

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**H. R. 1469**

**AN ACT**

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

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## AN ACT

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

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for re-  
3 covery from natural disasters, and for overseas peacekeep-  
4 ing efforts, including those in Bosnia, for the fiscal year  
5 ending September 30, 1997, and for other purposes,  
6 namely:

7 TITLE I

8 EMERGENCY SUPPLEMENTAL APPROPRIATIONS  
9 FOR RECOVERY FROM NATURAL DISASTERS

10 CHAPTER 1

11 DEPARTMENT OF AGRICULTURE

12 FARM SERVICE AGENCY

13 EMERGENCY CONSERVATION PROGRAM

14 For an additional amount for “Emergency Conserva-  
15 tion Program” for expenses, including livestock carcass re-  
16 moval, resulting from flooding and other natural disasters,  
17 \$65,000,000, to remain available until expended: *Pro-*  
18 *vided*, That the entire amount shall be available only to  
19 the extent an official budget request for \$65,000,000, that  
20 includes designation of the entire amount of the request  
21 as an emergency requirement as defined in the Balanced  
22 Budget and Emergency Deficit Control Act of 1985, as  
23 amended, is transmitted by the President to the Congress:  
24 *Provided further*, That the entire amount is designated by

1 Congress as an emergency requirement pursuant to sec-  
2 tion 251(b)(2)(D)(i) of such Act.

3 TREE ASSISTANCE PROGRAM

4 For assistance to small orchardists to replace or reha-  
5 bilitate trees and vineyards damaged by weather and relat-  
6 ed conditions, \$9,000,000, to remain available until ex-  
7 pended: *Provided*, That the entire amount shall be avail-  
8 able only to the extent an official budget request for  
9 \$9,000,000, that includes designation of the entire  
10 amount of the request as an emergency requirement as  
11 defined in the Balanced Budget and Emergency Deficit  
12 Control Act of 1985, as amended, is transmitted by the  
13 President to the Congress: *Provided further*, That the en-  
14 tire amount is designated by Congress as an emergency  
15 requirement pursuant to section 251(b)(2)(D)(i) of such  
16 Act.

17 NATURAL RESOURCES CONSERVATION SERVICE

18 WATERSHED AND FLOOD PREVENTION OPERATIONS

19 For an additional amount for “Watershed and Flood  
20 Prevention Operations” to repair damages to the water-  
21 ways and watersheds resulting from flooding and other  
22 natural disasters, \$150,700,000, to remain available until  
23 expended: *Provided*, That the entire amount shall be avail-  
24 able only to the extent an official budget request for  
25 \$150,700,000, that includes designation of the entire  
26 amount of the request as an emergency requirement as

1 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 cropland, the  
9 Secretary may use sufficient amounts, not to exceed  
10 \$10,000,000, from funds provided under this heading to  
11 accept bids from willing sellers to provide floodplain ease-  
12 ments for such cropland inundated by floods: *Provided fur-*  
13 *ther*, That none of the funds provided under this heading  
14 shall be used for the salmon memorandum of understand-  
15 ing.

16 **RURAL HOUSING SERVICE**

17 **RURAL HOUSING INSURANCE FUND PROGRAM**

18 Notwithstanding section 520 of the Housing Act of  
19 1949, as amended, (42 U.S.C. 1490) the College Station  
20 area of Pulaski County, Arkansas shall be eligible for  
21 loans and grants available through the Rural Housing  
22 Service.

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

4       For an additional amount for the Special Supple-  
5 mental Nutrition Program for Women, Infants, and Chil-  
6 dren (WIC) as authorized by section 17 of the Child Nu-  
7 trition Act of 1966, as amended (42 U.S.C. et seq.),  
8 \$38,000,000 (increased by \$38,000,000), to remain avail-  
9 able through September 30, 1998: *Provided*, That the Sec-  
10 retary shall allocate such funds through the existing for-  
11 mula or, notwithstanding sections 17(g), (h), or (i) of such  
12 Act and the regulations promulgated thereunder, such  
13 other means as the Secretary deems necessary.

14                                   CHAPTER 2  
15                   DEPARTMENT OF COMMERCE  
16       ECONOMIC DEVELOPMENT ADMINISTRATION  
17       ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

18       For an additional amount for “Economic Develop-  
19 ment Assistance Programs” for emergency infrastructure  
20 expenses and the capitalization of revolving loan funds re-  
21 lated to recent flooding and other natural disasters,  
22 \$49,700,000, to remain available until expended, of which  
23 not to exceed \$2,000,000 may be available for administra-  
24 tive expenses and may be transferred to and merged with  
25 the appropriations for “Salaries and Expenses”: *Provided*,

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

11 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
12 INDUSTRIAL TECHNOLOGY SERVICES

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

17 NATIONAL OCEANIC AND ATMOSPHERIC  
18 ADMINISTRATION  
19 CONSTRUCTION

20 For an additional amount for “Construction” for  
21 emergency expenses resulting from flooding and other nat-  
22 ural disasters, \$10,800,000, to remain available until ex-  
23 pended: *Provided,* That the entire amount is designated  
24 by Congress as an emergency requirement pursuant to

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

3

## CHAPTER 3

4

## DEPARTMENT OF DEFENSE—CIVIL

5

## DEPARTMENT OF THE ARMY

6

## CORPS OF ENGINEERS—CIVIL

7 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,

8 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-

9 SSISSIPPI, MISSOURI, AND TENNESSEE

10 For an additional amount for “Flood Control, Mis-  
 11 sissippi River and Tributaries, Arkansas, Illinois, Ken-  
 12 tucky, Louisiana, Mississippi, Missouri, and Tennessee”  
 13 for emergency expenses due to flooding and other natural  
 14 disasters, \$20,000,000, to remain available until ex-  
 15 pended: *Provided*, That the entire amount is designated  
 16 by Congress as an emergency requirement pursuant to  
 17 section 251(b)(2)(D)(i) of the Balanced Budget and  
 18 Emergency Deficit Control Act of 1985, as amended.

19

## OPERATION AND MAINTENANCE, GENERAL

20 For an additional amount for “Operation and Main-  
 21 tenance, General” for emergency expenses due to flooding  
 22 and other natural disasters, \$150,000,000, to remain  
 23 available until expended: *Provided*, That of the total  
 24 amount appropriated, the amount for eligible navigation  
 25 projects which may be derived from the Harbor Mainte-  
 26 nance Trust Fund pursuant to Public Law 99–662, shall

1 be derived from that fund: *Provided further*, That the en-  
2 tire amount is designated by Congress as an emergency  
3 requirement pursuant to section 251(b)(2)(D)(i) of the  
4 Balanced Budget and Emergency Deficit Control Act of  
5 1985, as amended.

6 FLOOD CONTROL AND COASTAL EMERGENCIES

7 For an additional amount for “Flood Control and  
8 Coastal Emergencies” due to flooding and other natural  
9 disasters, \$415,000,000, to remain available until ex-  
10 pended: *Provided*, That the entire amount is designated  
11 by Congress as an emergency requirement pursuant to  
12 section 251(b)(2)(D)(i) of the Balanced Budget and  
13 Emergency Deficit Control Act of 1985, as amended.

14 DEPARTMENT OF THE INTERIOR

15 BUREAU OF RECLAMATION

16 OPERATION AND MAINTENANCE

17 For an additional amount for “Operation and Main-  
18 tenance”, \$7,355,000, to remain available until expended,  
19 to repair damage caused by floods and other natural disas-  
20 ters: *Provided*, That of the total appropriated, the amount  
21 for program activities that can be financed by the Rec-  
22 lamation Fund shall be derived from that fund: *Provided*  
23 *further*, That the entire amount is designated by Congress  
24 as an emergency requirement pursuant to section  
25 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
26 Deficit Control Act of 1985, as amended.

## 1           GENERAL PROVISIONS, CHAPTER 3

2           SEC. 301. Beginning in fiscal year 1997 and there-  
3 after, the United States members and the alternate mem-  
4 bers appointed under the Susquehanna River Basin Com-  
5 pact (Public Law 91–575), and the Delaware River Basin  
6 Compact (Public Law 87–328), shall be officers of the  
7 U.S. Army Corps of Engineers, who hold Presidential ap-  
8 pointments as Regular Army officers with Senate con-  
9 firmation, and who shall serve without additional com-  
10 pensation.

11          SEC. 302. Section 2.2 of Public Law 87–328 (75  
12 Stat. 688, 691) is amended by striking the words “during  
13 the term of office of the President” and inserting the  
14 words “at the pleasure of the President”.

