these damages should be developed. As such, the conferees direct the Secretary of Transportation to report to the House and Senate Appropriations Committees not later than December 31, 1998 on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters. The Senate included this provision in bill language.

## CHAPTER 6

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### COMMUNITY PLANNING AND DEVELOPMENT

##### COMMUNITY DEVELOPMENT BLOCK GRANTS

Appropriates \$130,000,000 for Community Development Block Grants to be used for disaster relief, long term recovery and mitigation in communities designated as Presidentially declared natural disasters during fiscal year 1998. The House had proposed \$20,000,000 and the Senate had proposed \$260,000,000. The House limited assistance to states affected by the January 1998 Northeast ice storm.

HUD is provided broad waiver authority, including the authority to waive statutory requirements that activities benefit persons of low and moderate income. States are required to provide a 25 percent match in nonfederal public funds, to administer the funds for unmet needs in conjunction with its FEMA program or its community development block grant program and to use annual disaster cost estimates. HUD must notify the VA, HUD and Independent Agencies Subcommittees on Appropriations 10 days prior to distribution of funds regarding how these funds are to be utilized and the most recent estimate of unmet needs. Additionally, HUD and FEMA must submit quarterly reports regarding the actual uses of the funds. These reports are to be based on quarterly reports submitted to HUD by the States that received funds.

The conferees have serious misgivings about providing CDBG funds for disaster mitigation, particularly given the waiver authority and the possibility that the majority of the funds will be spent to cover the repair costs of investor-owned utility companies.

In an attempt to deal with this concern, language is included by the conferees to require HUD to submit to the VA/HUD subcommittees a list of the amounts of funds provided and the locality to which the funds are provided. HUD is directed, however, to allocate the funds in a fair manner to each jurisdiction that is eligible to receive them.

INDEPENDENT AGENCY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF

Appropriates \$1,600,000,000 for disaster relief as proposed by the Senate. The House had provided no funding for disaster relief. The amount provided is available only to the extent that an official budget request for a specific amount, which includes designation of the entire amount of the request as an emergency, is transmitted by the President to Congress.

The conferees are concerned about the problems of providing emergency temporary housing to migrant farm workers in California and urge FEMA to take into account the special needs of migrant farm worker disaster victims.

Finally, the conferees urge FEMA to approve expeditiously state requests under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for buyout relocations designed to reduce overall disaster costs in future years.

CHAPTER 7

RESCISSIONS

DEPARTMENT OF EDUCATION  
BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement does not include a rescission of \$75,000,000 as included in the House bill. The Senate bill included no similar provision.

DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
GRANTS-IN-AID FOR AIRPORTS  
(AIRPORT AND AIRWAY TRUST FUND)  
(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds \$241,000,000 in contract authority under title II. When combined with the rescission included under title III, the total rescission of contract authority in this bill is \$295,000,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PUBLIC AND INDIAN HOUSING  
SECTION 8 RESERVE PRESERVATION ACCOUNT  
(RESCISSION)

Rescinds \$2,347,190,000 from the Section 8 Reserve Preservation Account. The House proposed rescinding \$2,193,600,000 from this account. The Senate did not include a similar rescission.

These funds represent excess section 8 reserves that are unnecessary during the remaining portion of the current fiscal year. In fiscal year 1999, however, section 8 renewal needs are \$10,800,000,000. As proposed by the President, the excess reserves could be used to reduce the fiscal year 1999 request, and thereby reduce the total appropriation for fiscal year 1999. Clearly, the conferees understand that the section 8 renewal account must be fully funded in order to protect the homes of those families who rely on the assistance.

INDEPENDENT AGENCY

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Deletes language proposed by the House and stricken by the Senate rescinding \$250,000,000 of fiscal year 1998 funds for National and Community Service Programs Operating Expenses.

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

The conference agreement provides \$543,000 to compensate wheat producers for economic losses associated with the presence or presumed presence of Karnal bunt instead of up to \$5,000,000 as proposed in the House-reported bill, H.R. 3580. The Senate bill had no similar provision.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides \$2,000,000 for Departmental Administration as proposed by the Senate instead of \$4,300,000 as proposed in the House-reported bill, H.R. 3580.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides \$235,000 for the Office of the General Counsel as proposed in the House-reported bill, H.R. 3580, and by the Senate.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

INSPECTION AND WEIGHING SERVICES

The conference agreement provides \$1,500,000 to recapitalize the revolving fund of the Grain Inspection, Packers and Stockyards Administration to accommodate losses in fiscal year 1998 and ensure the reserve has sufficient funds to carry out the provisions of the U.S. Grain Standards and Agricultural Marketing Acts. The House and Senate bills contained no similar provision.

## FARM SERVICE AGENCY

## AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a subsidy of \$2,389,000 for direct farm ownership loans instead of \$2,608,000 as proposed by the Senate and \$5,144,000 as proposed in the House reported bill, H.R. 3580. The subsidy will support an estimated loan level of \$18,320,000.

The conference agreement provides a subsidy of \$967,000 for guaranteed farm ownership loans as proposed in the House-reported bill, H.R. 3580, instead of \$966,197 as proposed by the Senate. The subsidy will support an estimated loan level of \$25,000,000.

The conference agreement provides a subsidy of \$222,000 for boll weevil eradication loans as proposed in the House-reported bill, H.R. 3580, and by the Senate. The subsidy will support an estimated loan level of \$18,814,000.

The conference agreement provides a subsidy of \$4,599,000 for direct farm operating loans instead of \$3,162,000 as proposed by the Senate and \$626,000 as proposed in the House-reported bill, H.R. 3580. The subsidy will support an estimated loan level of \$70,000,000.

The conference agreement provides a subsidy of \$3,374,000 for guaranteed subsidized farm operating loans as proposed in the House-reported bill, H.R. 3580. The Senate proposed a contingent emergency appropriation of \$5,400,000. The subsidy will support an estimated loan level of \$35,000,000.

The Secretary of Agriculture is directed to revise the emergency loan program regulations to allow applicants who have suffered through natural disasters over the last several years and/or have a majority of the crops grown on leased land to be eligible to receive an emergency loan in fiscal year 1998 with reduced or waived security requirements. The conferees further expect the Secretary and congressional committees of jurisdiction to correct any unfair requirement of borrower ineligibility due to a lawful exercise of rights provided by the Agricultural Credit Act of 1987.

The conferees are concerned about reports that county-loss restrictions or other restrictions in the Non-insured Assistance Program (NAP) have worked against providing such last-resort disaster assistance to farmers in areas of high value specialty crop production. The Department is directed to report by July 1, 1998, NAP expenditures by state during the last two fiscal years, the degree to which program restrictions have affected the distribution of funds to any state, and to make recommendations to the Committee for program changes that would prevent such inequities in the distribution of funds.

