

105TH CONGRESS
1ST SESSION

S. 851

Entitled the “Emergency Disaster Assistance Act”.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 1997

Mr. DORGAN (for himself, Mr. CONRAD, Mr. WELLSTONE, Mr. JOHNSON, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Appropriations

A BILL

Entitled the “Emergency Disaster Assistance Act”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for re-
5 covery from natural disasters, and for overseas peacekeep-
6 ing efforts, including those in Bosnia, for the fiscal year
7 ending September 30, 1997, and for other purposes,
8 namely:

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

4 CHAPTER 1

5 DEPARTMENT OF DEFENSE—MILITARY
6 MILITARY PERSONNEL

7 MILITARY PERSONNEL, ARMY

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

13 MILITARY PERSONNEL, NAVY

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

19 MILITARY PERSONNEL, MARINE CORPS

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

1 MILITARY PERSONNEL, AIR FORCE

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

7 OPERATION AND MAINTENANCE

8 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

5 REVOLVING AND MANAGEMENT FUNDS

6 RESERVE MOBILIZATION INCOME INSURANCE FUND

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

14 GENERAL PROVISIONS, CHAPTER 1

15 (TRANSFER OF FUNDS)

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

1 “Military Personnel, Marine Corps”,
2 \$4,000,000;
3 “Operation and Maintenance, Marine Corps”,
4 \$11,000,000;
5 “Procurement of Ammunition, Navy and Ma-
6 rine Corps, 1996/1998”, \$4,000,000; and
7 “Procurement, Marine Corps, 1996/1998”,
8 \$4,000,000.

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

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

23 SEC. 104. In addition to the amounts provided in
24 Public Law 104–208, \$25,800,000 is appropriated under
25 the heading “Overseas Humanitarian, Disaster and Civic

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

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

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

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

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

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

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

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

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

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

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

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

9 MILITARY PERSONNEL, NAVY
10 (RESCISSION)

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

13 MILITARY PERSONNEL, MARINE CORPS
14 (RESCISSION)

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

17 MILITARY PERSONNEL, AIR FORCE
18 (RESCISSION)

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

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

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

1 OPERATION AND MAINTENANCE, NAVY

2 (RESCISSION)

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

5 OPERATION AND MAINTENANCE, MARINE CORPS

6 (RESCISSION)

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

9 OPERATION AND MAINTENANCE, AIR FORCE

10 (RESCISSION)

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

13 OPERATION AND MAINTENANCE, DEFENSE-WIDE

14 (RESCISSION)

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

17 ENVIRONMENTAL RESTORATION, ARMY

18 (RESCISSION)

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

21 ENVIRONMENTAL RESTORATION, NAVY

22 (RESCISSION)

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

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (RESCISSION)

3 Of the funds made available under this heading in

4 Public Law 104–208, \$250,000 are rescinded.

5 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

6 (RESCISSION)

7 Of the funds made available under this heading in

8 Public Law 104–208, \$250,000 are rescinded.

9 ENVIRONMENTAL RESTORATION, FORMERLY USED

10 DEFENSE SITES

11 (RESCISSION)

12 Of the funds made available under this heading in

13 Public Law 104–208, \$250,000 are rescinded.

14 FORMER SOVIET UNION THREAT REDUCTION

15 (RESCISSION)

16 Of the funds made available under this heading in

17 Public Law 104–208, \$2,000,000 are rescinded.

18 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

20 (RESCISSIONS)

21 Of the funds made available under this heading in

22 Public Law 103–335, \$1,085,000 are rescinded.

23 Of the funds made available under this heading in

24 Public Law 104–61, \$5,000,000 are rescinded.

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

3 MISSILE PROCUREMENT, ARMY
 4 (RESCISSIONS)

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

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

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

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

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

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

18 PROCUREMENT OF AMMUNITION, ARMY
 19 (RESCISSIONS)

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

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

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

1 OTHER PROCUREMENT, ARMY

2 (RESCISSIONS)

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

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

7 AIRCRAFT PROCUREMENT, NAVY

8 (RESCISSIONS)

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

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

13 WEAPONS PROCUREMENT, NAVY

14 (RESCISSIONS)

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

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

19 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

20 CORPS

21 (RESCISSION)

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

1 SHIPBUILDING AND CONVERSION, NAVY

2 (RESCISSIONS)

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

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

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

9 OTHER PROCUREMENT, NAVY

10 (RESCISSIONS)

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

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

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

17 PROCUREMENT, MARINE CORPS

18 (RESCISSION)

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

21 AIRCRAFT PROCUREMENT, AIR FORCE

22 (RESCISSIONS)

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

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

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

5 MISSILE PROCUREMENT, AIR FORCE
6 (RESCISSIONS)

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

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

11 PROCUREMENT OF AMMUNITION, AIR FORCE
12 (RESCISSION)

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

15 OTHER PROCUREMENT, AIR FORCE
16 (RESCISSIONS)

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

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

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

1 PROCUREMENT, DEFENSE-WIDE

2 (RESCISSIONS)

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

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

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

9 NATIONAL GUARD AND RESERVE EQUIPMENT

10 (RESCISSIONS)

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

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

15 RESEARCH, DEVELOPMENT, TEST AND

16 EVALUATION

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

18 ARMY

19 (RESCISSIONS)

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

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

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

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

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

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

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

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

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

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

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

22 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE
23 (RESCISSION)

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

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

6 NATIONAL DEFENSE SEALIFT FUND

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

11 DEFENSE HEALTH PROGRAM

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

17 (RESCISSIONS)

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

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

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

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

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

6 GENERAL PROVISIONS, CHAPTER 2
 7 (RESCISSIONS)

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

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

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

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

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

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

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

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

GENERAL PROVISIONS—THIS TITLE

S 851 IS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 CHAPTER 1

5 DEPARTMENT OF AGRICULTURE

6 FARM SERVICE AGENCY

7 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

8 ACCOUNT

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

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

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

9 EMERGENCY CONSERVATION PROGRAM

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

23 TREE ASSISTANCE PROGRAM

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

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

10 COMMODITY CREDIT CORPORATION FUND

11 DISASTER RESERVE ASSISTANCE PROGRAM

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

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

14 NATURAL RESOURCES CONSERVATION SERVICE

15 WATERSHED AND FLOOD PREVENTION OPERATIONS

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

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

16 RURAL HOUSING SERVICE

17 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

18 RURAL HOUSING ASSISTANCE PROGRAM

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

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

19 RURAL UTILITIES SERVICE

20 RURAL UTILITIES ASSISTANCE PROGRAM

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

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

13 FOOD AND CONSUMER SERVICE

14 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

15 WOMEN, INFANTS, AND CHILDREN (WIC)

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

1 GENERAL PROVISION, CHAPTER 1

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

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

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

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

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

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

12 CHAPTER 2

13 DEPARTMENT OF COMMERCE

14 ECONOMIC DEVELOPMENT ADMINISTRATION

15 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

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

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

3 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
 4 INDUSTRIAL TECHNOLOGY SERVICES