## 15   CHAPTER 4

## 16                           DEPARTMENT OF THE INTERIOR

## 17   BUREAU OF LAND MANAGEMENT

## 18   CONSTRUCTION

19          For an additional amount for construction to repair  
20 damage caused by floods and other natural disasters,  
21 \$4,796,000, to remain available until expended, of which  
22 \$3,003,000 is to be derived by transfer from unobligated  
23 balances of funds, under the heading “Oregon and Califor-  
24 nia Grant Lands”, made available as supplemental appro-  
25 priations in Public Law 104–134: *Provided*, That the en-

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

5 OREGON AND CALIFORNIA GRANT LANDS

6 For an additional amount for Oregon and California  
7 grant lands to repair damage caused by floods and other  
8 natural disasters, \$2,694,000, to remain available until ex-  
9 pended and to be derived by transfer from unobligated bal-  
10 ances of funds, under the heading “Oregon and California  
11 Grant Lands”, made available as supplemental appropria-  
12 tions in Public Law 104–134: *Provided*, That the entire  
13 amount is designated by Congress as an emergency re-  
14 quirement pursuant to section 251(b)(2)(D)(i) of the Bal-  
15 anced Budget and Emergency Deficit Control Act of 1985,  
16 as amended.

17 UNITED STATES FISH AND WILDLIFE SERVICE

18 RESOURCE MANAGEMENT

19 For an additional amount for resource management,  
20 \$2,250,000, to remain available until September 30, 1998,  
21 for technical assistance and fish replacement made nec-  
22 essary by floods and other natural disasters: *Provided*,  
23 That the entire amount is designated by Congress as an  
24 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 CONSTRUCTION

4 For an additional amount for construction,  
5 \$81,000,000, to remain available until expended, to repair  
6 damage caused by floods and other natural disasters: *Pro-*  
7 *vided*, That the entire amount is designated by Congress  
8 as an emergency requirement pursuant to section  
9 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985, as amended.

11 LAND ACQUISITION

12 For an additional amount for land acquisition,  
13 \$15,000,000, to remain available until expended, for the  
14 cost-effective emergency acquisition of land and water  
15 rights necessitated by floods and other natural disasters:  
16 *Provided*, That the entire amount is designated by Con-  
17 gress as an emergency requirement pursuant to section  
18 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
19 Deficit Control Act of 1985, as amended.

20 NATIONAL PARK SERVICE

21 CONSTRUCTION

22 For an additional amount for construction for emer-  
23 gency expenses resulting from flooding and other natural  
24 disasters, \$186,912,000, to remain available until ex-  
25 pended: *Provided*, That the entire amount is designated

1 by Congress as an emergency requirement pursuant to  
2 section 251(b)(2)(D)(i) of the Balanced Budget and  
3 Emergency Deficit Control Act of 1985, as amended: *Pro-*  
4 *vided further*, That of this amount, \$30,000,000 shall be  
5 available only to the extent an official budget request for  
6 a specific dollar amount, that includes designation of the  
7 entire amount of the request as an emergency requirement  
8 as defined in such Act, is transmitted by the President  
9 to Congress, and upon certification by the Secretary of  
10 the Interior to the President that a specific amount of  
11 such funds is required for (1) repair or replacement of  
12 concession use facilities at Yosemite National Park if the  
13 Secretary determines, after consulting with the Director  
14 of the Office of Management and Budget, that the repair  
15 or replacement of those facilities cannot be postponed until  
16 completion of an agreement with the Yosemite Conces-  
17 sions Services Corporation or any responsible third party  
18 to satisfy its repair or replacement obligations for the fa-  
19 cilities, or (2) the Federal portion, if any, of the costs of  
20 repair or replacement of such concession use facilities:  
21 *Provided further*, That nothing herein should be construed  
22 as impairing in any way the rights of the United States  
23 against the Yosemite Concession Services Corporation or  
24 any other party or as relieving the Corporation or any  
25 other party of its obligations to the United States: *Pro-*

1 *vided further*, That prior to any final agreement by the  
2 Secretary with the Corporation or any other party con-  
3 cerning its obligation to repair or replace concession use  
4 facilities, the Solicitor of the Department of the Interior  
5 shall certify that the agreement fully satisfies the obliga-  
6 tions of the Corporation or third party: *Provided further*,  
7 That nothing herein, or any payments, repairs, or replace-  
8 ments made by the Corporation or a third party in fulfill-  
9 ment of the Corporation's obligations to the United States  
10 to repair and replace damaged facilities, shall create any  
11 possessory interest for the Corporation or such third party  
12 in such repaired or replaced facilities: *Provided further*,  
13 That any payments made to the United States by the Cor-  
14 poration or a third party for repair or replacement of con-  
15 cession use facilities shall be deposited in the General  
16 Fund of the Treasury or, where facilities are repaired or  
17 replaced by the Corporation or any other third party, an  
18 equal amount of appropriations shall be rescinded.

19 For an additional amount for construction,  
20 \$10,000,000, to remain available until expended, to make  
21 repairs, construct facilities, and provide visitor transpor-  
22 tation and for related purposes at Yosemite National  
23 Park.

1           UNITED STATES GEOLOGICAL SURVEY  
2           SURVEYS, INVESTIGATIONS, AND RESEARCH

3           For an additional amount for surveys, investigations,  
4 and research, \$4,290,000, to remain available until Sep-  
5 tember 30, 1998, to repair or replace damaged equipment  
6 and facilities caused by floods and other natural disasters:  
7 *Provided*, That the entire amount is designated by Con-  
8 gress as an emergency requirement pursuant to section  
9 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985, as amended.

11                   BUREAU OF INDIAN AFFAIRS  
12                   OPERATION OF INDIAN PROGRAMS

13           For an additional amount for operation of Indian  
14 programs, \$11,100,000, to remain available until Septem-  
15 ber 30, 1998, for emergency response activities, including  
16 emergency school operations, heating costs, emergency  
17 welfare assistance, and to repair and replace facilities and  
18 resources damaged by snow, floods, and other natural dis-  
19 asters: *Provided*, That the entire amount is designated by  
20 Congress as an emergency requirement pursuant to sec-  
21 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-  
22 gency Deficit Control Act of 1985, as amended.

23                           CONSTRUCTION

24           For an additional amount for construction,  
25 \$5,554,000, to remain available until expended, to make

1 repairs caused by floods and other natural disasters: *Pro-*  
2 *vided*, That the entire amount is designated by Congress  
3 as an emergency requirement pursuant to section  
4 251(b)(2)(D)(i) of the Balanced Budget and Emergency  
5 Deficit Control Act of 1985, as amended.

6 DEPARTMENT OF AGRICULTURE

7 FOREST SERVICE

8 NATIONAL FOREST SYSTEM

9 For an additional amount for National forest system  
10 for emergency expenses resulting from flooding and other  
11 natural disasters, \$37,107,000, to remain available until  
12 expended: *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.

16 RECONSTRUCTION AND CONSTRUCTION

17 For an additional amount for reconstruction and con-  
18 struction for emergency expenses resulting from flooding  
19 and other natural disasters, \$32,334,000, to remain avail-  
20 able until expended: *Provided*, That the entire amount is  
21 designated by Congress as an emergency requirement pur-  
22 suant to section 251(b)(2)(D)(i) of the Balanced Budget  
23 and Emergency Deficit Control Act of 1985, as amended.

1 DEPARTMENT OF HEALTH AND HUMAN  
2 SERVICES

3 INDIAN HEALTH SERVICE

4 INDIAN HEALTH SERVICES

5 For an additional amount for Indian health services  
6 for emergency expenses resulting from flooding and other  
7 natural disasters, \$1,000,000, to remain available until ex-  
8 pended: *Provided*, That the entire amount is designated  
9 by Congress as an emergency requirement pursuant to  
10 section 251(b)(2)(D)(i) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985, as amended.

12 INDIAN HEALTH FACILITIES

13 For an additional amount for Indian health facilities  
14 for emergency expenses resulting from flooding and other  
15 natural disasters, \$2,000,000, to remain available until ex-  
16 pended: *Provided*, That the entire amount is designated  
17 by Congress as an emergency requirement pursuant to  
18 section 251(b)(2)(D)(i) of the Balanced Budget and  
19 Emergency Deficit Control Act of 1985, as amended.

20 GENERAL PROVISION, CHAPTER 4

21 SEC. 401. Section 101(c) of Public Law 104–134 is  
22 amended as follows: Under the heading “Title III—Gen-  
23 eral Provisions” amend sections 315(c)(1)(A) and  
24 315(c)(1)(B) by striking in each of those sections “104  
25 percent” and inserting in lieu thereof “100 percent”; by

1 striking in each of those sections “1995” and inserting  
2 in lieu thereof “1994”; and by striking in each of those  
3 sections “and thereafter annually adjusted upward by 4  
4 percent,”.