## FOOD STAMP PROGRAM

The conference agreement deletes the words "as amended" which were included in the House-reported bill, H.R. 3580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FOOD AND DRUG ADMINISTRATION  
SALARIES AND EXPENSES

The conference agreement provides language to allow the Food and Drug Administration to collect and spend an additional \$25,918,000 in prescription drug user fees in fiscal year 1998 as proposed by the Senate instead of \$15,596,000 as proposed in the House-reported bill, H.R. 3580.

The conference agreement also provides that fees derived from applications received during fiscal year 1998 shall be credited to the appropriation current in the year in which fees are collected and subject to the fiscal year 1998 limitation as proposed by the House.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement provides that permanent employees of county committees employed during fiscal year 1998 shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides bill language to permit funds for the Cooperative State Research, Education, and Extension Service competitively-awarded grants program to be used to pay for peer panel and review costs associated with that program. The House and Senate bills contained no similar provision.

CHAPTER 2

DEPARTMENT OF ENERGY

DEPARTMENTAL ADMINISTRATION

The conference agreement includes language proposed by the Senate to provide the Department of Energy the authority to increase the cost of work for other programs within the Department Administration account by \$5,408,000, provided that the increased costs are offset by revenue increases of the same or greater amount.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement deletes the language proposed by the Senate to provide \$4,000,000 for the development and demonstration of dielectric wall accelerator technology.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conferees direct the Department of Energy to find additional funding to accelerate the transfer of materials from the waste tanks at the Hanford site in Washington, and submit expeditiously a reprogramming request for this activity. Funding for this reprogramming is to be derived from within available balances in

the defense environmental management accounts of the Department.

#### GENERAL PROVISIONS—THIS CHAPTER

Section 2001. The conference agreement includes language vitiating OMB guidance prohibiting the award of continuing contracts for construction projects identified in the Conference Report accompanying the Energy and Water Development Appropriations Act, 1998. An explanation of this provision is included at page 5 of House Report 105-470.

Section 2002. The conference agreement includes language directing the Secretary of the Army to use up to the maximum amount authorized per project under the Section 205 continuing authorities program of the Corps of Engineers to provide a level of enhanced flood protection at Elba, Alabama. Given the urgent situation, the conferees direct the Secretary to incorporate as part of any cost-sharing agreement for flood damage prevention a provision which permits the non-Federal sponsor to use other available Federal funding sources to satisfy the non-Federal share.

Section 2003. The conference report includes language recommended by the Senate making a technical correction to legislation extending the periods of repayments of the Nueces River and Canadian River reclamation projects in Texas.

Section 2004. The conference agreement includes language proposed by the Senate exempting the worker transition plan for Federal employees at the Pinellas Plant in Florida from section 303 of Public Law 105-62, the Energy and Water Development Appropriations Act, 1998. The work force restructuring plan to support the accelerated closure of the plant was developed prior to enactment of the fiscal year 1998 appropriation.

Provision not included in the conference agreement. The conference agreement deletes language recommended by the House and Senate prohibiting the Corps of Engineers from performing certain work at the Kennewick Man discovery site. The conferees understand that the work has already been completed.

### CHAPTER 2A

#### INTERNATIONAL MONETARY FUND

The Senate amendment provided appropriations of \$14,500,000,000 for an increase in the United States quota at the International Monetary Fund and \$3,400,000,000 for the proposed New Arrangements to Borrow, as requested by the President. The House bill did not address these matters.

The House Appropriations Committee has reported H.R. 3580, a non-emergency supplemental appropriations bill that includes amounts for the International Monetary Fund and the New Arrangements to Borrow that are identical with the appropriations in the Senate amendment.

The managers have deferred consideration of these matters without prejudice until later in the 105th Congress, with the understanding that the House will first consider both the quota in-

crease for the International Monetary Fund and the request for the New Arrangements to Borrow.

### CHAPTER 3

#### DEPARTMENT OF THE INTERIOR

##### NATIONAL PARK SERVICE

###### OPERATION OF THE NATIONAL PARK SYSTEM

The managers have provided \$340,000 for operation of the National park system to be used to lease lands in Katmai National Park and Preserve. The managers note that a Federal district court recently upheld an application for an allotment of key lands in Katmai National Park and Preserve, and are advised that the location of the private lands will create a major disruption to park visitors in the upcoming season. The managers therefore have provided \$340,000 to enable the Park Service to lease the inholdings, depicted in United States Survey 7623, in order to provide full public access, and to cover costs related to the recent litigation.

To prevent the need to provide these lease moneys on an annual basis, the managers direct the Secretary of the Interior to begin immediate negotiations to secure permanent full public access through acquisition of the inholding depicted in United States Survey 7623, permanent conservation and access easements on the inholdings, land exchange, or a combination thereof. By July 1, 1998 the Secretary should report to the House and Senate Committees on Appropriations on progress toward such an acquisition arrangement and inform the Committees whether a Declaration of Taking is necessary and would lead to a timely acquisition for the 1999 visitor season. If no agreement has been signed by July 15, 1998, the Secretary should advise the Committees of all other alternatives and any additional authority necessary for the Park Service or any other land management agency.

##### MINERALS MANAGEMENT SERVICE

###### ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The managers have provided \$6,675,000 for royalty and offshore minerals management as proposed by both the House and the Senate. These funds are to be derived from increased receipts.

The managers are aware of the success of the past four lease sales in the Gulf of Mexico and understand that, since enactment of the Deep Water Royalty Relief Act, revenues from lease sales in the deep water have been more than \$1.2 billion in excess of estimates. Furthermore, the managers expect that existing financial terms will be maintained for lease sales in the remaining incentive period, including minimum bids and royalty rates.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
 ABANDONED MINE RECLAMATION FUND  
 (TRANSFER OF FUNDS)

The managers have provided \$3,163,000 for the abandoned mine reclamation fund as proposed by both the House and the Senate. These funds are to be derived by transfer from the regulation and technology account.

BUREAU OF INDIAN AFFAIRS  
 OPERATION OF INDIAN PROGRAMS

The managers have provided \$1,050,000 for operation of Indian programs as proposed by both the House and the Senate.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS  
 FEDERAL TRUST PROGRAMS

The managers have provided \$4,650,000 for Federal trust programs as proposed by both the House and the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 INDIAN HEALTH SERVICE  
 INDIAN HEALTH SERVICES

The managers have provided \$100,000 for Indian health services as proposed by the Senate. The House proposed no funds for this purpose.

The managers are concerned about the alarming rate of suicide attempts in Indian country, especially among youth and young adults. The managers intend to address this problem more fully in the context of the fiscal year 1999 appropriation. The \$100,000 provided in this supplemental appropriation is intended to allow the Indian Health Service to begin to target especially troubling situations on an emergency basis. One example is the situation on the Standing Rock Sioux Reservation. The managers expect the Service to report to the House and Senate Committees on Appropriations, within 30 days of enactment of this Act, on what is being done to address the problem at Standing Rock and similar problems on other reservations.

GENERAL PROVISIONS—THIS CHAPTER

Section 3001.—The managers have included language as proposed by the House making certain Indian Health Service diabetes funding available until expended. The Senate had no similar provision.