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

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

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

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

5 CONSTRUCTION

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

13 RELATED AGENCY

14 COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW 15 ENFORCEMENT

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

19 GENERAL PROVISIONS, CHAPTER 2

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

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

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

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

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

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

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

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

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

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

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

15 CHAPTER 3

16 DEPARTMENT OF DEFENSE—CIVIL

17 DEPARTMENT OF THE ARMY

18 CORPS OF ENGINEERS—CIVIL

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

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

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

6 OPERATION AND MAINTENANCE, GENERAL

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

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

14 FLOOD CONTROL AND COASTAL EMERGENCIES

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

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

9 DEPARTMENT OF THE INTERIOR

10 BUREAU OF RECLAMATION

11 OPERATION AND MAINTENANCE

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

22 GENERAL PROVISIONS, CHAPTER 3

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

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

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

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

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

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

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

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

FOREIGN OPERATIONS, EXPORT FINANCING,
AND RELATED PROGRAMS

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

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

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

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

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

17 OREGON AND CALIFORNIA GRANT LANDS

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

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

3 UNITED STATES FISH AND WILDLIFE SERVICE

4 RESOURCE MANAGEMENT

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

16 CONSTRUCTION

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

24 LAND ACQUISITION

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

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

7 NATIONAL PARK SERVICE

8 CONSTRUCTION

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

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

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

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

12 UNITED STATES GEOLOGICAL SURVEY

13 SURVEYS, INVESTIGATIONS, AND RESEARCH

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

22 BUREAU OF INDIAN AFFAIRS

23 OPERATION OF INDIAN PROGRAMS

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

9

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

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

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

12 RECONSTRUCTION AND CONSTRUCTION

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

21 DEPARTMENT OF HEALTH AND HUMAN
22 SERVICES

23 INDIAN HEALTH SERVICE
24 INDIAN HEALTH SERVICES

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

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

6 INDIAN HEALTH FACILITIES

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

14 GENERAL PROVISIONS, CHAPTER 5

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(d) BLACK RIVER FACILITIES.—

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

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

4 “(2) INTERIM PERIOD.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(6) RELATIONSHIP TO SETTLEMENT.—

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

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

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

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

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

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

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

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

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

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

5 (1) section 2477 of the Revised Statutes (R.S.
6 2477) was repealed on October 21, 1976 by the
7 Federal Land Policy and Management Act (43
8 U.S.C. 1701 et seq.);

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

12 (3) the Federal Land Policy and Management
13 Act included four provisions which explicitly pre-
14 served “valid existing rights” and made the actions
15 of the government “subject to valid existing rights”;

16 (4) after the repeal of R.S. 2477, disagreement
17 and confusion has surrounded the existence and ex-
18 tent of rights of way established under R.S. 2477;

19 (5) in 1994 the Secretary of the Interior pub-
20 lished proposed regulations for processing claims re-
21 garding R.S. 2477 rights of way;

22 (6) in 1995 and 1996 the Congress passed, and
23 the President enacted, three separate pieces of legis-
24 lation that prevented the Secretary of the Interior
25 from finalizing those regulations;

1 (7) the Omnibus Consolidated Appropriations
2 for Fiscal Year 1997 (Public Law 104–208) perma-
3 nently prohibited the promulgation of final rules or
4 regulations regarding the recognition, validity, or
5 management of R.S. 2477 rights of way unless such
6 regulations were specifically authorized by a subse-
7 quent Act of Congress;

8 (8) the position of the Clinton Administration
9 on this issue is reflected in the written policy state-
10 ment issued by the Secretary of the Interior in Jan-
11 uary 1997 regarding R.S. 2477;

12 (9) western State representatives strongly dis-
13 agree with the Administration’s policy guidance; and

14 (10) a process is needed to recommend expedi-
15 tiously a legislative mechanism to resolve all out-
16 standing R.S. 2477 claims.

17 (b) PROCESS.—

18 (1) ESTABLISHMENT OF COMMISSION.—

19 (A) There is established a commission to
20 be known as the Commission on Section 2477
21 of the Revised Statutes (hereinafter referred to
22 in this section as “the Commission”). The Com-
23 mission shall be composed of 13 members, as
24 follows:

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

5 (ii) six Members of Congress (or their
6 staff designee), of whom two shall be ap-
7 pointed by the Majority Leader of the Sen-
8 ate and one by the Minority Leader of the
9 Senate, and of whom two shall be ap-
10 pointed by the Speaker of the House of
11 Representatives and one by the Minority
12 Leader of the House of Representatives;

13 (iii) four State officials with land
14 management or transportation develop-
15 ment responsibilities, two of whom shall be
16 from affected western States with a Re-
17 publican Governor and two of whom shall
18 be from affected western States with a
19 Democratic Governor, with the four States
20 selected by mutual agreement between the
21 President, the Senate Majority Leader,
22 and the Speaker of the House; and

23 (iv) a chairman, who shall be a former
24 member of the Federal judiciary with expe-
25 rience in property and land management

1 law, to be selected by consensus (or failing
2 all reasonable attempts at consensus, ma-
3 jority vote) of the other 12 members of the
4 Commission.

5 (B) The Commission shall be appointed
6 within 90 days after the date of enactment of
7 this section. The Secretary of the Interior shall
8 provide any necessary support to the Commis-
9 sion.

10 (C) The chairman of the Commission shall
11 receive compensation at the daily rate of GS-
12 15, step 7 of the General Schedule, when en-
13 gaged in the actual performance of duties for
14 the Commission, and shall be reimbursed for
15 actual expenses in the performance of such du-
16 ties by the Secretary of the Interior. All other
17 members of the Commission shall be reim-
18 bursed and compensated as appropriate by their
19 respective employers and shall not be considered
20 Federal employees solely because of their activi-
21 ties on the Commission.

22 (D) The Commission shall conduct its first
23 meeting no later than 120 days after the date
24 of enactment of this section, at which time the
25 Commission shall select by consensus or major-

1 ity vote the chairman. The Secretary of the In-
2 terior shall recommend to Commission members
3 the names of at least three persons who meet
4 the requirements of subparagraph (A)(iv) for
5 consideration at the first meeting. Any other
6 member of the Commission may also rec-
7 ommend persons who meet the requirements of
8 subparagraph (A)(iv) for the consideration of
9 the members at the first meeting.

10 (2) DUTIES OF COMMISSION.—

11 (A) The Commission shall recommend
12 changes to law that should be enacted to pro-
13 vide for an expeditious resolution of all out-
14 standing claims of a right of way across Fed-
15 eral lands established pursuant to section 2477
16 of the Revised Statutes (43 U.S.C. 932).

17 (B) The Commission shall hold a public
18 hearing in each affected State upon the request
19 of the Governor of each such State, and shall
20 consult with the Governor of each affected
21 State in developing its recommendations. The
22 Commission may hold such other hearings as it
23 deems necessary. All hearings conducted by the
24 Commission shall be open to the public, and no-
25 tice of each hearing shall be provided in media

1 of general circulation within the State at least
2 14 days prior to each such hearing. The Sec-
3 retary of the Interior shall publish a public
4 record of each hearing.