5 SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT

6 SEC. 402. (a) EXTENSION.—Section 3711(b)(1) of  
7 the San Carlos Apache Tribe Water Rights Settlement Act  
8 of 1992 (106 Stat. 4752) is amended by striking “June  
9 30, 1997” and inserting “March 31, 1999”.

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

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

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

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

12 (e) CONDITIONS.—Section 3711 of such Act, as  
13 amended by subsection (b) of this Act, is further amended  
14 by adding at the end the following new subsections:

15 “(d) CONDITIONS.—(1) IN GENERAL.—The June 30,  
16 1997, deadline has been extended based on the following  
17 conditions. The provisions and agreements set forth or re-  
18 ferred to in paragraph (2), (3), and (4) below shall be  
19 enforceable against the United States, and the conditions  
20 and agreements set forth or referred to in paragraphs (3)  
21 and (4) shall be enforceable against the Tribe, in United  
22 States District Court, and the immunity of the United  
23 States and the Tribe for such purposes is hereby waived.

24 “(2) INTERIM PERIOD.—Prior to March 31, 1999, or  
25 the execution of a final Agreement under paragraph (3)

1 below, whichever comes first, the following conditions shall  
2 apply:

3           “(A) As of July 23, 1997, Phelps Dodge shall  
4 vacate the reservation and no longer rely upon per-  
5 mit #2000089, dated July 25, 1944, except as pro-  
6 vided in subparagraph (F) and the Tribe will stay  
7 any further prosecution of any claims or suits filed  
8 by the Tribe in any court with respect to the Black  
9 River facilities or the flowage of water on Eagle  
10 Creek. The United States, with the permission of the  
11 Tribe, shall enter and operate the Black River pump  
12 station, outbuildings, the pipeline, related facilities,  
13 and certain caretaker quarters (hereinafter referred  
14 to collectively as the ‘Black River facilities’).

15           “(B) As of July 23, 1997, the United States,  
16 through the Bureau of Reclamation, shall operate  
17 and maintain the Black River facilities. The United  
18 States and Phelps Dodge shall enter into a contract  
19 for delivery of water pursuant to subparagraph (C),  
20 below. Water for delivery to Phelps Dodge from the  
21 Black River shall not exceed an annual average of  
22 40 acre feet per day, or 14,000 acre feet per year.  
23 All diversions from Black River to Phelps Dodge  
24 shall be junior to the Tribe’s right to divert and use  
25 of 7300 acre feet per year for the San Carlos

1 Apache Tribe, and no such diversion for Phelps  
2 Dodge shall cause the flow of Black River to fall  
3 below 20 cubic feet per second. The United States  
4 shall account for the costs for operating and main-  
5 taining the Black River facilities, and Phelps Dodge  
6 shall reimburse the United States for such costs.  
7 Phelps Dodge shall pay to the United States, for de-  
8 livery to the Tribe, the sum of \$20,000 per month,  
9 with an annual CPI adjustment, for purposes of  
10 compensating the Tribe for United States use and  
11 occupancy of the Black River facilities. Phelps  
12 Dodge shall cooperate with the United States in ef-  
13 fectuating an orderly transfer of the operations of  
14 the Black River facilities from Phelps Dodge to the  
15 United States.

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

1 Dodge contract shall have no bearing on potential  
2 claims by the United States, Phelps Dodge or the  
3 Tribe regarding any aspect of the Black River facili-  
4 ties in the event that a final agreement is not  
5 reached among the parties under paragraph (3)  
6 below.

7 “(D) The power line right-of-way over the  
8 Tribe’s Reservation which currently is held by  
9 Phelps Dodge shall remain in place. During the in-  
10 terim period, Phelps Dodge shall provide power to  
11 the United States for operation of the pump station  
12 and related facilities without charge, and Phelps  
13 Dodge shall pay a monthly right-of-way fee to the  
14 Tribe of \$5000 per month, with an annual CPI ad-  
15 justment.

16 “(E) Any questions regarding the water claims  
17 associated with Phelps Dodge’s use of the Eagle  
18 Creek wellfield, its diversions of surface water from  
19 Eagle Creek, the San Francisco River, Chase Creek,  
20 and/or its use of other water supplies are not ad-  
21 dressed in this title. No provision in this subsection  
22 shall affect or be construed to affect any claims by  
23 the Tribe, the United States, or Phelps Dodge to  
24 groundwater or surface water.

1           “(F) If a final agreement is not reached by  
2           March 31, 1999, the terms set forth in subpara-  
3           graphs (A) through (E) shall no longer apply. Under  
4           such circumstances, the occupancy of the Black  
5           River facilities shall revert to Phelps Dodge on  
6           March 31, 1999, and the Tribe and/or Phelps Dodge  
7           shall be free to prosecute litigation regarding the va-  
8           lidity of Phelps Dodge use of the Black River facili-  
9           ties. In any such event, the Tribe, the United States,  
10          and Phelps Dodge shall have the same rights with  
11          respect to the Black River facilities as each had  
12          prior to the enactment of this subsection and noth-  
13          ing in this subsection shall be construed as altering  
14          or affecting such rights nor shall anything herein be  
15          admissible or otherwise relevant for the purpose of  
16          determining any of their respective rights.

17          “(3) FINAL AGREEMENT.—The United States,  
18          Phelps Dodge, and the Tribe intend to enter into a Final  
19          Agreement on or before March 31, 1999, which Agreement  
20          shall include the following terms:

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

24                 “(B) Responsibility for operation of the Black  
25                 River facilities shall be transferred from the United

1 States to the Tribe. The United States shall train  
2 Tribal members during the Interim Period, and the  
3 responsibility to operate the Black River facilities  
4 shall be transferred upon satisfaction of two condi-  
5 tions: (i) entry of the Final Agreement described in  
6 this subsection; and (ii) a finding by the United  
7 States that the Tribe has completed necessary train-  
8 ing and is qualified to operate the Black River facili-  
9 ties.

10 “(C) Power lines currently operated by Phelps  
11 Dodge on the Tribe’s Reservation, and the right of  
12 way associated with such power lines, shall be sur-  
13 rendered by Phelps Dodge to the Tribe, without cost  
14 to the Tribe. Concurrently with the transfer of the  
15 power lines and the right of way, Phelps Dodge shall  
16 construct a switch station at the boundary of the  
17 reservation at which the Tribe may switch power on  
18 or off and shall deliver ownership and control of  
19 such switch station to the Tribe. Subsequent to the  
20 transfer of the power lines and the right of way and  
21 the delivery of ownership and control of the switch  
22 station to the Tribe, Phelps Dodge shall have no fur-  
23 ther obligation or liability of any nature with respect  
24 to the ownership, operation or maintenance of the  
25 power lines, the right of way or the switch station.

1           “(D) The Tribe and Phelps Dodge intend to  
2 enter into a contract covering the lease and delivery  
3 of CAP water from the Tribe to Phelps Dodge on  
4 the terms recommended by the United States, the  
5 trustee for the Tribe. Water for delivery to Phelps  
6 Dodge from the Black River shall not exceed an an-  
7 nual average of 40 acre feet per day, or 14,000 acre  
8 feet per year. All diversions from Black River to  
9 Phelps Dodge shall be junior to the Tribe’s right to  
10 divert and use of 7300 acre feet per year for the  
11 San Carlos Apache Tribe, and no such diversions for  
12 Phelps Dodge shall cause the flow of Black River to  
13 fall below 20 cubic feet per second. It is intended  
14 that the water subject to the contract shall be CAP  
15 water that is controlled by the Tribe. The Tribe and/  
16 or the United States intend to enter into an ex-  
17 change agreement with the Salt River Project which  
18 will deliver CAP water to the Salt River Project in  
19 return for the diversion of water from the Black  
20 River into the Black River facilities. The lease and  
21 delivery contract between Phelps Dodge and the  
22 Tribe is intended to be based on a long-term lease  
23 of CAP water at prevailing market rates for municipi-  
24 pal and industrial uses of CAP water. The parties  
25 will discuss the potential imposition of capital costs

1 as part of the contract. It is intended that the con-  
2 tract price shall include operation, maintenance and  
3 replacement (OM&R) charges associated with the  
4 leased CAP water, and it is intended that the con-  
5 tract will take into account reasonable charges asso-  
6 ciated with the Tribe's operations and maintenance  
7 of the Black River facilities, and a credit for power  
8 provided for such facilities. It is intended that the  
9 water delivered under this contract will be utilized in  
10 the Morenci mine complex and the towns of Clifton  
11 and Morenci, and for no other purpose.