Section 3002.—The managers have included language as proposed by the Senate dealing with construction of the Trappers Loop connector road. The House had no similar provision.

Section 3003.—The managers have included language as proposed by the Senate dealing with an easement across National For-

est lands for the Boulder City Pipeline. The House had no similar provision.

Section 3004.—The managers have included language which modifies a provision proposed by the Senate dealing with the transfer of portable housing units at the Grand Forks Air Force Base in North Dakota to Indian tribes in North and South Dakota. The House had no similar provision. The modification adds language stipulating that the Department of the Interior is not responsible for rehabilitating the units for remediation of hazardous substances.

Section 3005.—The managers have included language as proposed by the Senate to adjust the boundaries of the Petroglyph National Monument to allow for construction of a road. The House had no similar provision.

Section 3006.—The managers have included language which modifies a provision proposed by the Senate regarding county payment mitigation for revenue that may be lost due to a proposed Forest Service moratorium on building roads in roadless areas. The House had no similar provision.

The managers disagree with the Forest Service's proposed moratorium on road building in roadless areas. The managers consider such a moratorium to be in conflict with orderly project planning which results from land management planning activities. Despite this disagreement with the Administration's actions, nothing in this section prohibits or delays the Forest Service from implementing the moratorium subject to whatever legal challenges which may occur pursuant to existing law.

The managers have made several modifications to the bill language proposed by the Senate. The managers have inserted new language clarifying that the provision neither endorses nor prohibits any road building moratorium resulting from the Forest Service proposal of January 28, 1998, and that the provision does not affect the applicability of existing law to any moratorium. The managers also have inserted new language which clarifies that previously scheduled timber sales to be considered for compensation or substitution should be those which were scheduled as of October 1, 1997, or thereafter. The managers have not provided an appropriation of \$2,000,000, as was proposed by the Senate, to cover part of the cost of compensating States for lost timber-receipt revenue caused by a road building moratorium. Instead, the managers have provided authority to the Chief of the Forest Service to make the State payments using any funds available to the Forest Service in fiscal year 1998 or 1999, subject to the advance approval of the House of Senate Committees on Appropriations. The managers have maintained the language proposed by the Senate to accomplish three reports. The managers have not stipulated, as proposed by the Senate, that funds for the study, inventory and analysis required for the three reports should come from funds appropriated for Forest Research. The managers allow the Chief to use existing funds at his discretion to complete these three reports, subject to normal reprogramming procedures.

Section 3007.—The managers have included language as proposed by the Senate making a technical correction to a provision of law dealing with certain health care services for Alaska Natives.

The House had no similar provision. The language amends Title II of the Michigan Indian Land Claims Settlement Act to clarify the terms under which the Indian Health Service awards a contract or compact in the Ketchikan Gateway Borough and to identify the Alaska Native groups affected by the title.

Section 3008.—The managers have included language as proposed by the Senate making a technical correction to a provision in the fiscal year 1998 Interior and Related Agencies Appropriations Act dealing with self-determination contracts and compacts for health care services to Alaska Natives. The House had no similar provision.

The managers have not included bill language as proposed by the Senate regarding Floyd Bennett Field in New York City. The managers are aware, however, of ongoing discussions among the City of New York, the Department of Transportation and the Department of the Interior regarding the New York Police Department's proposed use for air and sea rescue and public safety purposes of the facility at Floyd Bennett Field that is to be decommissioned by the U.S. Coast Guard on May 22, 1998. The managers encourage all parties involved to continue these discussions, and direct the Secretaries of Transportation and the Interior to report to the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science and Transportation and the House Committee on Transportation and Infrastructure on the status of these discussions no later than May 15, 1998.

The managers have not included language proposed by the Senate prohibiting the promulgation and issuance of certain Indian gaming regulations. The House had no similar provision.

Section 3009.—The managers have included language placing a moratorium on the issuance of final regulations by the Minerals Management Service on the valuation of crude oil for royalty purposes. This moratorium will remain in effect until October 1, 1998. The managers expect the Service to report to the House and Senate Committees on Appropriations as soon as possible on the proposed regulations, including a description of the comments the Service has received and how those comments have been addressed.

The managers considered, but did not adopt, language that would adjust the boundaries of the Coastal Barrier Resources System in Florida. These adjustments were enacted into law in 1996 but were not implemented because the maps needed to make the adjustments were not received by the Fish and Wildlife Service in a timely manner. Evidently, these maps were lost in the mail and therefore were not on file at the time the legislation was enacted. The managers intend to look into this matter further and work with the legislative committees of jurisdiction to determine if a legislative remedy can be identified in the context of the fiscal year 1999 appropriations bill for the Department of the Interior and Related Agencies or some other legislative vehicle.

## CHAPTER 4

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## CENTERS FOR DISEASE CONTROL AND PREVENTION

## DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes \$9,000,000 for polio eradication activities in Africa. The Senate bill provided the same amount, declared the funding as an emergency for the purposes of the Budget Act, and conditioned the obligation of such funding on the submissions by the President of a request designating the full amount as an emergency for the purposes of the Budget Act. The House bill contained no similar provision.

## HEALTH CARE FINANCING ADMINISTRATION

## PROGRAM MANAGEMENT

The conference agreement includes \$2,200,000 for the Health Care Financing Administration (HCFA) for program administration. The House included \$16,000,000 for this account in H.R. 3580 as reported from the House Committee. The Senate bill included no similar provision.

The conferees are very concerned that Medicare contractors will not be able to address their Year 2000 computer requirements in time for the century change. Failure to meet these requirements could seriously disrupt the Medicare program which finances health care for over 30 million of our most vulnerable citizens. The conference agreement modifies language included in Public Law 105-78, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1998, to allow \$20,000,000 to be used to supplement contractor budgets to meet these obligations.

The conferees also understand that most, if not all, contractors refused to sign contract amendments assuring HCFA that the necessary software changes would be made. The conferees direct HCFA to report to the Committees on Appropriations on a regular basis during the rest of this fiscal year and during fiscal year 1999 on the progress that contractors are making to comply with the necessary Year 2000 fixes by the Department's imposed deadline of December 31, 1998. If the progress is not satisfactory, the Committees intend to provide additional enforcement tools to the Department to assure compliance in the fiscal year 1999 appropriations bill.

The conferees note that there has been considerable controversy about the accuracy of data originally used by HCFA in developing Medicare physician practice expense regulations. Concerns have been expressed that reductions in Medicare reimbursements for certain specialists, based on these data, could affect physician willingness to provide services to Medicare and therefore reduce beneficiaries' access to care. During the fiscal year 1999 appropriations process, it may be necessary to consider the use or collection of additional data to give a more accurate picture of physician practice expense costs.

## OFFICE OF THE SECRETARY

## GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes language proposed in H.R. 3580 as reported from the House Committee to ensure that funds appropriated in Public Law 105–78, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1998, for the Adolescent Family Life program are allocated in a manner consistent with Congressional intent. The Senate bill included similar language.