5 (C) The Commission shall make its rec-
6 ommendations and all decisions by consensus,
7 or failing all reasonable attempts at consensus,
8 by majority vote. The Commission shall keep a
9 record of its discussions. The Commission may,
10 by majority vote, open its meetings to the pub-
11 lic. If the Commission does conduct public
12 meetings, it shall provide public notice of the
13 time and place at least seven days in advance
14 of each such meeting.

15 (D) The Commission shall submit its rec-
16 ommendations to the Secretary of the Interior
17 by March 1, 1998. Not later than 15 days prior
18 to this date, the Commission shall provide a
19 draft of its recommendations to the Governor of
20 each affected State, and shall include any let-
21 ters submitted by such Governors with respect
22 to such recommendations as an appendix to the
23 Commission's submission to the Secretary of
24 the Interior.

1 (3) REVIEW BY SECRETARY; SUBMISSION TO
2 CONGRESS.—The Secretary of the Interior shall re-
3 view and either approve or disapprove of the Com-
4 mission’s recommendations in their entirety by
5 March 31, 1998. If the Secretary of the Interior ap-
6 proves of the Commission’s recommendations, the
7 Secretary shall submit all of the Commission’s rec-
8 ommendations to the Committee on Energy and
9 Natural Resources of the Senate and the Committee
10 on Resources of the House of Representatives by
11 April 1, 1998. If the Secretary of the Interior dis-
12 approves of the Commission’s recommendations, the
13 Secretary shall state the reasons in writing for such
14 disapproval and send a copy of such reasons with
15 the Commission’s recommendations to the Congress.

16 (4) CONGRESSIONAL PROCEDURE.—

17 (A) INTRODUCTION.—The Chairman of the
18 Committee on Energy and Natural Resources of
19 the Senate and the Chairman of the Committee
20 on Resources of the House of Representatives
21 (or their designees) shall introduce the Commis-
22 sion’s recommendations as a bill in their respec-
23 tive Houses no later than 10 calendar days
24 after such recommendations are approved and
25 submitted by the Secretary of the Interior pur-

1 suant to paragraph (3). The provisions of this
2 paragraph hereinafter set forth shall not apply
3 to any bill containing the recommendations of
4 the Commission if the Secretary of the Interior
5 disapproves the Commission's recommendations
6 under paragraph (3).

7 (B) CONSIDERATION IN THE HOUSE.—

8 (i) Any committee of the House of
9 Representatives to which a bill introduced
10 pursuant to subsection (A) is referred shall
11 report it, with or without amendment and
12 with or without recommendation, not later
13 than 60 days of session after the date of
14 such referral. If any committee fails to re-
15 port the bill within that period, it is in
16 order to move that the House discharge
17 the committee from further consideration
18 of the bill. A motion to discharge the bill
19 may only be made by a member favoring
20 the bill (but only at a time or place des-
21 ignated by the Speaker in the legislative
22 schedule of the day after the calendar day
23 on which the member offering the motion
24 announces to the House his intention to do
25 so and the form of the motion). The mo-

1 tion is highly privileged. Debate thereon
2 shall be limited to not more than one hour,
3 the time to be divided in the House equally
4 between a proponent and opponent. The
5 previous question shall be considered as or-
6 dered on the motion to its adoption with-
7 out intervening motion. A motion to recon-
8 sider the vote by which the motion was
9 agreed to or disagreed to shall not be in
10 order.

11 (ii) After a bill introduced pursuant to
12 subparagraph (A) is reported or a commit-
13 tee has been discharged from further con-
14 sideration, it is in order to move that the
15 House resolve into the Committee of the
16 Whole House on the State of the Union for
17 consideration of the bill. If reported and
18 the report has been available for at least
19 one calendar day, all points of order
20 against the bill and against consideration
21 of the bill are waived. If discharged, all
22 points of order against the bill and against
23 consideration of the bill are waived. The
24 motion is highly privileged. A motion to re-
25 consider the vote by which the motion was

1 agreed to or disagreed to shall not be in
2 order. During consideration of the bill in
3 the Committee of the Whole, the first read-
4 ing of the bill shall be dispensed with. Gen-
5 eral debate shall proceed, shall be confined
6 to the bill, and shall not exceed four hours
7 equally divided and controlled by a pro-
8 ponent and opponent of the bill. The bill
9 shall be considered as read for amendment
10 under the five-minute rule. Only one mo-
11 tion to rise shall be in order, except if of-
12 fered by the manager. Consideration of the
13 bill for amendment shall not exceed four
14 hours excluding time for recorded votes
15 and quorum calls. At the conclusion of the
16 consideration of the bill for amendment,
17 the Committee shall rise and report the bill
18 to the House with such amendments as
19 may have been adopted. The previous
20 question shall be considered as ordered on
21 the bill and amendments thereto to final
22 passage without intervening motion. A mo-
23 tion to reconsider the vote on passage of
24 the bill shall not be in order.

1 (iii) Appeals from the decision of the
2 Chair regarding application of the rules of
3 the House of Representatives to the proce-
4 dure relating to a bill introduced pursuant
5 to subparagraph (A) shall be decided with-
6 out debate.

7 (iv) It shall not be in order to con-
8 sider under this subparagraph more than
9 one bill introduced pursuant to subpara-
10 graph (A) except for consideration of a
11 Senate bill introduced pursuant to sub-
12 paragraph (A).

13 (C) CONSIDERATION IN THE SENATE.—

14 (i) A bill introduced pursuant to sub-
15 paragraph (A) shall be referred to the ap-
16 propriate committee or committees. A com-
17 mittee to which the bill is referred shall re-
18 port the bill not later than 60 days of ses-
19 sion after such referral. If any committee
20 fails to report the bill within that period,
21 that committee shall be automatically dis-
22 charged from further consideration of the
23 bill and the bill shall be placed on the cal-
24 endar.

1 (ii) A motion to proceed to consider-
2 ation of a bill introduced pursuant to sub-
3 paragraph (A) and reported or automati-
4 cally discharged pursuant to subparagraph
5 (C)(i) shall not be debatable. It shall not
6 be in order to move to reconsider the vote
7 by which the motion to proceed was adopt-
8 ed or rejected, although subsequent mo-
9 tions to proceed may be made under this
10 clause.

11 (iii) After no more than 30 hours of
12 consideration of a bill introduced pursuant
13 to subparagraph (A), the Senate shall pro-
14 ceed, without intervening action or debate,
15 to vote on final disposition thereof to the
16 exclusion of all amendments not then
17 pending and to the exclusion of all mo-
18 tions, except a motion to reconsider or to
19 table. The time for debate on the bill shall
20 be equally divided between the Majority
21 Leader and the Minority Leader or their
22 designees.

23 (iv) Only relevant amendments to the
24 bill shall be in order. Debate on any
25 amendment shall be limited to one hour,

1 equally divided and controlled by the Sen-
 2 ator proposing the amendment and the
 3 majority manager, unless the majority
 4 manager is in favor of the amendment, in
 5 which case the minority manager shall be
 6 in control of the time in opposition.

7 (v) A motion to recommit a bill intro-
 8 duced pursuant to subparagraph (A) shall
 9 not be in order.