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

21 “(4) EAGLE CREEK.—From the effective date of this  
22 subsection, the Tribe covenants not to impede, restrict, or  
23 sue the United States regarding, the passage of water  
24 from the Black River facilities into those portions of the  
25 channels of Willow Creek and Eagle Creek which flow

1 through the Tribe’s lands. The Tribe covenants not to im-  
2 pede, restrict, or sue Phelps Dodge regarding, the passage  
3 of historic maximum flows, less transportation losses, from  
4 the existing Phelps Dodge Upper Eagle Creek Wellfield,  
5 except that (i) Phelps Dodge shall pay to the United  
6 States, for delivery to the Tribe, \$5000 per month, with  
7 an annual CPI adjustment, to account the passage of such  
8 flows; and (ii) the Tribe and the United States reserve  
9 the right to challenge Phelps Dodge’s claims regarding the  
10 pumping of groundwater from the upper Eagle Creek  
11 wellfield, in accordance with paragraphs (2)(E) and (3)(E)  
12 above. Nothing in this subsection shall affect or be con-  
13 strued to affect the rights of the United States, the Tribe,  
14 or Phelps Dodge to flow water in the channel of Eagle  
15 Creek in the absence of this subsection.

16 “(5) RELATIONSHIP TO SETTLEMENT.—In the event  
17 that Phelps Dodge and the Tribe execute a Final Agree-  
18 ment pursuant to paragraph (3) on or before March 3,  
19 1999—

20 “(A) effective on the date of execution of such  
21 Final Agreement, the term ‘Agreement’, as defined  
22 by section 3703(2), shall not include Phelps Dodge;  
23 and

24 “(B) section 3706(j) shall have no effect.”.

1 (f) REPEAL.—Subsection (f) of section 3705 of such  
2 Act is hereby repealed.

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

6 CHAPTER 5

7 DEPARTMENT OF TRANSPORTATION

8 COAST GUARD

9 RETIRED PAY

10 For an additional amount for “Retired Pay”,  
11 \$4,200,000.

12 FEDERAL AVIATION ADMINISTRATION

13 FACILITIES AND EQUIPMENT

14 (AIRPORT AND AIRWAY TRUST FUND)

15 For additional necessary expenses for “Facilities and  
16 Equipment”, \$40,000,000, to be derived from the Airport  
17 and Airway Trust Fund and to remain available until ex-  
18 pended: *Provided*, That these funds shall only be available  
19 for non-competitive contracts or cooperative agreements  
20 with air carriers and airport authorities, which provide for  
21 the Federal Aviation Administration to purchase and as-  
22 sist in installation of advanced security equipment for the  
23 use of such entities.

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

5           For an additional amount for the Emergency Relief  
6 Program for emergency expenses resulting from flooding  
7 and other natural disasters, as authorized by 23 U.S.C.  
8 125, \$650,000,000, to be derived from the Highway Trust  
9 Fund and to remain available until expended, of which  
10 \$374,000,000 shall be available only to the extent an offi-  
11 cial budget request for a specific dollar amount, that in-  
12 cludes designation of the entire amount of the request as  
13 an emergency requirement as defined in the Balanced  
14 Budget and Emergency Deficit Control Act of 1985, as  
15 amended, is transmitted by the President to the Congress:  
16 *Provided*, That the entire amount is designated by the  
17 Congress as an emergency requirement pursuant to sec-  
18 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-  
19 gency Deficit Control Act of 1985, as amended: *Provided*  
20 *further*, That 23 U.S.C. 125(b)(1) shall not apply to  
21 projects resulting from the December 1996 and January  
22 1997 flooding in the western States: *Provided further*,  
23 That notwithstanding any other provision of law, a project  
24 to repair or reconstruct any portion of a Federal-aid pri-  
25 mary route in San Mateo County, California, which was

1 destroyed as a result of a combination of storms in the  
2 winter of 1982–1983 and a mountain slide which, until  
3 its destruction, had served as the only reasonable access  
4 between two cities and as the designated emergency evacu-  
5 ation route of one such cities shall be eligible for assist-  
6 ance under this head.

7 FEDERAL-AID HIGHWAYS

8 (HIGHWAY TRUST FUND)

9 The limitation under this heading in Public Law  
10 104–205 is increased by \$318,077,043: *Provided*, That  
11 notwithstanding any other provision of law, such addi-  
12 tional authority shall be distributed to ensure that States  
13 receive amounts that they would have received had the  
14 Highway Trust Fund fiscal year 1995 income statement  
15 not been revised on December 24, 1996.

16 FEDERAL RAILROAD ADMINISTRATION

17 EMERGENCY RAILROAD REHABILITATION AND REPAIR

18 For necessary expenses to repair and rebuild freight  
19 rail lines of regional and short line railroads damaged as  
20 a result of the floods in the northern plains States in the  
21 spring of 1997, \$10,000,000, to be awarded subject to the  
22 discretion of the Secretary on a case-by-case basis: *Pro-*  
23 *vided*, That funds provided under this head shall be avail-  
24 able for rehabilitation of railroad rights-of-way which are  
25 part of the general railroad system of transportation, and

1 primarily used by railroads to move freight traffic: *Pro-*  
2 *vided further*, That railroad rights-of-way owned by class  
3 I railroads, passenger railroads, or by tourist, scenic, or  
4 historic railroads are not eligible for funding under this  
5 section: *Provided further*, That these funds shall be avail-  
6 able only to the extent an official budget request, for a  
7 specific dollar amount, that includes designation of the en-  
8 tire amount as an emergency requirement as defined in  
9 the Balanced Budget and Emergency Deficit Control Act  
10 of 1985, as amended, is transmitted by the President to  
11 the Congress: *Provided further*, That the entire amount  
12 is designated by Congress as an emergency requirement  
13 pursuant to section 251(b)(2)(D)(i) of the Balanced  
14 Budget and Emergency Deficit Control Act of 1985, as  
15 amended: *Provided further*, That all funds made available  
16 under this head are to remain available until September  
17 30, 1997.

## 18 RELATED AGENCY

### 19 NATIONAL TRANSPORTATION SAFETY BOARD

#### 20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-  
22 penses”, for emergency expenses resulting from the crash-  
23 es of TWA Flight 800 and ValuJet 592, and for assistance  
24 to families of victims of aviation accidents as authorized  
25 by Public Law 105–265, \$23,300,000, of which

1 \$4,877,000 shall remain available until expended: *Pro-*  
2 *vided*, That these funds shall be available only to the ex-  
3 tent an official budget request, for a specific dollar  
4 amount, that includes designation of the entire amount as  
5 an emergency requirement as defined in the Balanced  
6 Budget and Emergency Deficit Control Act of 1985, as  
7 amended, is transmitted by the President to the Congress:  
8 *Provided further*, That the entire amount is designated by  
9 Congress as an emergency requirement pursuant to sec-  
10 tion 251(b)(2)(D)(i) of the Balanced Budget and Emer-  
11 gency Deficit Control Act of 1985, as amended: *Provided*  
12 *further*, That notwithstanding any other provision of law,  
13 up to \$10,330,000 shall be provided by the National  
14 Transportation Safety Board to the Department of the  
15 Navy as reimbursement for costs incurred in connection  
16 with recovery of wreckage from TWA Flight 800 and shall  
17 be credited to the appropriation contained in the Omnibus  
18 Consolidated Appropriations Act, 1997, which is available  
19 for the same purpose as the appropriation originally  
20 charged for the expense for which the reimbursements are  
21 received, to be merged with, and to be available for the  
22 same purpose as the appropriation to which such reim-  
23 bursements are credited: *Provided further*, That notwith-  
24 standing any other provision of law, of the amount pro-  
25 vided \$3,100,000 shall be made available to Metropolitan

1 Dade County, Florida as reimbursement for costs incurred  
2 in connection with the crash of ValuJet Flight 592: *Pro-*  
3 *vided further*, That, notwithstanding any other provision  
4 of law, of the unobligated balances under this heading  
5 from amounts made available in this or any other Act for  
6 fiscal year 1997 or any prior fiscal year, \$300,000 shall  
7 be made available to Monroe County, Michigan, as reim-  
8 bursement for costs incurred in connection with the crash  
9 of Comair Flight 3272.

10           GENERAL PROVISIONS, CHAPTER 5

11           SEC. 501. In title I of Public Law 104–205, under  
12 the heading “Federal Transit Administration, Discre-  
13 tionary Grants”, strike “\$661,000,000 for the DeKalb  
14 County, Georgia light rail project;” and insert “\$661,000  
15 for the DeKalb County, Georgia light rail project;”.

16           SEC. 502. In section 325 of title III of Public Law  
17 104–205, strike “That in addition to amounts otherwise  
18 provided in this Act, not to exceed \$3,100,000 in expenses  
19 of the Bureau of Transportation Statistics necessary to  
20 conduct activities related to airline statistics may be in-  
21 curred, but only to the extent such expenses are offset by  
22 user fees charged for those activities and credited as off-  
23 setting collections.”.