## DEPARTMENT OF EDUCATION

## SPECIAL EDUCATION

The conference agreement includes language proposed in H.R. 3580 as reported from the House Committee modified to ensure that \$600,000 is spent in fiscal year 1998 for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region. This project was specifically identified for funding in the conference report on the FY 1998 appropriations bill, as it had been also in the House and Senate committee reports. The modified language provides that the funds are to be derived from funds available for research and innovation under section 672 of the Individuals with Disabilities Education Act and that they shall be used to provide training, technical support, services and equipment to address personnel and other needs. The Senate bill included no similar provision.

## GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes language proposed in H.R. 3580 as reported from the House Committee which allows a State's "State Children's Health Insurance Program" plan under title XXI of the Social Security Act to be approved up until September 30, 1999 and enable the State still to be eligible for its FY 1998 allotment. The language would also postpone to the end of FY 1999 the Administration's statutory obligation to reapportion to other States any unused FY 1998 funds. The Senate bill included no similar provision.

The conference agreement includes language that was not contained in either the House or Senate bills that would extend the comment period on the final rule entitled "Organ Procurement and Transplantation Network" until August 31, 1998. The agreement also prohibits such rule from becoming effective before October 1, 1998.

The conference agreement does not include an authorization, included in the Senate bill, for the Safe Schools Security Act. This provision would have authorized up to \$2,250,000 to establish a School Security Center, administered by the Attorney General, to provide technical assistance to improve school security. The provision would also have authorized up to \$10,000,000 for competitive grants to Local Education Agencies to assist them in acquiring school security technology and carry out programs to improve school security. The House bill contained no similar provision.

The conferees are concerned with the recent outbreaks of school violence as exemplified by the tragedies in Edinboro, PA; Pearl, MS; West Paducah, KY; and Jonesboro, AR. While the conferees recognize the complexity of the problem, they understand that no single approach, by itself, will prevent such tragedies. However, the conferees are aware that new technology is available to address school crime and violence.

The conferees encourage the Department of Education to utilize funds within the Safe and Drug Free Schools and Communities Act to support grants to districts that exhibit the most serious crime problems. Such funds could be used to acquire security technology, support security assessments, and other assistance aimed at improving school security through the use of technology.

## CHAPTER 5

### LEGISLATIVE BRANCH

#### CONGRESSIONAL OPERATIONS

#### HOUSE OF REPRESENTATIVES

#### PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conferees have agreed to provide funds for the customary death gratuity for the widow of Walter Capps, late a Representative of the State of California, and for the widow of Sonny Bono, late a Representative of the State of California. The amounts provided reflect the annual salary of Mr. Capps and Mr. Bono at the time of their deaths.

#### ARCHITECT OF THE CAPITOL

#### CAPITOL BUILDINGS AND GROUNDS

#### CAPITOL BUILDINGS

#### SALARIES AND EXPENSES

The conference agreement appropriates \$7,500,000 for repairs and rehabilitation of the U.S. Capitol dome, as proposed in the Senate amendment. The conferees agree that this work must proceed without delay due to the extent of deterioration of the structural elements of the interstitial space in the dome. There is urgent need to evaluate the integrity of these structural elements through a lengthy process of paint removal, inspection, and reapplication of paint. This phase of the project will provide basic information upon which the balance of the dome rehabilitation project will be planned.

#### CAPITOL GROUNDS

#### (INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates \$20,000,000 for implementation of the Capitol Square perimeter security plan, including a transfer of not to exceed \$4,000,000 to the Capitol Police Board upon request of the Board. The remaining funds, \$16,000,000, shall

be available to the Architect of the Capitol for the non-electronic components of the plan. The expenditure of these funds is subject to the review and approval by the appropriate House and Senate authorities, including the Committees on Appropriations of the House and Senate, the Speaker of the House, the Committee on House Oversight, and the Senate Committee on Rules and Administration. These funds will provide urgently needed improvements to the existing perimeter security that protects the Capitol grounds and buildings, including replacement of deteriorating planters and concrete barriers with more effective metallic bollards, and more effective vehicle entry/exit security. The conference agreement authorizes up to \$4,000,000 to be transferred to the Capitol Police Board, upon the request of that body, for the electronic components of the perimeter security plan. It may be that the Architect of the Capitol and the Capitol Police Board will consolidate this project into one or more centrally administered contract(s). In that event, the language of the bill is sufficiently flexible to allow a single source of funds to be used. On the other hand, if the Police Board and Architect decide that separately administered contracts are more desirable or cost-effective, the bill language authorizes that up to \$4,000,000 may be transferred to the Police Board for those purposes. That transfer will be at the discretion of the Capitol Police Board. Unspent savings from these funds by either the Capitol Police Board or the Architect of the Capitol are subject to normal reprogramming procedures.

## CHAPTER 6

### DEPARTMENT OF TRANSPORTATION

#### OFFICE OF THE SECRETARY

The conferees direct the Secretary of Transportation to notify the House and Senate Committees on Appropriations not less than 3 business days before any discretionary grant award or letter of intent in excess of \$2,000,000 is announced or made by the Department or its modal administrations from: (1) any discretionary program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) the transit planning and research and discretionary grants programs of the Federal Transit Administration.

#### TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement deletes the appropriation proposed by the Senate of \$6,900,000 for transportation planning, research and development. No similar appropriation was provided by the House. The conferees have agreed to provide resources for the Amtrak Reform Council and the independent assessment of Amtrak under a separate heading as proposed by the House. The conferees are aware that the Department has allocated \$400,000 from resources provided in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act for transportation planning assistance for the 2002 Winter Olympics in Salt Lake

City, Utah, and \$50,000 for initiation of a multimodal transportation study for Albuquerque and Santa Fe, New Mexico.

AMTRAK REFORM COUNCIL

The conference agreement provides \$2,450,000 for the Amtrak Reform Council and an independent assessment of Amtrak authorized by the Amtrak Reform and Accountability Act of 1997. Funds provided under this heading are available until September 30, 1999. The conference agreement also includes a provision that not to exceed \$400,000 of the funds provided under this heading shall be transferred to the Department of Transportation Inspector General to cover costs associated with the independent assessment.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement deletes the appropriation of \$47,200,000 proposed by the Senate for additional funding to address Year 2000 computer problems. The House bill contained no similar appropriation. However, the agreement does include funding of \$25,000,000 under "Facilities and equipment" for this purpose.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes \$25,000,000 for "Facilities and equipment" instead of \$108,800,000 as proposed by the Senate and zero as proposed by the House. As specified in the Senate bill, these funds are specifically provided to address Year 2000 computer hardware and software problems. Although these funds were not requested by the administration, the conferees believe that additional funding is needed now to ensure the success of this critical activity. Since submission of the fiscal year 1999 budget, the FAA has agreed to accelerate the timetable for the Year 2000 effort by five months. Although the cost of this has not yet been estimated by the FAA, the conferees believe that additional funding may be required. The conference agreement makes these funds available for obligation until September 30, 1999. The conferees agree that these funds may also be used for the Host repair and replacement program, to the extent necessary to address Year 2000 concerns and risks.