10 (vi) If the Senate receives a message
 11 from the House on a bill introduced pursu-
 12 ant to subparagraph (A), consideration in
 13 the Senate of all motions, amendments, or
 14 appeals necessary to dispose of such mes-
 15 sage shall be limited to four hours, equally
 16 divided in the usual form.

17 (D) EXERCISE OF RULEMAKING POW-
 18 ERS.—The provisions of this paragraph are en-
 19 acted by the Congress—

20 (i) as an exercise of the rulemaking
 21 power of the House of Representatives and
 22 the Senate, respectively, and as such they
 23 shall be considered as part of the rules of
 24 each House, respectively, or of that House
 25 to which they specifically apply, and such

rules shall supersede other rules only to
the extent they are inconsistent therewith;
and

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

(5) APPLICABILITY OF OTHER LAW.—

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

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

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading “Health Education Assistance Loans Program” is amended by in-

1 serting after “\$140,000,000” the following: “: *Provided*
 2 *further*, That the Secretary may use up to \$499,000 de-
 3 rived by transfer from insurance premiums collected from
 4 guaranteed loans made under Title VII of the Public
 5 Health Service Act for the purpose of carrying out section
 6 709 of that Act”.

7 ADMINISTRATION FOR CHILDREN AND FAMILIES

8 CHILDREN AND FAMILIES SERVICES PROGRAMS

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

13 OFFICE OF THE SECRETARY

14 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

15 FUND

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

20 DEPARTMENT OF EDUCATION

21 EDUCATION FOR THE DISADVANTAGED

22 For additional amounts to carry out subpart 2 of part
 23 A of title I of the Elementary and Secondary Education
 24 Act of 1965, \$101,133,000, of which \$78,362,000 shall
 25 be for Basic Grants and \$22,771,000 shall be for Con-

1 centration Grants, which shall be allocated, notwithstand-
2 ing any other provision of law, only to those States, and
3 counties within those States, that will receive, from funds
4 available under the Department of Education Appropria-
5 tions Act, 1997, smaller allocations for Grants to Local
6 Educational Agencies than they would have received had
7 those allocations been calculated entirely on the basis of
8 child poverty counts from the 1990 census: *Provided*, That
9 the Secretary of Education shall use these additional
10 funds to provide those States with 50 percent of the dif-
11 ference between the allocations they would have received
12 had the allocations under that Appropriations Act been
13 calculated entirely on the basis of the 1990 census data
14 and the allocations under the 1997 Appropriations Act:
15 *Provided further*, That if any State's total allocation under
16 that Appropriations Act and this paragraph is less than
17 its 1996 allocation for that subpart, that State shall re-
18 ceive, under this paragraph, the amount the State would
19 have received had that allocation been calculated entirely
20 on the basis of child poverty counts from the 1990 census:
21 *Provided further*, That the Secretary shall ratably reduce
22 the allocations to states under the preceding proviso for
23 either Basic Grants or Concentration Grants, or both, as
24 the case may be, if the funds available are insufficient to
25 make those allocations in full: *Provided further*, That the

1 Secretary shall allocate, to such counties in each such
2 State, additional amounts for Basic Grants and Con-
3 centration Grants that are in the same proportion, respec-
4 tively, to the total amounts allocated to the State, as the
5 differences between such counties' initial allocations for
6 Basic Grants and Concentration Grants, respectively
7 (compared to what they would have received had the initial
8 allocations been calculated entirely on the basis of 1990
9 census data), are to the differences between the State's
10 initial allocations for Basic Grants and Concentration
11 Grants, respectively (compared to the amounts the State
12 would have received had the initial allocations been cal-
13 culated entirely on the basis of 1990 census data): *Pro-*
14 *vided further*, That the funds appropriated under this
15 paragraph shall become available on July 1, 1997 and
16 shall remain available through September 30, 1998: *Pro-*
17 *vided further*, That the additional amounts appropriated
18 under this paragraph shall not be taken into account in
19 determining State allocations under any other program
20 administered by the Secretary.

1 RELATED AGENCY
2 NATIONAL COMMISSION ON THE COST OF HIGHER
3 EDUCATION
4 SALARIES AND EXPENSES

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

8 GENERAL PROVISIONS, CHAPTER 6

9 SEC. 6001. Notwithstanding any other provision of
10 law, fiscal year 1995 funds awarded under State-adminis-
11 tered programs of the Department of Education and funds
12 awarded for fiscal year 1996 for State-administered pro-
13 grams under the Rehabilitation Act of the Department of
14 Education to recipients in Presidentially declared disaster
15 areas, which were declared as such during fiscal year
16 1997, are available to those recipients for obligation until
17 September 30, 1998: *Provided*, That for the purposes of
18 assisting those recipients, the Secretary's waiver authority
19 under section 14401 of the Elementary and Secondary
20 Education Act of 1965 shall be extended to all State-ad-
21 ministered programs of the Department of Education.
22 This special waiver authority applies only to funds award-
23 ed for fiscal years 1995, 1996 and 1997.

24 SEC. 6002. Notwithstanding any other provision of
25 law, the Secretary of Education may waive or modify any

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

16 SEC. 6003. None of the funds provided in this Act
 17 or in any other Act making appropriations for fiscal year
 18 1997 may be used to administer or implement in Denver,
 19 Colorado, the Medicare Competitive Pricing/Open Enroll-
 20 ment Demonstration, as titled in the April 1, 1997, Final
 21 Request for Proposals (RFP).

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

23 (a) IN GENERAL.—Notwithstanding any other provi-
 24 sion of law, during the period beginning on April 30, 1997,
 25 and ending on July 30, 1997, the Governors of the States

1 described in paragraph (1) of subsection (b) may, subject
 2 to subsection (c), use amounts received for the provision
 3 of child care assistance or services under the Child Care
 4 and Development Block Grant Act of 1990 (42 U.S.C.
 5 9801 et seq.) to provide emergency child care services to
 6 individuals described in paragraph (2) of subsection (b).

7 (b) ELIGIBILITY.—

8 (1) OF STATES.—A State described in this
 9 paragraph is a State in which the President, pursu-
 10 ant to section 401 of the Robert T. Stafford Disas-
 11 ter Relief and Emergency Assistance Act (42 U.S.C.
 12 5121), has determined that a major disaster exists,
 13 or that an area within the State is determined to be
 14 eligible for disaster relief under other Federal law by
 15 reason of damage related to flooding in 1997.

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

18 (A) resides within any area in which the
 19 President, pursuant to section 401 of the Rob-
 20 ert T. Stafford Disaster Relief and Emergency
 21 Assistance Act (42 U.S.C. 5121), has deter-
 22 mined that a major disaster exists, or within an
 23 area determined to be eligible for disaster relief
 24 under other Federal law by reason of damage
 25 related to flooding in 1997; and

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

6 (c) LIMITATIONS.—

7 (1) REQUIREMENTS.—With respect to assist-
8 ance provided to individuals under this section, the
9 quality, certification and licensure, health and safe-
10 ty, nondiscrimination, and other requirements appli-
11 cable under the Federal programs referred to in sub-
12 section (a) shall apply to child care provided or ob-
13 tained under this section.