24           SEC. 503. Section 410(j) of title 23, United States  
25 Code, is amended by striking the period after “1997” and

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

3 SEC. 504. Section 30308(a) of title 49, United States  
4 Code, is amended by striking “and 1996” and inserting  
5 “, 1996, and 1997”.

6 CHAPTER 6

7 UNITED STATES POSTAL SERVICE

8 PAYMENTS TO THE POSTAL SERVICE

9 PAYMENT TO THE POSTAL SERVICE FUND

10 For an additional amount for the Postal Service  
11 Fund for revenue foregone on free and reduced rate mail,  
12 \$5,300,000.

13 COUNTER-TERRORISM AND DRUG LAW

14 ENFORCEMENT

15 DEPARTMENT OF THE TREASURY

16 UNITED STATES CUSTOMS SERVICE

17 SALARIES AND EXPENSES

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

22 GENERAL PROVISION, CHAPTER 6

23 SEC. 601. CLARIFYING CONGRESSIONAL INTENT RE-  
24 SPECTING PROCUREMENT OF DISTINCTIVE CURRENCY  
25 PAPER.—In fiscal year 1997 and thereafter—



1 DEPARTMENT OF HOUSING AND URBAN  
2 DEVELOPMENT  
3 HOUSING PROGRAMS

4 PRESERVING EXISTING HOUSING INVESTMENT

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

1 DRUG ELIMINATION GRANTS FOR LOW-INCOME  
2 HOUSING  
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Drug Elimination  
5 Grants for Low-Income Housing” for activities authorized  
6 under 42 U.S.C. 11921–25, \$30,200,000, to remain avail-  
7 able until expended, and to be derived by transfer from  
8 the Homeownership and Opportunity for People Every-  
9 where Grants account.

10 COMMUNITY PLANNING AND DEVELOPMENT

11 COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

12 For an additional amount for “Community develop-  
13 ment block grants fund” as authorized under title I of the  
14 Housing and Community Development Act of 1974,  
15 \$500,000,000, to remain available until September 30,  
16 2000, for use only for buy-outs, relocation, long-term re-  
17 covery, and mitigation in communities affected by the  
18 flooding in the upper Midwest and other disasters in fiscal  
19 year 1997 and such natural disasters designated 30 days  
20 prior to the start of fiscal year 1997: *Provided*, That in  
21 administering these amounts, the Secretary may waive, or  
22 specify alternative requirements for, any provision of any  
23 statute or regulation that the Secretary administers in  
24 connection with the obligation by the Secretary or the use  
25 by the recipient of these funds, except for statutory re-

1 requirements related to civil rights, fair housing and non-  
2 discrimination, the environment, and labor standards,  
3 upon a finding that such waiver is required to facilitate  
4 the use of such funds, and would not be inconsistent with  
5 the overall purpose of the statute: *Provided further*, That  
6 the Secretary of Housing and Urban Development shall  
7 publish a notice in the Federal Register governing the use  
8 of community development block grant funds in conjunc-  
9 tion with any program administered by the Director of the  
10 Federal Emergency Management Agency for buyouts for  
11 structures in disaster areas: *Provided further*, That for any  
12 funds under this head used for buyouts in conjunction  
13 with any program administered by the Director of the  
14 Federal Emergency Management Agency, each State or  
15 unit of general local government requesting funds from the  
16 Secretary of Housing and Urban Development for buyouts  
17 shall submit a plan to the Secretary which must be ap-  
18 proved by the Secretary as consistent with the require-  
19 ments of this program: *Provided further*, That the Sec-  
20 retary of Housing and Urban Development and the Direc-  
21 tor of the Federal Emergency Management Agency shall  
22 submit quarterly reports to the House and Senate Com-  
23 mittees on Appropriations on all disbursement and use of  
24 funds for or associated with buyouts: *Provided further*,  
25 That, hereafter, for any amounts made available under

1 this head and for any amounts made available for any fis-  
2 cal year under title I of the Housing and Community De-  
3 velopment Act of 1974 that are used in communities af-  
4 fected by the flooding and disasters referred to in this  
5 head for activities to address the damage resulting from  
6 such flooding and disasters, the Secretary of Housing and  
7 Urban Development shall waive the requirement under  
8 such title that the activities benefit persons of low- and  
9 moderate-income and the requirements that grantees and  
10 units of general local government hold public hearings:  
11 *Provided further*, That, hereafter, for any amounts made  
12 available for any fiscal year under the HOME Investment  
13 Partnerships Act that are used in communities affected  
14 by the flooding and disasters referred to in this head to  
15 assist housing used as temporary housing for families af-  
16 fected by such flooding and disasters, the Secretary of  
17 Housing and Urban Development shall waive (during the  
18 period, and to the extent, that such housing is used for  
19 such temporary housing) the requirements that the hous-  
20 ing meet the income targeting requirements under section  
21 214 of such Act, the requirements that the housing qualify  
22 as affordable housing under section 215 of such Act, and  
23 the requirements for documentation regarding family in-  
24 come and housing status and shall permit families to self-  
25 certify such information: *Provided further*, That the Sec-

1 retary of Housing and Urban Development may make a  
2 grant from the amount provided under this head to restore  
3 electrical and natural gas service to areas damaged by the  
4 flooding and natural disasters: *Provided further*, That the  
5 entire amount made available under this head is des-  
6 ignated by the Congress as an emergency requirement  
7 pursuant to section 251(b)(2)(D)(i) of the Balanced  
8 Budget and Emergency Deficit Control Act of 1985, as  
9 amended.

10 INDEPENDENT AGENCIES

11 ENVIRONMENTAL PROTECTION AGENCY

12 BUILDINGS AND FACILITIES

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

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

4 FEDERAL EMERGENCY MANAGEMENT AGENCY

5 DISASTER RELIEF

6 For an additional amount for “Disaster Relief”,  
7 \$3,567,677,000 (reduced by \$500,000,000) to remain  
8 available until expended: *Provided*, That \$2,387,677,000  
9 shall become available for obligation on September 30,  
10 1997: *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 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-  
16 penses”, \$5,000,000.

17 NATIONAL FLOOD INSURANCE FUND

18 In the case only of new contracts for flood insurance  
19 coverage under the National Flood Insurance Act of 1968  
20 entered into during the period beginning on January 1,  
21 1997, and ending on June 30, 1997, and any modifica-  
22 tions to coverage under existing contracts made during  
23 such period, section 1306(c)(1) of such Act (42 U.S.C.  
24 4013(c)(1)) shall be applied by substituting “15-day pe-  
25 riod” for “30-day period”.

## CHAPTER 8

## OFFSETS AND RESCISSIONS

## DEPARTMENT OF AGRICULTURE

## OFFICE OF THE SECRETARY

## FUND FOR RURAL AMERICA

1  
2  
3  
4  
5  
6       Of the funds provided on January 1, 1997 for section  
7 793 of Public Law 104–127, Fund for Rural America, not  
8 more than \$80,000,000 shall be available: *Provided*, That  
9 in addition to activities described in subsections (c)(1) and  
10 (c)(2) of section 793, the Secretary may use these funds  
11 for the Special Supplemental Nutrition Program for  
12 Women, Infants, and Children (WIC).

## 13 NATURAL RESOURCES CONSERVATION SERVICE

## 14               WETLANDS RESERVE PROGRAM

15       Of the funds made available in Public Law 104–37  
16 for the Wetlands Reserve Program, \$19,000,000 may not  
17 be obligated: *Provided*, That none of the funds made avail-  
18 able in Public Law 104–37 for this account may be obli-  
19 gated after September 30, 1997.

## 20               FOOD AND CONSUMER SERVICE

## 21               THE EMERGENCY FOOD ASSISTANCE PROGRAM

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

## 1 FOREIGN AGRICULTURAL SERVICE

## 2 EXPORT CREDIT

3 None of the funds made available in the Agriculture,  
4 Rural Development, Food and Drug Administration, and  
5 Related Agencies Appropriations Act, 1997, Public Law  
6 104–180, may be used to pay the salaries and expenses  
7 of personnel to carry out a combined program for export  
8 credit guarantees, supplier credit guarantees, and emerg-  
9 ing democracies facilities guarantees at a level which ex-  
10 ceeds \$3,500,000,000.

## 11 EXPORT ENHANCEMENT PROGRAM

12 None of the funds appropriated or otherwise made  
13 available in Public Law 104–180 shall be used to pay the  
14 salaries and expenses of personnel to carry out an export  
15 enhancement program if the aggregate amount of funds  
16 and/or commodities under such program exceeds  
17 \$10,000,000.