The conferees agree with reporting requirements proposed by the Senate for monthly status reports and for compliance with the Inspector General's February 4, 1998 recommendations regarding the Year 2000 program. The House proposed no similar reports.

In addition, the conferees give final approval to reprogramming requests of the Department of Transportation which provide additional fiscal year 1998 funding of \$12,710,000 for Year 2000 remediation efforts and \$63,400,000 for replacement of the Host, Oceanic Display and Planning System (ODAPS), and Off-Shore Flight

Data Processing System (OFDPS). The conferees agree that the following sources are to be used to finance these reprogrammings:

[In thousands of dollars]

Source program name	Fiscal year—		
	1996	1997	1998
NEXRAD .....			1,000
ARTCC modernization .....			8,000
Voice switching and control system .....			16,700
BUEC replacement .....			2,500
Low density RCL .....		2,097	13,840
Chicago tracon .....		1,350	
Non-directional beacon .....			700
Aeronautical center training facilities .....			3,000
Aviation safety analysis system .....			1,000
Atlanta metroplex .....			1,000
Critical telecommunications support .....			1,000
DASI .....			1,600
Distance learning .....		1,400	3,000
DoD base closure .....			1,006
ERSDS .....			2,850
Long range radar improvements .....			2,200
SETA .....			1,000
Technical services support contract .....			4,800
Voice recorder replacement program .....			1,000
Program support leases .....	258	947	565
NAS infrastructure management system .....			1,285
FAA corporate systems architecture .....	1,195		
Environmental compliance/OSHA .....			500
Oceanic automation build 1.5 .....			317
<b>Total .....</b>	<b>1,453</b>	<b>5,794</b>	<b>68,863</b>

These sources were all submitted by the Department of Transportation to finance the reprogramming requests.

#### RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

##### RESEARCH AND SPECIAL PROGRAMS

The conference agreement provides \$1,000,000 for emergency transportation activities of the Research and Special Programs Administration. These funds shall be utilized to increase the emergency preparedness of the State of Alabama in responding to natural disasters and other emergencies. On April 8, 1998, tornadoes swept through central Alabama, killing 33 persons, injuring more than 265 persons, and destroying at least \$125,000,000 in residential and commercial property. Improved command and control emergency response capability would speed the dispatch of rescue teams, provide quicker clearance of road blockages, and aid in coordinating the many on-scene federal and state response teams. Of the funds provided, \$400,000 shall be for construction and establishment of an emergency transportation response center in Arab, Alabama, to be administered by the Alabama Emergency Management Agency, for emergency communication and response services in the northern part of Alabama. The State will provide necessary matching funds for construction of this facility. The Department of Transportation will provide no ongoing consulting or other services after the establishment of the center. In addition, \$550,000 is provided for a mobile emergency response system (MERS) vehicle, to

be jointly operated by the Alabama Department of Transportation and the Alabama Emergency Management Agency, which will enable on-scene command and control response coordination. In addition, \$50,000 is provided for departmental administrative costs associated with this program.

#### RELATED AGENCY

#### NATIONAL TRANSPORTATION SAFETY BOARD

#### SALARIES AND EXPENSES

The conference agreement provides \$5,400,000 for the National Transportation Safety Board for expenses resulting from the crash of TWA Flight 800, as proposed by both the House and the Senate. Technical changes have been made to the bill language relating to the location and designation of the facility, as proposed by the House.

#### GENERAL PROVISIONS—CHAPTER 6

The conference agreement includes a provision (sec. 6001) that provides \$1,000,000, to be derived from balances available to the Administrator of the Federal Transit Administration from previous appropriations Acts, to conduct transit investment analysis from Ewa to east Honolulu, Hawaii. Funds shall remain available until September 30, 2001.

The conference agreement deletes the provision proposed by the Senate which related to administrative handling of exemption requests for air service to slot-controlled airports. The conferees are concerned by the Department's lack of timeliness in the consideration and disposition of exemption requests for air service to slot-controlled airports, and by the lack of responsiveness to inquiries from interested members of Congress.

#### CHAPTER 7

#### DEPARTMENT OF THE TREASURY

#### YEAR 2000 CENTURY DATE CHANGE CONVERSION

The Administration requested transfer authority, subject to advance notice being transmitted to the Appropriations Committee, of up to \$250,000,000 from any funds available to the Department to any other Department account in order to fund essential Year 2000 century date change conversion requirements. The conferees are committed to providing the resources the Department needs to successfully complete Year 2000 conversion activities; however, the conferees have denied the Administration's request for Department-wide transfer authority.

The conference agreement provides, through direct appropriations (\$40,800,000) and through the approval of reprogramming actions (\$133,100,000), the total additional amount currently estimated by the Department of the Treasury to be required for Year 2000 conversion activities in fiscal year 1998 at the Internal Revenue Service (\$63,200,000), the Financial Management Service

(\$7,400,000), the United States Customs Service (\$37,300,000), and for the Department-wide communications system (\$66,000,000).

The conferees agree with the language in House Report 105-470 regarding the accountability for Year 2000 expenditures.

The conferees have also recommended the rescission of previously appropriated funds to offset amounts provided in this Act. The specific actions taken by the conferees in this bill are described below.

#### AUTOMATION ENHANCEMENT

The conference agreement provides \$35,500,000 for Automation Enhancement instead of \$28,110,000 as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and \$39,410,000 as proposed by the Senate. This appropriation, combined with the approval of a reprogramming action, will provide a total of \$66,000,000 for Year 2000 activities associated with the Treasury Communications System. Funds are made available until September 30, 2000.

#### FINANCIAL MANAGEMENT SERVICE

##### SALARIES AND EXPENSES

The conference agreement provides \$5,300,000 for the Financial Management Service as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and as proposed by the Senate. This appropriation, combined with the approval of a reprogramming action, will provide a total of \$7,400,000 for Year 2000 work at the Financial Management Service. Funds are made available until September 30, 2000.

#### UNITED STATES CUSTOMS SERVICE

##### CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS

The conference agreement provides no funds for the Customs Facilities, Construction, Improvements account, instead of \$5,512,000 as proposed by the Senate.

#### INDEPENDENT AGENCIES

##### FEDERAL ELECTION COMMISSION

##### INDEPENDENT AUDIT AND MANAGEMENT REVIEW

Public Law 105-61 provided \$750,000 for an independent technological and performance audit and management review of the Federal Election Commission. These funds were provided to the General Accounting Office (GAO) for the sole purpose of entering into a contract with an independent entity for the purpose of completing this review. The fiscal year 1998 conference agreement (House Report 105-284) further required the GAO to consult with the Committees on Appropriations and the House Oversight Committee on the parameters of the review. GAO has consulted with the Committees, as required. The conferees direct GAO to proceed no later than 15 days after enactment of this bill with implementation of the statement of work agreed to by the Committees on Ap-

ropriations and the House Oversight Committee on April 28, 1998, absent additional changes agreed to by all parties.