14 (2) AMOUNT OF FUNDS.—The total amount uti-
15 lized by each of the States under subsection (a) dur-
16 ing the period referred to in such subsection shall
17 not exceed the total amount of such assistance that,
18 notwithstanding the enactment of this section, would
19 otherwise have been expended by each such State in
20 the affected region during such period.

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

1 EXTENSION OF SSI REDETERMINATION PROVISIONS

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

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

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

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

15 CHAPTER 7

16 CONGRESSIONAL OPERATIONS

17 SENATE

18 CONTINGENT EXPENSES OF THE SENATE

19 SECRETARY OF THE SENATE

20 (TRANSFER OF FUNDS)

21 For an additional amount for expenses of the “Office
 22 of the Secretary of the Senate”, to carry out the provisions
 23 of section 8 of the Legislative Branch Appropriations Act,
 24 1997, \$5,000,000, to remain available until September 30,
 25 2000, to be derived by transfer from funds previously ap-
 26 propriated from fiscal year 1997 funds under the heading

1 “SENATE”, subject to the approval of the Committee on
 2 Appropriations.

3 HOUSE OF REPRESENTATIVES

4 PAYMENTS TO WIDOWS AND HEIRS OF DECEASED

5 MEMBERS OF CONGRESS

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

9 OTHER AGENCY

10 BOTANIC GARDEN

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
 13 penses, Botanic Garden”, \$33,500,000, to remain avail-
 14 able until expended, for emergency repair and renovation
 15 of the Conservatory.

16 GENERAL PROVISIONS, CHAPTER 7

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

24 SEC. 7002. (a) Notwithstanding any other provision
 25 of law or regulation, with the approval of the Committee

1 on Rules and Administration of the Senate, the Sergeant
2 at Arms and Doorkeeper of the Senate is authorized to
3 provide additional facilities, services, equipment, and office
4 space for use by a Senator in that Senator's State in con-
5 nection with a disaster or emergency declared by the
6 President under the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act. Expenses incurred by the
8 Sergeant at Arms and Doorkeeper of the Senate under
9 this section shall be paid from the appropriation account,
10 within the contingent fund of the Senate, for expenses of
11 the Office of the Sergeant at Arms and Doorkeeper of the
12 Senate, upon vouchers signed by the Sergeant at Arms
13 and Doorkeeper of the Senate with the approval of the
14 Committee on Rules and Administration of the Senate.

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

17 SEC. 7003. (a) Section 2 of Public Law 100–71 (2
18 U.S.C. 65f) is amended by adding at the end the following:
19 “(c) Upon the written request of the Secretary of the Sen-
20 ate, with the approval of the Committee on Appropriations
21 of the Senate, there shall be transferred any amount of
22 funds available under subsection (a) specified in the re-
23 quest, but not to exceed \$10,000 in any fiscal year, from
24 the appropriation account (within the contingent fund of
25 the Senate) for expenses of the Office of the Secretary

1 of the Senate to the appropriation account for the expense
 2 allowance of the Secretary of the Senate. Any funds so
 3 transferred shall be available in like manner and for the
 4 same purposes as are other funds in the account to which
 5 the funds are transferred.”.

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

9 SEC. 7004. The Comptroller General may use avail-
 10 able funds, now and hereafter, to enter into contracts for
 11 the acquisition of severable services for a period that be-
 12 gins in one fiscal year and ends in the next fiscal year
 13 and to enter in multiyear contracts for the acquisition of
 14 property and nonaudit-related services, to the same extent
 15 as executive agencies under the authority of sections 303L
 16 and 304B, respectively, of the Federal Property and Ad-
 17 ministrative Services Act (41 U.S.C. sec. 253l and 254c).

18 CHAPTER 8

19 DEPARTMENT OF TRANSPORTATION

20 COAST GUARD

21 OPERATING EXPENSES

22 For an additional amount for “Operating Expenses”,
 23 \$1,600,000, for necessary expenses directly related to sup-
 24 port activities in the TWA Flight 800 crash investigation,
 25 to remain available until expended.

1 RETIRED PAY

2 For an additional amount for “Retired Pay”,
3 \$9,200,000.

4 FEDERAL HIGHWAY ADMINISTRATION

5 FEDERAL-AID HIGHWAYS

6 EMERGENCY RELIEF PROGRAM

7 (HIGHWAY TRUST FUND)

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

20 FEDERAL-AID HIGHWAYS

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 The limitation under this heading in Public Law
24 104–205 is increased by \$694,810,534: *Provided*, That
25 such additional authority shall remain available during fis-
26 cal year 1997: *Provided further*, That notwithstanding any

1 other provision of law, the authority provided herein above
 2 shall be distributed to ensure that States receive an
 3 amount they would have received had the Highway Trust
 4 Fund fiscal year 1994 income statement not been under-
 5 stated prior to the revision on December 24, 1996: *Pro-*
 6 *vided further*, That notwithstanding any other provision of
 7 law, \$318,077,043 of the amount provided herein above
 8 shall be distributed to assure that States receive obligation
 9 authority that they would have received had the Highway
 10 Trust Fund fiscal year 1995 income statement not been
 11 revised on December 24, 1996: *Provided further*, That the
 12 remaining authority provided herein above shall be distrib-
 13 uted to those States whose share of Federal-aid obligation
 14 limitation under Section 310 of Public Law 104–205 is
 15 less than the amount such States received under Section
 16 310(a) of Public Law 104–50 in fiscal year 1996 in a ratio
 17 equal to the amounts necessary to bring each such State
 18 to the Federal-aid obligation limitation distributed under
 19 Section 310(a) of Public Law 104–50.

20 FEDERAL RAILROAD ADMINISTRATION

21 EMERGENCY RAILROAD REHABILITATION AND REPAIR

22 For necessary expenses to repair and rebuild freight
 23 rail lines of regional and short line railroads or a State
 24 entity damaged by floods, \$18,900,000, to be awarded
 25 subject to the discretion of the Secretary on a case-by-

1 case basis: *Provided*, That up to \$900,000 shall be solely
2 for damage incurred in West Virginia in September 1996
3 and \$18,000,000 shall be solely for damage incurred in
4 the Northern Plains States in March and April 1997: *Pro-*
5 *vided further*, That funds provided under this head shall
6 be available for rehabilitation of railroad rights-of-way,
7 bridges, and other facilities which are part of the general
8 railroad system of transportation, and primarily used by
9 railroads to move freight traffic: *Provided further*, That
10 railroad rights-of-way, bridges, and other facilities owned
11 by class I railroads are not eligible for funding under this
12 head unless the right-of-way, bridges or other facilities are
13 under contract lease to a class II or class III railroad
14 under which the lessee is responsible for all maintenance
15 costs of the line: *Provided further*, That railroad rights-
16 of-way, bridges and other facilities owned by passenger
17 railroads, or by tourist, scenic, or historic railroads are
18 not eligible for funding under this head: *Provided further*,
19 That these funds shall be available only to the extent an
20 official budget request, for a specific dollar amount, that
21 includes designation of the entire amount as an emergency
22 requirement as defined in the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985, as amended, is trans-
24 mitted by the President to the Congress: *Provided further*,
25 That the entire amount is designated by Congress as an