## 18 DEPARTMENT OF JUSTICE

## 19 GENERAL ADMINISTRATION

## 20 WORKING CAPITAL FUND

## 21 (RESCISSION)

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

## 1                                   LEGAL ACTIVITIES

## 2                                   ASSETS FORFEITURE FUND

## 3                                   (RESCISSION)

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

## 9                                   IMMIGRATION AND NATURALIZATION SERVICE

## 10                                   CONSTRUCTION

## 11                                   (RESCISSION)

12           Of the unobligated balances under this heading from  
13 amounts made available in Public Law 103-317,  
14 \$1,000,000 are rescinded.

## 15                                   DEPARTMENT OF COMMERCE

## 16                                   NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

## 17                                   INDUSTRIAL TECHNOLOGY SERVICES

## 18                                   (RESCISSION)

19           Of the unobligated balances available under this  
20 heading for the Advanced Technology Program,  
21 \$7,000,000 are rescinded.

1 NATIONAL OCEANIC AND ATMOSPHERIC  
2 ADMINISTRATION  
3 FLEET MODERNIZATION, SHIPBUILDING AND  
4 CONVERSION  
5 (RESCISSION)

6 Of the unobligated balances available under this  
7 heading, \$2,000,000 are rescinded.

8 RELATED AGENCIES  
9 FEDERAL COMMUNICATIONS COMMISSION  
10 SALARIES AND EXPENSES  
11 (RESCISSION)

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

14 OUNCE OF PREVENTION COUNCIL  
15 (RESCISSION)

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

18 DEPARTMENT OF ENERGY  
19 ENERGY PROGRAMS  
20 ENERGY SUPPLY, RESEARCH AND DEVELOPMENT  
21 ACTIVITIES  
22 (RESCISSION)

23 Of the funds made available under this heading in  
24 Public Law 104–206 and prior years' Energy and Water  
25 Development Appropriations Acts, \$22,532,000 are re-  
26 scinded.

## 1 DEPARTMENT OF ENERGY

## 2 CLEAN COAL TECHNOLOGY

## 3 (RESCISSION)

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

## 10 STRATEGIC PETROLEUM RESERVE

## 11 (RESCISSION)

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

## 14 GENERAL SERVICES ADMINISTRATION

## 15 FEDERAL BUILDINGS FUND

## 16 (LIMITATIONS ON AVAILABILITY OF REVENUE)

## 17 (RESCISSION)

18 Of the funds made available under this heading for  
19 “Repairs and Alterations, Basic Repairs and Alterations,”  
20 in Public Law 104–208, \$1,400,000 is rescinded: *Pro-*  
21 *vided*, That these funds shall be reduced from the amounts  
22 made available for the renovation of the Agricultural Re-  
23 search Service Laboratory in Ames, Iowa.



1                   INDEPENDENT AGENCIES  
2    NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
3                   NATIONAL AERONAUTICAL FACILITIES  
4                   (RESCISSION)

5           Of the funds made available under this heading in  
6 the Departments of Veterans Affairs and Housing and  
7 Urban Development, and Independent Agencies Appro-  
8 priations Act, 1995 (Public Law 103–327), \$38,000,000  
9 is rescinded.

10   COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW  
11                   ENFORCEMENT

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

15                   TITLE II  
16 EMERGENCY SUPPLEMENTAL APPROPRIATIONS  
17                   FOR PEACEKEEPING  
18                   CHAPTER 1

19           DEPARTMENT OF DEFENSE—MILITARY  
20                   MILITARY PERSONNEL  
21                   MILITARY PERSONNEL, ARMY

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

## 1                   MILITARY PERSONNEL, NAVY

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

## 7                   MILITARY PERSONNEL, MARINE CORPS

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

## 13                   MILITARY PERSONNEL, AIR FORCE

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

## 19                   OPERATION AND MAINTENANCE

## 20                   OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

## 21                   (INCLUDING TRANSFER OF FUNDS)

22           For an additional amount for “Overseas Contingency  
23 Operations Transfer Fund”, \$1,566,300,000: *Provided*,  
24 That the Secretary of Defense may transfer these funds  
25 only to operation and maintenance and DoD working cap-

1 ital fund accounts: *Provided further*, That the funds trans-  
2 ferred shall be merged with and shall be available for the  
3 same purposes and for the same time period, as the appro-  
4 priation to which transferred: *Provided further*, That the  
5 transfer authority provided in this paragraph is in addi-  
6 tion to any other transfer authority available to the De-  
7 partment of Defense: *Provided further*, That such amount  
8 is designated by Congress as an emergency requirement  
9 pursuant to section 251(b)(2)(D)(i) of the Balanced  
10 Budget and Emergency Deficit Control Act of 1985, as  
11 amended.

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

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

16 REVOLVING AND MANAGEMENT FUNDS

17 RESERVE MOBILIZATION INCOME INSURANCE FUND

18 For an additional amount for the Reserve Mobiliza-  
19 tion Income Insurance Fund, \$72,000,000, to remain  
20 available until expended: *Provided*, That the entire 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 \$21,000,000 is hereby appropriated and made available  
2 only for the provision of direct patient care at military  
3 treatment facilities.

4 SEC. 2104. In addition to the amounts appropriated  
5 in title II of the Department of Defense Appropriations  
6 Act, 1997 (as contained in section 101(b) of Public Law  
7 104–208), under the heading “Operation and Mainte-  
8 nance, Defense-Wide”, \$10,000,000 is hereby appro-  
9 priated and made available only for force protection and  
10 counter-terrorism initiatives.

11 SEC. 2105. Without prior and specific written ap-  
12 proval from the Appropriations Committees of Congress,  
13 none of the funds appropriated in this or any other Act  
14 for any fiscal year may be used to compensate military  
15 personnel or civilian employees who (1) are newly assigned  
16 to or newly employed by the Office of the Assistant Sec-  
17 retary of the Navy (Financial Management and Comptrol-  
18 ler) on or after May 1, 1997, (2) occupy positions in the  
19 Department of the Navy’s Financial Management/Comp-  
20 troller organization on May 1, 1997 and who are subse-  
21 quently reassigned to another organization in the Navy for  
22 the purpose of compensation yet who otherwise continue  
23 to be directed by or report to the Department of the Navy  
24 Financial Management/Comptroller organization, or (3)  
25 are temporarily assigned from other Department of De-

1 fense organizations to the Department of the Navy Finan-  
2 cial Management/Comptroller organization on or after  
3 May 1, 1997: *Provided*, That the preceding limitations  
4 shall also apply to funds for compensation of military per-  
5 sonnel or civilian employees in the organization of the  
6 Deputy Chief of Naval Operations (Resources, Warfare  
7 Requirements, and Assessments) whose primary function  
8 is budgeting or financial management: *Provided further*,  
9 That none of the funds in this or any other Act for any  
10 fiscal year may be used to reprogram funds within any  
11 Navy appropriation (other than Military Construction and  
12 Military Family Housing) under the authority of Depart-  
13 ment of Defense Financial Management Regulation with-  
14 out prior written approval from the Appropriations Com-  
15 mittees of Congress.

16 CHAPTER 2

17 GENERAL PROVISIONS

18 (RESCISSIONS)

19 SEC. 2201. Of the funds provided in the Department  
20 of Defense Appropriations Act, 1997 (as contained in sec-  
21 tion 101(b) of Public Law 104–208), amounts are hereby  
22 rescinded from the following accounts in the specified  
23 amounts to reflect savings from revised economic assump-  
24 tions (with each such reduction to be applied proportion-

1 ally to each budget activity, activity group, and subactivity  
2 group within each such account):

3 “Operation and Maintenance, Army”,  
4 \$19,000,000;

5 “Operation and Maintenance, Navy”,  
6 \$24,000,000;

7 “Operation and Maintenance, Air Force”,  
8 \$18,000,000;

9 “Operation and Maintenance, Defense-Wide”,  
10 \$8,000,000;

11 “Operation and Maintenance, Army Reserve”,  
12 \$1,000,000;

13 “Operation and Maintenance, Navy Reserve”,  
14 \$1,000,000;

15 “Operation and Maintenance, Air Force Re-  
16 serve”, \$1,000,000;

17 “Operation and Maintenance, Army National  
18 Guard”, \$2,000,000;

19 “Operation and Maintenance, Air National  
20 Guard”, \$3,000,000;

21 “Drug Interdiction and Counter-Drug Activi-  
22 ties, Defense”, \$2,000,000;

23 “Environmental Restoration, Army”, \$250,000;

24 “Environmental Restoration, Navy”, \$250,000;