#### GENERAL PROVISIONS—THIS CHAPTER

##### FEDERAL EMPLOYEE RETIREMENT OPEN ENROLLMENT

The conferees have taken no action in response to the Administration's proposal to repeal section 642 of the Treasury and General Government Appropriations Act, 1998, the Federal Employees' Retirement System Open Enrollment Act of 1997.

##### FEDERAL EMPLOYEE VOLUNTARY EARLY RETIREMENT

The conferees have included a new provision providing temporary government-wide authority for agencies to offer targeted early retirement. This authority expires on September 30, 1999. The conference agreement does not affect the existing statutory requirement in section 8336(d)(2) and section 8414(b)(1)(B) of title 5, United States Code, that, in order to be eligible for voluntary early retirement, an individual must have completed 25 years of service or have reached age 50 and completed 20 years of service.

##### EDUCATIONAL EXPENSES FOR CHILDREN OF MANUEL ZURITA

The conferees have included a new provision permitting the two dependent children of deceased Customs Service Senior Special Agent Manuel Zurita to complete their primary and secondary education at the Antilles Consolidated School System at Fort Buchanan, Puerto Rico at no cost to the children or their family. The Customs Service shall reimburse the Department of Defense for all reasonable educational expenses.

### CHAPTER 8

#### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS BENEFITS ADMINISTRATION

##### COMPENSATION AND PENSIONS

Inserts language proposed by the Senate appropriating \$550,000,000 for compensation and pensions. The House, in H.R. 3580, proposed language appropriating \$550,000,000 for compensation and pensions.

##### INDEPENDENT AGENCIES

##### ENVIRONMENTAL PROTECTION AGENCY

##### STATE AND TRIBAL ASSISTANCE GRANTS

The conferees have included bill language as proposed by the House which clarifies that recipients for grant funds under the "State and Tribal Assistance Grants" account shall be those entities which were made eligible for such grants under the Agency's various organic statutes. This action will correct the inadvertent result of language included in the fiscal year 1998 Appropriations Act limiting the eligibility for such grants.

## ADMINISTRATIVE PROVISION

The conferees have included bill language as proposed by the House which stipulates that no requirements of any carbon monoxide Federal Implementation Plan (FIP) which are based on the Clean Air Act prior to the adoption of the Clean Air Act Amendments of 1990 may be imposed in the State of Arizona. The conferees understand that the State of Arizona and the Environmental Protection Agency have worked diligently to produce a carbon monoxide State Implementation Plan (SIP), and encourage the parties to complete this work and approve a new SIP at the earliest possible date.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conferees are concerned about the economic disruption that may take place in Sacramento and Los Angeles based on the Flood Insurance Rate Maps that were issued January 5, 1998 and are aware of the vigorous efforts by these cities to increase their level of flood protection. The Federal Emergency Management Agency is directed to work closely with the Army Corps of Engineers to determine whether the flood control work underway and planned will provide sufficient protection in Sacramento and Los Angeles to satisfy requirements for designation as an A99 zone.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## HUMAN SPACE FLIGHT

## (TRANSFER OF FUNDS)

The conferees have provided an additional \$53,000,000 by transfer for Space Station activities in fiscal year 1998. The House had provided for a transfer of \$173,000,000 and the Senate had provided for no additional funds. The transfer is from the Mission Support account and is to be combined with \$37,000,000 which NASA may reallocate from within the Human Space Flight account. The total funding for Space Station activities in fiscal year 1998 will be up to \$2,441,300,000 after this transfer and reallocation.

The amount transferred from Mission Support consists of \$15,000,000 from space communications, \$15,000,000 from salaries, \$11,000,000 from research operations support, and \$12,000,000 from construction of facilities. At a minimum, the conferees agree that NASA should reallocate to the International Space Station, within the Human Space Flight account, the following amounts: \$5,000,000 from the shuttle program, \$10,000,000 from payload processing, and \$12,000,000 from advanced projects.

The conferees are in receipt of the report recently released by the Cost Assessment and Validation Task Force which concludes that the fiscal year 1999 budget request for the International Space Station program is not adequate to execute the baseline program, cover normal program growth, and address the known critical risks. As such, the conferees therefore remain deeply concerned that NASA not force reductions in current and future outyear pro-

jections for space science, earth science, aeronautics and advanced space transportation because of the need to accommodate overruns in the space station budget. The conferees call upon the Administration to submit a credible plan for responding to the recommendations contained in the report by June 15, 1998, with corresponding budget proposals that provide for necessary additional resources for fiscal year 1999 and beyond.

#### GENERAL PROVISIONS

Section 8001. Amends section 206 of the Fiscal Year 1998 VA, HUD and Independent Agencies Appropriations Act to redefine an area of economic development in Kansas City, Missouri, as proposed by the Senate. The House did not include a similar provision.

Section 8002. Requires HUD to allocate directly to New Jersey a portion of HOPWA funds designated for the Philadelphia, PA–NJ Primary Metropolitan Statistical Area as proposed by the Senate. The House did not include a similar provision.

The conferees agree to include this provision until the end of fiscal year 1999 for the purpose of providing HUD sufficient time to review the delivery process, particularly as it relates to metropolitan statistical areas with multiple jurisdictions that cross state lines, and to make appropriate recommendations.

Section 8003. The conferees have included a new section under “General Provisions” which would serve to ratify and confirm Congressional intent with respect to the collection and use of funds by the National Science Foundation (NSF). The explosive growth of the commercial segment of the Internet resulted in the collection of program fees in excess of the amount projected. These were in turn held in an “Intellectual Infrastructure Fund” until the Congress, as part of the fiscal year 1998 Appropriations Act, determined to use these funds for NSF’s work on “Next Generation Internet” activities. This action by the Congress has since been held up by proceedings in the federal court system, and the language included in this new section will statutorily correct the lack of authority perceived by the court. The conferees would not in this regard that the federal judge in this case literally invited this action by the Congress, which would do nothing more than permit the NSF to proceed with the use of these funds as intended by Public Law 105–65.

## CHAPTER 9

### RESCISSIONS AND OFFSET

#### DEPARTMENT OF AGRICULTURE

The following table reflects the conference agreement on rescissions.

	House-reported (H.R. 3580)	Senate	Conference
Agricultural Research Service .....	\$223,000	.....	\$223,000
Animal and Plant Health Inspection Service, salaries and expenses .....	350,000	.....	350,000
Agricultural Marketing Service, marketing services .....	25,000	.....	25,000

	House-reported (H.R. 3580)	Senate	Conference
Grain Inspection, Packers and Stockyards Administration, salaries and expenses .....	38,000		38,000
Food Safety and Inspection Service .....	502,000	\$502,000	502,000
Farm Service Agency, salaries and expenses .....	1,080,000		1,080,000
Agricultural Credit Insurance Fund Program Account .....	6,737,000	6,736,197	8,273,000
Natural Resources Conservation Service, conservation operations .....	378,000		378,000
Rural Housing Service, salaries and expenses .....	846,000	846,000	846,000
Food and Nutrition Service, food program administration .....	114,000		114,000

The conferees direct that the rescission from the Animal and Plant Health Inspection Service affect only the agency's contingency fund.