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

6 RELATED AGENCY

7 NATIONAL TRANSPORTATION SAFETY BOARD

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
 10 penses”, for emergency expenses resulting from the crash-
 11 es of TWA Flight 800, ValuJet Flight 592, and Comair
 12 Flight 3272, and for assistance to families of victims of
 13 aviation accidents as authorized by Public Law 104–264,
 14 \$29,859,000, of which \$4,877,000 shall remain available
 15 until expended: *Provided*, That these funds shall be avail-
 16 able only to the extent an official budget request, for a
 17 specific dollar amount, that includes designation of the en-
 18 tire amount as an emergency requirement as defined in
 19 the Balanced Budget and Emergency Deficit Control Act
 20 of 1985, as amended, is transmitted by the President to
 21 the Congress: *Provided further*, That the entire amount
 22 is designated by Congress as an emergency requirement
 23 pursuant to section 251(b)(2)(D)(i) of the Balanced
 24 Budget and Emergency Deficit Control Act of 1985, as
 25 amended: *Provided further*, That notwithstanding any

1 other provision of law, not more than \$10,330,000 shall
2 be provided by the National Transportation Safety Board
3 to the Department of the Navy as reimbursement for costs
4 incurred in connection with recovery of wreckage from
5 TWA Flight 800 and shall be credited to the appropriation
6 contained in the Omnibus Consolidated Appropriations
7 Act, 1997, which is available for the same purpose as the
8 appropriation originally charged for the expense for which
9 the reimbursements are received, to be merged with, and
10 to be available for the same purpose as the appropriation
11 to which such reimbursements are credited: *Provided fur-*
12 *ther*, That notwithstanding any other provision of law, of
13 the amount provided to the National Transportation Safe-
14 ty Board, not more than \$6,059,000 shall be made avail-
15 able to the State of New York and local counties in New
16 York, as reimbursement for costs incurred in connection
17 with the crash of TWA Flight 800: *Provided further*, That
18 notwithstanding any other provision of law, of the amount
19 provided, not more than \$3,100,000 shall be made avail-
20 able to Metropolitan Dade County, Florida as reimburse-
21 ment for costs incurred in connection with the crash of
22 ValuJet Flight 592: *Provided further*, That notwithstand-
23 ing any other provision of law, of the amount provided,
24 not more than \$300,000 shall be made available to Monroe

1 County, Michigan as reimbursement for costs incurred in
2 connection with the crash of Comair Flight 3272.

3 GENERAL PROVISIONS, CHAPTER 8

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

9 SEC. 8002. Section 325 of Title III of the Depart-
10 ment of Transportation and Related Agencies Appropria-
11 tions Act, 1997 (Public Law 104–205) is amended by de-
12 leting all text following: “*Provided*, That such funds shall
13 not be subject to the obligation limitation for Federal-aid
14 highways and highway safety construction.”.

15 SEC. 8003. Section 410(j) of title 23, United States
16 Code, is amended by striking the period after “1997” and
17 inserting “, and an additional \$500,000 for fiscal year
18 1997.”.

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

1 CHAPTER 9
2 DEPARTMENT OF THE TREASURY
3 DEPARTMENTAL OFFICES
4 SALARIES AND EXPENSES

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

18 COUNTER-TERRORISM AND DRUG LAW
19 ENFORCEMENT
20 DEPARTMENT OF THE TREASURY
21 UNITED STATES CUSTOMS SERVICE
22 SALARIES AND EXPENSES

23 Of the funds made available under this heading in
24 Public Law 104–208, \$16,000,000 shall be available until

1 September 30, 1998 to develop further the Automated
2 Targeting System.

3 U.S. POSTAL SERVICE

4 PAYMENT TO THE POSTAL SERVICE FUND

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

9 GENERAL PROVISIONS, CHAPTER 9

10 SEC. 9001. The Administrator of General Services is
11 authorized to obligate the funds appropriated in Public
12 Law 104–208 for construction of the Montgomery, Ala-
13 bama courthouse.

14 SEC. 9002. None of the funds appropriated or made
15 available in this Act or any other Act may be used by the
16 General Services Administration to implement Section
17 1555 of the Federal Acquisition Streamlining Act of 1994
18 (Public Law 103–355) prior to the date of adjournment
19 of the first session of the 105th Congress.

20 SEC. 9003. (a) The Bureau of Engraving and Print-
21 ing and the Department of the Treasury shall not award
22 a contract for Solicitation No. BEP–97–13(TN) or Solici-
23 tation No. BEP–96–13(TN) until the General Accounting
24 Office (GAO) has completed a comprehensive analysis of
25 the optimum circumstances for government procurement

1 of distinctive currency paper. The GAO shall report its
 2 findings to the House and Senate Committees on Appro-
 3 priations no later than August 1, 1998.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND
EMERGENCIES

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

8 CHAPTER 10
9 DEPARTMENT OF VETERANS AFFAIRS
10 VETERANS BENEFITS ADMINISTRATION

11 COMPENSATION AND PENSIONS

12 For an additional amount for “Compensation and
13 pensions”, \$928,000,000, to remain available until ex-
14 pended.

15 ADMINISTRATIVE PROVISION

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

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 HOUSING PROGRAMS

4 ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

5 Notwithstanding any other provision of law, of the
6 \$1,000,000 appropriated for special purpose grants in
7 Public Law 102–139, for a parking garage in Ashland,
8 Kentucky, \$500,000 shall be made available instead for
9 use in acquiring parking in Ashland, Kentucky and
10 \$500,000 shall be made available instead for the restora-
11 tion of the Paramount Theater in Ashland, Kentucky.

12 PRESERVING EXISTING HOUSING INVESTMENT

13 For an additional amount for “Preserving existing
14 housing investment”, to be made available for use in con-
15 junction with properties that are eligible for assistance
16 under the Low-Income Housing Preservation and Resi-
17 dent Homeownership Act of 1990 or the Emergency Low
18 Income Housing Preservation Act of 1987, \$3,500,000,
19 to remain available until expended: *Provided*, That up to
20 such amount shall be for a project in Syracuse, New York,
21 the processing for which was suspended, deferred or inter-
22 rupted for a period of nine months or more because of
23 differing interpretations, by the Secretary of Housing and
24 Urban Development and an owner, concerning the timing
25 of the ability of an uninsured section 236 property to pre-
26 pay, or by the Secretary and a State rent regulatory agen-

1 cy concerning the effect of a presumptively applicable
 2 State rent control law or regulation on the determination
 3 of preservation value under section 213 of such Act, if the
 4 owner of such project filed a notice of intent to extend
 5 the low-income affordability restrictions of the housing on
 6 or before August 23, 1993, and the Secretary approved
 7 the plan of action on or before July 25, 1996.