1           “Environmental Restoration, Air Force”,  
2           \$250,000;  
3           “Environmental Restoration, Formerly Used  
4           Defense Sites”, \$250,000;  
5           “Former Soviet Union Threat Reduction”,  
6           \$2,000,000;  
7           “Defense Health Program”, \$10,000,000;  
8           “Aircraft Procurement, Army”, \$8,000,000;  
9           “Missile Procurement, Army”, \$2,000,000;  
10          “Procurement of Weapons and Tracked Combat  
11          Vehicles, Army”, \$5,000,000;  
12          “Procurement of Ammunition, Army”,  
13          \$1,000,000;  
14          “Other Procurement, Army”, \$15,000,000;  
15          “Aircraft Procurement, Navy”, \$28,000,000;  
16          “Weapons Procurement, Navy”, \$6,000,000;  
17          “Shipbuilding and Conversion, Navy”,  
18          \$33,000,000;  
19          “Other Procurement, Navy”, \$8,000,000;  
20          “Aircraft Procurement, Air Force”,  
21          \$20,000,000;  
22          “Missile Procurement, Air Force”,  
23          \$11,000,000;  
24          “Other Procurement, Air Force”, \$7,000,000;  
25          “Procurement, Defense-Wide”, \$5,000,000;





1           “Weapons Procurement, Navy, 1995/1997”,  
2           \$16,000,000;

3           “Procurement of Ammunition, Navy and Ma-  
4           rine Corps, 1995/1997”, \$812,000;

5           “Shipbuilding and Conversion, Navy, 1993/  
6           1997”, \$10,000,000;

7           “Other Procurement, Navy, 1995/1997”,  
8           \$4,237,000;

9           “Procurement, Marine Corps, 1995/1997”,  
10          \$1,207,000;

11          “Aircraft Procurement, Air Force, 1995/1997”,  
12          \$33,650,000;

13          “Missile Procurement, Air Force, 1995/1997”,  
14          \$7,195,000;

15          “Other Procurement, Air Force, 1995/1997”,  
16          \$3,659,000;

17          “Procurement, Defense-Wide, 1995/1997”,  
18          \$12,881,000;

19          “National Guard and Reserve Equipment,  
20          1995/1997”, \$5,029,000;

21          “Chemical Agents and Munitions Destruction,  
22          Defense, 1995/1997”, \$456,000;

23          “Chemical Agents and Munitions Destruction,  
24          Defense, 1996/1997”, \$652,000;



1           “Procurement of Weapons and Tracked Combat  
2           Vehicles, Army, 1996/1998”, \$26,000,000;

3           “Procurement of Ammunition, Army, 1996/  
4           1998”, \$34,000,000;

5           “Other Procurement, Navy, 1996/1998”,  
6           \$3,000,000;

7           “Aircraft Procurement, Air Force, 1996/1998”,  
8           \$52,000,000;

9           “Other Procurement, Air Force, 1996/1998”,  
10          \$10,000,000;

11          “Procurement of Ammunition, Air Force, 1996/  
12          1998”, \$21,100,000;

13          “Procurement, Defense-Wide, 1996/1998”,  
14          \$34,800,000;

15          “Research, Development, Test and Evaluation,  
16          Navy, 1996/1997”, \$4,500,000;

17          “Research, Development, Test and Evaluation,  
18          Air Force, 1996/1997”, \$2,000,000;

19          “Research, Development, Test and Evaluation,  
20          Defense-Wide, 1996/1997”, \$71,200,000;

21          “Developmental Test and Evaluation, Defense,  
22          1996/1997”, \$12,200,000;

23          “Chemical Agents and Munitions Destruction,  
24          Defense, 1996/1998”, \$22,000,000;

1           “National Guard Personnel, Air Force”,  
2       \$7,600,000;  
3           “Operation and Maintenance, Army”,  
4       \$17,000,000;  
5           “Operation and Maintenance, Defense-Wide”,  
6       \$10,000,000;  
7           “Procurement of Ammunition, Army, 1997/  
8       1999”, \$10,000,000;  
9           “Other Procurement, Army, 1997/1999”,  
10      \$6,000,000;  
11          “Aircraft Procurement, Navy, 1997/1999”,  
12      \$48,000,000;  
13          “Aircraft Procurement, Air Force, 1997/1999”,  
14      \$35,000,000;  
15          “Missile Procurement, Air Force, 1997/1999”,  
16      \$120,000,000;  
17          “Research, Development, Test and Evaluation,  
18      Army, 1997/1998”, \$15,000,000;  
19          “Research, Development, Test and Evaluation,  
20      Navy, 1997/1998”, \$28,500,000;  
21          “Research, Development, Test and Evaluation,  
22      Air Force, 1997/1998”, \$237,500,000; and  
23          “Research, Development, Test and Evaluation,  
24      Defense-Wide, 1997/1998”, \$100,000,000.

## 1                   MILITARY CONSTRUCTION

2                                   (RESCISSIONS)

3           SEC. 2205. Of the funds appropriated in the Military  
4 Construction Appropriations Act, 1996 (Public Law 104–  
5 32), amounts are hereby rescinded from the following ac-  
6 counts in the specified amounts:

7                   “Military Construction, Air Force Reserve”,  
8           \$5,000,000;

9                   “Military Construction, Defense-wide”,  
10          \$41,000,000;

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

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

15                  “Base Realignment and Closure Account, Part  
16 IV”, \$22,971,000.

## 17                                   CHAPTER 3

## 18                                   GENERAL PROVISIONS

## 19                                   MILITARY CONSTRUCTION, NAVY

20                                   (RESCISSION)

21           SEC. 2301. Of the funds appropriated for “Military  
22 Construction, Navy” under Public Law 103–307,  
23 \$6,480,000 is hereby rescinded.

## 1 FAMILY HOUSING, NAVY AND MARINE CORPS

2 SEC. 2302. For an additional amount for “Family  
3 Housing, Navy and Marine Corps” to cover the incremen-  
4 tal Operation and Maintenance costs arising from hurri-  
5 cane damage to family housing units at Marine Corps  
6 Base Camp Lejeune, North Carolina and Marine Corps  
7 Air Station Cherry Point, North Carolina, \$6,480,000, as  
8 authorized by 10 U.S.C. 2854.

## 9 TITLE III

## 10 GENERAL PROVISIONS—THIS ACT

11 SEC. 3001. No part of any appropriation contained  
12 in this Act shall remain available for obligation beyond  
13 the current fiscal year unless expressly so provided herein.

## 14 ASSISTANCE TO UKRAINE

15 SEC. 3002. (a) The President may waive any of the  
16 earmarks contained in subsections (k) and (l) under the  
17 heading “Assistance for the New Independent States of  
18 the Former Soviet Union” contained in the Foreign Oper-  
19 ations, Export Financing, and Related Programs Appro-  
20 priations Act, 1997, as included in Public Law 104–208,  
21 if he determines, and so reports to the Committees on Ap-  
22 propriations that the Government of Ukraine—

23 (1) is not making significant progress toward  
24 economic reform and the elimination of corruption;

1           (2) is not permitting American firms and indi-  
2           viduals to operate in Ukraine according to generally  
3           accepted business principles; or

4           (3) is not effectively assisting American firms  
5           and individuals in their efforts to enforce commercial  
6           contracts and resist extortion and other corrupt de-  
7           mands.

8                           BUY-AMERICAN REQUIREMENTS

9           SEC. 3003. (a) COMPLIANCE WITH BUY AMERICAN  
10          ACT.—None of the funds made available in this Act may  
11          be expended by an entity unless the entity agrees that in  
12          expending the funds the entity will comply with the Buy  
13          American Act (41 U.S.C. 10a–10c).

14          (b) SENSE OF CONGRESS; REQUIREMENT REGARD-  
15          ING NOTICE.—

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

24                   (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—  
25                   In providing financial assistance using funds made  
26                   available in this Act, the head of each Federal agen-

1 cy shall provide to each recipient of the assistance  
2 a notice describing the statement made in paragraph  
3 (1) by the Congress.

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

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

16 EXTENSION OF SSI REDETERMINATION PROVISIONS

17 SEC. 3004. (a) Section 402(a)(2)(D)(i) of the Per-  
18 sonal Responsibility and Work Opportunity Reconciliation  
19 Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

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

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

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

5 JOB OPPORTUNITIES AND BASIC SKILLS

6 (RECISSION)

7 SEC. 3005. Of the funds made available under this  
8 heading in Public Law 104–208, there is rescinded an  
9 amount equal to the total of the funds within each State’s  
10 limitation for fiscal year 1997 that are not necessary to  
11 pay such State’s allowable claims for such fiscal year.