The Department of Agriculture indicates that the proposed rescission of funds appropriated for Farm Service Agency salaries and expenses should not result in staff reductions beyond those expected in fiscal year 1998. The conference directs that the funding rescission be applied only to the non-salary portion of the Farm Service Agency budget.

#### GENERAL PROVISION—THIS CHAPTER

The conference report includes a general provision prohibiting funds in P.L. 105–86 to be used to pay personnel who carry out a conservation farm option program in excess of \$11,000,000 as proposed in the House-reported bill, H.R. 3580. The Senate bill contained no similar provision.

#### DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

#### (RESCISSION)

The managers have agreed to the rescission of \$1,188,000 from management of lands and resources as proposed by both the House and the Senate.

#### OREGON AND CALIFORNIA GRANT LANDS

#### (RESCISSION)

The managers have agreed to the rescission of \$2,500,000 from Oregon and California grant lands as proposed by both the House and the Senate.

#### UNITED STATES FISH AND WILDLIFE SERVICE

#### RESOURCE MANAGEMENT

#### (RESCISSION)

The managers have agreed to the rescission of \$250,000 from resource management as proposed by both the House and the Senate.

CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of \$1,188,000 from construction as proposed by both the House and the Senate

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of \$1,638,000 from construction as proposed by both the House and Senate.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

The managers have agreed to the rescission of \$1,605,000 from minerals as proposed by both the House and Senate.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of \$837,000 from construction as proposed by the Senate instead of a rescission of \$737,000 as proposed by the House.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

(RESCISSION)

The managers have agreed to the rescission of \$148,000 from forest and range land research as proposed by the House. The Senate did not propose a rescission from this account.

STATE AND PRIVATE FORESTRY

(RESCISSION)

The managers have agreed to the rescission of \$59,000 from State and private forestry as proposed by the House. The Senate did not propose a rescission from this account.

NATIONAL FOREST SYSTEM

(RESCISSION)

The managers have agreed to the rescission of \$1,094,000 from the National forest system as proposed by the House. The Senate did not propose a rescission from this account.

## WILDLAND FIRE MANAGEMENT

(RESCISSION)

The managers have agreed to the rescission of \$148,000 from wildland fire management as proposed by the House. The Senate did not propose a rescission from this account.

## RECONSTRUCTION AND CONSTRUCTION

(RESCISSION)

The managers have agreed to the rescission of \$30,000 from reconstruction and construction as proposed by the House. The Senate did not propose a rescission from this account.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## HEALTH RESOURCES AND SERVICES ADMINISTRATION

## HEALTH PROFESSIONS EDUCATION FUND

(RESCISSION)

The conference agreement includes a rescission of \$11,200,000 from unobligated balances of the Health Professions Education Fund.

## DEPARTMENT OF TRANSPORTATION

## OFFICE OF THE SECRETARY

## PAYMENTS TO AIR CARRIERS

(RESCISSION)

The conference agreement rescinds \$2,500,000 in general fund authority from the payments to air carriers program as proposed by the House instead of \$2,499,000 as proposed by the Senate.

## PAYMENTS TO AIR CARRIERS

## (AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds \$3,000,000 in contract authority provided for "Small community air service" by Public Law 101-508 for fiscal years prior to fiscal year 1998, as proposed by both the House and Senate.

## FEDERAL AVIATION ADMINISTRATION

## FACILITIES, ENGINEERING, AND DEVELOPMENT

(RESCISSION)

The conference agreement rescinds \$500,000 in unobligated balances from "Facilities, engineering, and development". The FAA has no plans for using these funds, which have remained unobligated for many years.

GRANTS-IN-AID FOR AIRPORTS  
(AIRPORT AND AIRWAY TRUST FUND)  
(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement rescinds \$54,000,000 in contract authority in this title of the bill. These funds are in excess of the annual obligation limitation placed on the program by the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act and are therefore not available for obligation in fiscal year 1998.

(LIMITATION ON OBLIGATIONS)

The conference agreement restores the reduction of \$31,400,000 in the obligation limitation for "Grants-in-aid for airports" proposed by the House. The Senate bill contained no similar reduction. The conference action results in a funding level of \$1,700,000,000 for this program, which was the original level enacted in the Department of Transportation and Related Agencies Appropriations Act, 1998.

FEDERAL RAILROAD ADMINISTRATION

CONRAIL LABOR PROTECTION

(RESCISSION)

The conference agreement rescinds \$508,234 for Conrail labor protection activities from unobligated balances under this heading, as proposed by the House, instead of from resources provided by direct appropriations by transfer as proposed by the Senate.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement rescinds \$6,000,000 from funds appropriated in fiscal year 1997 for the Automated Targeting System (ATS), as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and as proposed by the Senate. ATS was scaled back to a voluntary pilot program in fiscal year 1998, thereby realizing significant savings. The conference agreement does not rescind \$5,300,000 in Customs Service's unobligated balances, as proposed by the Senate.

UNITED STATES CUSTOMS SERVICE

OPERATIONS AND MAINTENANCE, CUSTOMS P-3 DRUG INTERDICTION  
PROGRAM

(RESCISSION)

The conference agreement rescinds \$4,470,000 from funds previously appropriated for the Customs P-3 Drug Interdiction Pro-

gram, instead of \$5,511,754, as proposed by the Senate. The conference agreement makes a technical correction to the Senate bill, rescinding funds from the Operations and Maintenance, Customs P-3 Drug Interdiction Program instead of the Customs Facilities, Construction, Improvements account.

INTERNAL REVENUE SERVICE  
INFORMATION TECHNOLOGY INVESTMENTS  
(RESCISSION)

The conference agreement rescinds \$30,330,000 from funds appropriated in fiscal year 1998 for the Internal Revenue Service's Information Technology Investments program, instead of \$27,410,000 as proposed in H.R. 3580, as reported by the House Committee on Appropriations, and \$33,410,000 as proposed by the Senate. The conferees wish to make it clear that they fully support the program to modernize the Internal Revenue Service's information systems and only take this action in response to the Department's need to address urgent Year 2000 century date change conversion requirements.

GENERAL PROVISIONS—THIS TITLE

Sec. 10002.—The conferees are aware of concerns regarding the Patent and Trademark Office's (PTO) lack of progress in its space planning activities for its new facilities which may result in unnecessary cost growth. In addition, the conferees are aware that questions have been raised regarding the justification for, and costs associated with, build-out of the new facilities. Therefore, language has been included requiring the PTO to submit a report to the Committees on Appropriations no later than May 15, 1998 detailing its space plans and associated build-out costs for the new facility, and making funds for the build-out available only in accordance with standard reprogramming procedures. The conferees do not intend for this provision to prevent the move to new facilities to meet the PTO's space requirements. The Senate bill included language prohibiting expenditure of funds until submission of a report on the cost-benefit analysis of PTO's relocation to a new facility versus other alternatives to meet its space requirements. The House bill contained no provision on this matter.