8 CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT

9 AND AFFORDABLE HOUSING

10 (TRANSFER OF FUNDS)

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

19 COMMUNITY PLANNING AND DEVELOPMENT

20 COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

21 For an additional amount for “Community develop-
 22 ment block grants fund”, as authorized under title I of
 23 the Housing and Community Development Act of 1974,
 24 \$500,000,000, of which \$250,000,000 shall become avail-
 25 able for obligation on October 1, 1997, all of which shall
 26 remain available until September 30, 2000, for use only

1 for buyouts, relocation, long-term recovery, and mitigation
2 in communities affected by the flooding in the upper Mid-
3 west and other disasters in fiscal year 1997 and such nat-
4 ural disasters designated 30 days prior to the start of fis-
5 cal year 1997, except those activities reimbursable or for
6 which funds are made available by the Federal Emergency
7 Management Agency, the Small Business Administration,
8 or the Army Corps of Engineers: *Provided*, That in admin-
9 istering these amounts, the Secretary may waive, or speci-
10 fy alternative requirements for, any provision of any stat-
11 ute or regulation that the Secretary administers in connec-
12 tion with the obligation by the Secretary or the use by
13 the recipient of these funds, except for statutory require-
14 ments related to civil rights, fair housing and non-
15 discrimination, the environment, and labor standards,
16 upon a finding that such waiver is required to facilitate
17 the use of such funds, and would not be inconsistent with
18 the overall purpose of the statute: *Provided further*, That
19 the Secretary of Housing and Urban Development shall
20 publish a notice in the Federal Register governing the use
21 of community development block grants funds in conjunc-
22 tion with any program administered by the Director of the
23 Federal Emergency Management Agency for buyouts for
24 structures in disaster areas: *Provided further*, That for any
25 funds under this head used for buyouts in conjunction

1 with any program administered by the Director of the
2 Federal Emergency Management Agency, each state or
3 unit of general local government requesting funds from the
4 Secretary of Housing and Urban Development for buyouts
5 shall submit a plan to the Secretary which must be ap-
6 proved by the Secretary as consistent with the require-
7 ments of this program: *Provided further*, That the Sec-
8 retary of Housing and Urban Development and the Direc-
9 tor of the Federal Emergency Management Agency shall
10 submit quarterly reports to the House and Senate Com-
11 mittees on Appropriations on all disbursements and uses
12 of funds for or associated with buyouts: *Provided further*,
13 That for purposes of disasters eligible under this head the
14 Secretary of Housing and Urban Development may waive,
15 on a case-by-case basis and upon such other terms as the
16 Secretary may specify, in whole or in part, the require-
17 ments that activities benefit persons of low- and moderate-
18 income pursuant to section 122 of the Housing and Com-
19 munity Development Act of 1974, and may waive, in whole
20 or in part, the requirements that housing qualify as af-
21 fordable housing pursuant to section 290 of the HOME
22 Investment Partnerships Act: *Provided further*, That the
23 entire amount shall be available only to the extent an offi-
24 cial budget request, that includes designation of the entire
25 amount of the request as an emergency requirement as

1 defined by the Balanced Budget and Emergency Deficit
 2 Control Act of 1985, as amended, is transmitted by the
 3 President to the Congress: *Provided further*, That the en-
 4 tire amount is designated by the Congress as an emer-
 5 gency requirement pursuant to section 251(b)(2)(D)(i) of
 6 the Balanced Budget and Emergency Deficit Control Act
 7 of 1985, as amended.

8 MANAGEMENT AND ADMINISTRATION

9 SALARIES AND EXPENSES

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

17 INDEPENDENT AGENCIES

18 ENVIRONMENTAL PROTECTION AGENCY

19 BUILDINGS AND FACILITIES

20 From the amounts appropriated under this heading
 21 in prior appropriation Acts for the Center for Ecology Re-
 22 search and Training (CERT), the Environmental Protec-
 23 tion Agency (EPA) shall, after the closing of the period
 24 for filing CERT-related claims pursuant to the Uniform
 25 Relocation Assistance and Real Property Acquisition Poli-

1 cies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the
 2 maximum amount of funds necessary to settle all out-
 3 standing CERT-related claims against the EPA pursuant
 4 to such Act. To the extent that unobligated balances then
 5 remain from such amounts previously appropriated, the
 6 EPA is authorized beginning in fiscal year 1997 to make
 7 grants to the City of Bay City, Michigan, for the purpose
 8 of EPA-approved environmental remediation and rehabili-
 9 tation of publicly owned real property included in the
 10 boundaries of the CERT project.

11 STATE AND TRIBAL ASSISTANCE GRANTS

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

20 FEDERAL EMERGENCY MANAGEMENT AGENCY

21 DISASTER RELIEF

22 For an additional amount for “Disaster relief”,
 23 \$3,300,000,000, to remain available until expended: *Pro-*
 24 *vided*, That \$2,300,000,000 shall become available for ob-
 25 ligation on September 30, 1997, but shall not become
 26 available until the Director of the Federal Emergency

1 Management Agency submits to the Congress a legislative
2 proposal to control disaster relief expenditures including
3 the elimination of funding for certain revenue producing
4 facilities: *Provided further*, That of the funds made avail-
5 able under this heading, up to \$20,000,000 may be trans-
6 ferred to the Disaster Assistance Direct Loan Program
7 for the cost of direct loans as authorized under section
8 417 of the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*
10 *further*, That such transfer may be made to subsidize gross
11 obligations for the principal amount of direct loans not
12 to exceed \$21,000,000 under section 417 of the Stafford
13 Act: *Provided further*, That any such transfer of funds
14 shall be made only upon certification by the Director of
15 the Federal Emergency Management Agency that all re-
16 quirements of section 417 of the Stafford Act will be com-
17 plied with: *Provided further*, That the entire amount ap-
18 propriated herein shall be available only to the extent that
19 an official budget request for a specific dollar amount,
20 that includes designation of the entire amount of the re-
21 quest as an emergency requirement as defined in the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985,
23 as amended, is transmitted by the President to Congress:
24 *Provided further*, That the entire amount appropriated
25 herein is designated by Congress as an emergency require-

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

4 GENERAL PROVISIONS, CHAPTER 10

5 SEC. 10001. The Secretary shall submit semi-annu-
6 ally to the Committees on Appropriations a list of all con-
7 tracts and task orders issued under such contracts in ex-
8 cess of \$250,000 which were entered into during the prior
9 6-month period by the Secretary, the Government Na-
10 tional Mortgage Association, and the Office of Federal
11 Housing Enterprise Oversight (or by any officer of the De-
12 partment of Housing and Urban Development, the Gov-
13 ernment National Mortgage Association, or the Office of
14 Federal Housing Enterprise Oversight acting in his or her
15 capacity to represent the Secretary or these entities). Each
16 listing shall identify the parties to the contract, the term
17 and amount of the contract, and the subject matter and
18 responsibilities of the parties to the contract.

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

24 SEC. 10003. The first sentence of section 542(c)(4)
25 of the Housing and Community Development Act of 1992

1 is amended by striking out “on not more than 12,000
2 units during fiscal year 1996” and inserting in lieu there-
3 of: “on not more than 12,000 units during fiscal year
4 1996 and not more than an additional 7,500 units during
5 fiscal year 1997”.

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

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

15 SEC. 10006. Section 211(b)(4)(B) of the Depart-
16 ments of Veterans Affairs and Housing and Urban Devel-
17 opment, and Independent Agencies Appropriations Act,
18 1997 (Public Law 104–204) is amended by inserting the
19 following at the end: “The term ‘owner’, as used in this
20 subparagraph, in addition to it having the same meaning
21 as in section 8(f) of the United States Housing Act of
22 1937, also means an affiliate of the owner. The term ‘affil-
23 iate of the owner’ means any person or entity (including,
24 but not limited to, a general partner or managing member,
25 or an officer of either) that controls an owner, is controlled

1 by an owner, or is under common control with the owner.
 2 The term ‘control’ means the direct or indirect power
 3 (under contract, equity ownership, the right to vote or de-
 4 termine a vote, or otherwise) to direct the financial, legal,
 5 beneficial, or other interests of the owner.”.

6 CHAPTER 11

7 OFFSETS AND RESCISSIONS

8 DEPARTMENT OF AGRICULTURE

9 OFFICE OF THE SECRETARY

10 FUND FOR RURAL AMERICA

11 Of the funds provided on January 1, 1997 for section
 12 793 of Public Law 104–127, Fund for Rural America, not
 13 more than \$80,000,000 shall be available.

14 FOOD AND CONSUMER SERVICE

15 THE EMERGENCY FOOD ASSISTANCE PROGRAM

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

19 FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES

20 MANAGER

21 EXPORT CREDIT

22 None of the funds made available in the Agriculture,
 23 Rural Development, Food and Drug Administration, and
 24 Related Agencies Appropriations Act, 1997, Public Law
 25 104–180, may be used to pay the salaries and expenses

1 of personnel to carry out a combined program for export
 2 credit guarantees, supplier credit guarantees, and emerg-
 3 ing democracies facilities guarantees at a level which ex-
 4 ceeds \$3,500,000,000.

5 EXPORT ENHANCEMENT PROGRAM

6 None of the funds appropriated or otherwise made
 7 available in Public Law 104–180 shall be used to pay the
 8 salaries and expenses of personnel to carry out an export
 9 enhancement program if the aggregate amount of funds
 10 and/or commodities under such program exceeds
 11 \$10,000,000.

12 DEPARTMENT OF JUSTICE

13 GENERAL ADMINISTRATION

14 WORKING CAPITAL FUND

15 (RESCISSION)

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

18 LEGAL ACTIVITIES

19 ASSETS FORFEITURE FUND

20 (RESCISSION)

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

1 IMMIGRATION AND NATURALIZATION SERVICE

2 CONSTRUCTION

3 (RESCISSION)

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

7 DEPARTMENT OF COMMERCE

8 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

9 INDUSTRIAL TECHNOLOGY SERVICES

10 (RESCISSION)

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

14 RELATED AGENCIES

15 FEDERAL COMMUNICATIONS COMMISSION

16 SALARIES AND EXPENSES

17 (RESCISSION)

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

20 OUNCE OF PREVENTION COUNCIL

21 (RESCISSION)

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

1 DEPARTMENT OF ENERGY
2 ENERGY PROGRAMS
3 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT
4 ACTIVITIES
5 (RESCISSION)

6 Of the funds made available under this heading in
7 Public Law 104–206 and prior years’ Energy and Water
8 Development Appropriations Acts, \$11,180,000 are re-
9 scinded.

10 POWER MARKETING ADMINISTRATIONS
11 CONSTRUCTION, REHABILITATION, OPERATION AND
12 MAINTENANCE, WESTERN AREA POWER ADMINISTRATION
13 (RESCISSION)

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

18 CLEAN COAL TECHNOLOGY
19 (RESCISSION)

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

1 STRATEGIC PETROLEUM RESERVE

2 (RESCISSION)

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

5 DEPARTMENT OF HEALTH AND HUMAN
6 SERVICES

7 ADMINISTRATION FOR CHILDREN AND FAMILIES

8 JOB OPPORTUNITIES AND BASIC SKILLS

9 (RESCISSION)

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

15 Section 403(k)(3)(F) of the Social Security Act (as
16 in effect on October 1, 1996) is amended by adding after
17 the “,” the following: “reduced by an amount equal to the
18 total of those funds that are within each State’s limitation
19 for fiscal year 1997 that are not necessary to pay such
20 State’s allowable claims for such fiscal year (except that
21 such amount for such year shall be deemed to be
22 \$1,000,000,000 for the purpose of determining the
23 amount of the payment under subsection (1) to which each
24 State is entitled),”.

1 DEPARTMENT OF TRANSPORTATION

2 FEDERAL AVIATION ADMINISTRATION

3 GRANTS-IN-AID FOR AIRPORTS

4 (AIRPORT AND AIRWAY TRUST FUND)

5 (RESCISSION OF CONTRACT AUTHORIZATION)

6 Of the unobligated balances authorized under 49

7 U.S.C. 48103 as amended, \$750,000,000 are rescinded.

8 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

9 HIGHWAY TRAFFIC SAFETY GRANTS

10 (HIGHWAY TRUST FUND)

11 (RESCISSION OF CONTRACT AUTHORIZATION)

12 Of the available balances of contract authority under

13 this heading, \$13,000,000 are rescinded.

14 FEDERAL TRANSIT ADMINISTRATION

15 TRUST FUND SHARE OF EXPENSES

16 (HIGHWAY TRUST FUND)

17 (RESCISSION OF CONTRACT AUTHORIZATION)

18 Of the available balances of contract authority under

19 this heading, \$271,000,000 are rescinded.

20 DISCRETIONARY GRANTS

21 (HIGHWAY TRUST FUND)

22 (RESCISSION OF CONTRACT AUTHORIZATION)

23 Of the available balances of contract authority under

24 this heading, for fixed guideway modernization and bus

25 activities under 49 U.S.C. 5309(m)(A) and (C),

26 \$588,000,000 are rescinded.

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

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

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

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

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

12 INDEPENDENT AGENCY

13 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 NATIONAL AERONAUTICS FACILITIES

15 (RESCISSION)

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

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 UNANTICIPATED NEEDS

20 (RESCISSION)

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

1 TITLE III

2 GENERAL PROVISIONS—THIS ACT

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

6 BUY-AMERICAN REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) FINAL REPORT.—

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

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

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

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

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

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

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

6 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

18 **TITLE V—DEPOSITORY INSTITUTION DISASTER**

19 **RELIEF**

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

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

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

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

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

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

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

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

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

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

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

21 (1) the institution—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (B) any similar publication requirement.

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

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

14 (2) explains the need for the action.

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

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

20 (2) the Comptroller of the Currency;

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

23 (4) the Federal Deposit Insurance Corporation;

24 (5) the Financial Institutions Examination
25 Council;

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

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

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

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

8 (a) FINANCIAL SERVICES.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

18 (b) APPRAISAL STANDARDS.—It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property

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

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

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

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

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

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

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

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

22 (b) EFFECTIVE DATES.—

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

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

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

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

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

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

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

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

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

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

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

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

11 **SEC. 60005. DATA.**

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

15 (1) in subparagraph (A)—

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

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

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

23 (3) by striking subparagraph (B).

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

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

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

8 “(i) PRIORITY PAYMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 TITLE VII—FOOD STAMP PROGRAM

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

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

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

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

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

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

9 “(2) STATE PAYMENTS TO SECRETARY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

○