Sec. 10003.—The conference agreement includes language, as proposed in the Senate bill, to repeal a provision included in the National Sea Grant College Program Reauthorization Act of 1998 which designated Lake Champlain as one of the Great Lakes, and instead includes new language to make the study of Lake Champlain an allowable purpose for funding under the National Sea Grant College Program. The House bill included no similar provision.

Sec. 10004.—The conference agreement includes a provision, as proposed in the Senate bill, to permit the transfer back to the State Department of up to \$12,000,000 that was transferred out of the State Department to other agencies pursuant to section 404 of the fiscal year 1998 Commerce, Justice, State Appropriations Act. Section 404 provided funds for the implementation of the initial year

of operation of the International Cooperative Administrative Support Services program. The transfer permitted under this provision is based upon a re-estimate of the allocation of costs among participating agencies. The conferees intend that the funds transferred back to the State Department pursuant to the provision shall only be used for State Department ICASS costs. The House bill did not include a provision on this matter.

Sec. 10005.—The conference agreement includes a provision, as proposed in the Senate bill, which continues a refugee program for the unmarried sons and daughters over 21 years of age of Vietnamese reeducation camp detainees who were previously admitted to the United States pursuant to the Orderly Departure Program. This section extends the original provision, included in the Foreign Operations Appropriations Act for fiscal year 1997, through fiscal years 1998 and 1999. The House bill included no similar provision.

Sec. 10006.—The conference agreement includes a provision, as proposed in the Senate bill, requiring the United States Representatives to the World Trade Organization (WTO) to seek changes in certain WTO procedures to promote greater openness and transparency in its activities. The House bill included no similar provision.

In addition, the conferees expect the National Oceanic and Atmospheric Administration to move promptly with the award of funds provided in the fiscal year 1998 Appropriations Act to the Institute for the Study of Earth, Oceans, and Space to undertake a ground-based demonstration of the collection of wind data.

The conference agreement does not include Section 2004 of the Senate bill. This in no way can be considered as expressing the approval of the Congress of the action of the Federal Communications Commission (FCC) in establishing one or more corporations to administer Section 254(h) of the Communications Act of 1934. However, the conferees expect that the FCC will comply with the reporting requirement in the Senate bill, respond to inquiries regarding the universal service contribution mechanisms, access charges and cost data, and propose a new structure for the implementation of universal service programs. The conferees concur with the provisions of the Senate bill relating to compensation for employees administering these programs. In carrying out the reporting requirement, the conferees believe that any proposed administrative structure should take into account the distinct mission of providing universal service to rural health care providers, and include recommendations as necessary to assure the successful implementation of this program.

The conference agreement does not include section 2008 of the Senate bill, waiving a matching funds requirement for a Small Business Development Center pilot project on Internet commerce in Vermont.

The conference agreement does not include section 2010 of the Senate bill, setting forth the sense of the Senate relating to United States contributions in support of United Nations peacekeeping missions.

The managers considered, but did not adopt, language that would create a Trade Deficit Review Commission, as proposed by the Senate. The conferees agree that serious concerns exist regard-

ing continuing trade deficits and intend to work with the legislative committees of jurisdiction to establish such a Commission, including in the context of the fiscal year 1999 appropriations process.

Sec. 10007.—The conference agreement inserts a new section 10007 as a technical amendment which provides that provisions of the District of Columbia Code affecting the employment of the Chief of the Metropolitan Police Department of the District of Columbia shall not apply to the Police Chief to the extent the provisions are inconsistent with the terms of an employment agreement between the Police Chief, the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority. The section further includes language making the procedure for the appointment and removal of the Chief during a control year consistent with procedures for the Chief Financial Officer and certain department heads as set forth in the District of Columbia Financial Responsibility and Management Assistance Act of 1995 and the District of Columbia Management Reform Act of 1997.

Sec. 10008.—Support for Democratic opposition in Iraq.

The conference agreement includes a general provision providing that, notwithstanding any other provision of law, \$5,000,000 of the funds previously appropriated for the “Economic Support Fund” in Public Law 105–118 (Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998) be made available for support for the democratic opposition in Iraq. The funds are to be used for such activities as organization, training, communication, dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes. The provision also requires a report from the Secretary of State to the appropriate committees of Congress within 30 days of enactment into law of this Act on plans to establish a program to support the democratic opposition in Iraq.

The Senate amendment contained similar language, but included a supplemental appropriation of \$5,000,000 for these activities. It also designated these funds as an emergency requirement under the terms of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and further provided that the entire amount would be made available only to the extent that an official budget request for a specific dollar amount, that included designation of the entire amount of the request as an emergency requirement, was transmitted by the President to Congress. The House bill did not address this matter.

The managers expect that a significant portion of the support for the democratic opposition should go to the Iraqi National Congress, a group that has demonstrated the capacity to effectively challenge the Saddam Hussein regime with representation from Sunni, Shia, and Kurdish elements of Iraq.

#### OFFSETTING EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The conference agreement deletes a sense of the House provision contained in the House bill that stated that all emergency supplemental appropriations considered in the 105th Congress should be offset. The Senate did not include such a provision.

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 budget estimates, and the House and Senate bills for 1998 follow:

Budget estimates of new (obligational) authority, fiscal year 1998 .....	22,597,439,000
House bill, fiscal year 1998 .....	551,430,066
Senate bill, fiscal year 1998 .....	23,859,654,012
Conference agreement, fiscal year 1998 .....	3,409,562,066
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1998 .....	- 19,187,876,934
House bill, fiscal year 1998 .....	+2,858,132,000
Senate bill, fiscal year 1998 .....	-20,450,091,946

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,  
 JOHN P. MURTHA  
 (except for IMF and section  
 8 housing recission),  
*Managers on the Part of the House.*

TED STEVENS,  
 THAD COCHRAN,  
 ARLEN SPECTER,  
 PETE V. DOMENICI,  
 C.S. BOND,  
 SLADE GORTON,  
 MITCH MCCONNELL,  
 CONRAD BURNS,  
 RICHARD C. SHELBY,  
 JUDD GREGG,  
 R.F. BENNETT,  
 BEN NIGHTHORSE CAMPBELL,  
 LARRY CRAIG,  
 LAUCH FAIRCLOTH,  
 KAY BAILEY HUTCHISON,  
 ROBERT C. BYRD,  
 D.K. INOUE,  
 ERNEST F. HOLLINGS,  
 PATRICK J. LEAHY,  
 DALE BUMPERS,  
 FRANK R. LAUTENBERG,

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TOM HARKIN,  
BARBARA A. MIKULSKI,  
HARRY REID,  
BYRON L. DORGAN,  
*Managers on the Part of the Senate.*