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

22 SEC. 3006. (a) Chapter 63 of title 5, United States  
23 Code, is amended by adding after subchapter V the follow-  
24 ing:

1       “SUBCHAPTER VI—LEAVE TRANSFER IN  
2                   DISASTERS AND EMERGENCIES

3   **“§ 6391. Authority for leave transfer program in dis-**  
4                   **asters and emergencies**

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

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

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

9       “(b) In the event of a major disaster or emergency,  
10 as declared by the President, that results in severe adverse  
11 effects for a substantial number of employees, the Presi-  
12 dent may direct the Office of Personnel Management to  
13 establish an emergency leave transfer program under  
14 which any employee in any agency may donate unused an-  
15 nual leave for transfer to employees of the same or other  
16 agencies who are adversely affected by such disaster or  
17 emergency.

18       “(c) The Office shall establish appropriate require-  
19 ments for the operation of the emergency leave transfer  
20 program under subsection (b), including appropriate limi-  
21 tations on the donation and use of annual leave under the  
22 program. An employee may receive and use leave under  
23 the program without regard to any requirement that any  
24 annual leave and sick leave to a leave recipient’s credit

1 must be exhausted before any transferred annual leave  
2 may be used.

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

7 “(e) Except to the extent that the Office may pre-  
8 scribe by regulation, nothing in section 7351 shall apply  
9 to any solicitation, donation, or acceptance of leave under  
10 this section.

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

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

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND  
EMERGENCIES

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

16 **SEC. 3007. USE OF FUNDS FOR STUDIES OF MEDICAL USE**  
17 **OF MARIJUANA.**

18 None of the funds appropriated by this Act shall be  
19 used for any study of the medicinal use of marijuana.



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

3 **SEC. 4003. MEMBERSHIP OF COMMISSION.**

4 (a) APPOINTMENT.—The Commission shall be com-  
5 posed of 7 members as follows:

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

8 (2) One individual shall be appointed by the Mi-  
9 nority Leader of the House.

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

12 (4) One individual shall be appointed by the Mi-  
13 nority 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. 4004. 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. 4005. 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. 4006. FUNDING OF COMMISSION.**

8 (a) APPROPRIATION.—There is appropriated, out of  
9 any money in the Treasury not otherwise appropriated,  
10 for fiscal year 1997 for carrying out this title, \$650,000,  
11 to remain available until expended, or until one year after  
12 the termination of the Commission pursuant to section  
13 4007, whichever occurs first.

14 (b) RESCISSION.—Of the funds made available for  
15 “DEPARTMENT OF EDUCATION—Federal Family  
16 Education Loan Program Account” in the Departments  
17 of Labor, Health and Human Services, and Education,  
18 and Related Agencies Appropriations Act, 1997 (as con-  
19 tained in section 101(e) of division A of Public Law 104–  
20 208), \$849,000 is rescinded.

21 **SEC. 4007. TERMINATION OF COMMISSION.**

22 The Commission shall cease to exist on the date that  
23 is 60 days after the date on which the Commission is re-  
24 quired to submit its final report in accordance with section  
25 4004(b).





1 project, or activity during the portion of fiscal year 1998  
2 for which this title applies to that program, project, or  
3 activity.

#### 4 EXPENDITURES

5 SEC. 5005. Expenditures made for a program,  
6 project, or activity for fiscal year 1998 pursuant to this  
7 title shall be charged to the applicable appropriation, fund,  
8 or authorization whenever a regular appropriation bill or  
9 a joint resolution making continuing appropriations until  
10 the end of fiscal year 1998 providing for that program,  
11 project, or activity for that period becomes law.

#### 12 INITIATING OR RESUMING A PROGRAM, PROJECT, OR

#### 13 ACTIVITY

14 SEC. 5006. No appropriation or funds made available  
15 or authority granted pursuant to this title shall be used  
16 to initiate or resume any program, project, or activity for  
17 which appropriations, funds, or other authority were not  
18 available during fiscal year 1997.

#### 19 PROTECTION OF OTHER OBLIGATIONS

20 SEC. 5007. Nothing in this title shall be construed  
21 to effect Government obligations mandated by other law,  
22 including obligations with respect to Social Security, Medi-  
23 care, Medicaid, and veterans benefits.

#### 24 DEFINITION

25 SEC. 5008. In this title, the term “regular appropria-  
26 tion bill” means any annual appropriation bill making ap-

1 appropriations, otherwise making funds available, or grant-  
2 ing authority, for any of the following categories of pro-  
3 grams, projects, and activities:

4           (1) Agriculture, rural development, and related  
5 agencies programs.

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

8           (3) The Department of Defense.

9           (4) The government of the District of Columbia  
10 and other activities chargeable in whole or in part  
11 against the revenues of the District.

12           (5) The Departments of Labor, Health and  
13 Human Services, and Education, and related agen-  
14 cies.

15           (6) The Departments of Veterans Affairs and  
16 Housing and Urban Development, and sundry inde-  
17 pendent agencies, boards, commissions, corporations,  
18 and offices.

19           (7) Energy and water development.

20           (8) Foreign assistance and related programs.

21           (9) The Department of the Interior and related  
22 agencies.

23           (10) Military construction.

24           (11) The Department of Transportation and re-  
25 lated agencies.



1 Board determines that the exception can reasonably be ex-  
2 pected to alleviate hardships to the public resulting from  
3 such disaster that outweigh possible adverse effects.

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

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

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

19 (1) describes any exception made under this  
20 section; and

21 (2) explains how the exception can reasonably  
22 be expected to produce benefits to the public that  
23 outweigh possible adverse effects.

1 **SEC. 6003. DEPOSIT OF INSURANCE PROCEEDS.**

2 (a) IN GENERAL.—The appropriate Federal banking  
3 agency may, by order, permit an insured depository insti-  
4 tution to subtract from the institution's total assets, in  
5 calculating compliance with the leverage limit prescribed  
6 under section 38 of the Federal Deposit Insurance Act,  
7 an amount not exceeding the qualifying amount attrib-  
8 utable to insurance proceeds, if the agency determines  
9 that—

10 (1) the institution—

11 (A) had its principal place of business  
12 within an area in which the President, pursuant  
13 to section 401 of the Robert T. Stafford Disas-  
14 ter Relief and Emergency Assistance Act, has  
15 determined, on or after February 28, 1997,  
16 that a major disaster exists, or within an area  
17 determined to be eligible for disaster relief  
18 under other Federal law by reason of damage  
19 related to the 1997 flooding of the Red River  
20 of the North, the Minnesota River, and the trib-  
21 utaries of such rivers, on the day before the  
22 date of any such determination;

23 (B) derives more than 60 percent of its  
24 total deposits from persons who normally reside  
25 within, or whose principal place of business is

1 normally within, areas of intense devastation  
2 caused by the major disaster;

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

6 (D) has an acceptable plan for managing  
7 the increase in its total assets and total depos-  
8 its; and

9 (2) the subtraction is consistent with the pur-  
10 pose of section 38 of the Federal Deposit Insurance  
11 Act.

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

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

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

20 (2) INSURED DEPOSITORY INSTITUTION.—The  
21 term “insured depository institution” has the same  
22 meaning as in section 3 of the Federal Deposit In-  
23 surance Act.

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

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

15 **SEC. 6004. BANKING AGENCY PUBLICATION REQUIRE-**  
16 **MENTS.**

17          (a) IN GENERAL.—A qualifying regulatory agency  
18          may take any of the following actions with respect to de-  
19          pository institutions or other regulated entities whose  
20          principal place of business is within, or with respect to  
21          transactions or activities within, an area in which the  
22          President, pursuant to section 401 of the Robert T. Staf-  
23          ford Disaster Relief and Emergency Assistance Act, has  
24          determined, on or after February 28, 1997, that a major  
25          disaster exists, or within an area determined to be eligible

1 for disaster relief under other Federal law by reason of  
2 damage related to the 1997 flooding of the Red River of  
3 the North, the Minnesota River, and the tributaries of  
4 such rivers, if the agency determines that the action would  
5 facilitate recovery from the major disaster:

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

9 (A) any requirement of section 553 of title  
10 5, United States Code; or

11 (B) any provision of law that requires no-  
12 tice or opportunity for hearing or sets maxi-  
13 mum or minimum time limits with respect to  
14 agency action.

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

19 (A) any publication requirement with re-  
20 spect to establishing branches or other deposit-  
21 taking facilities; or

22 (B) any similar publication requirement.

23 (b) PUBLICATION REQUIRED.—A qualifying regu-  
24 latory agency shall publish in the Federal Register a state-  
25 ment that—

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

3           (2) explains the need for the action.

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

7           (1) the Board of Governors of the Federal Re-  
8           serve System;

9           (2) the Comptroller of the Currency;

10          (3) the Director of the Office of Thrift Super-  
11          vision;

12          (4) the Federal Deposit Insurance Corporation;

13          (5) the Financial Institutions Examination  
14          Council;

15          (6) the National Credit Union Administration;

16          and

17          (7) with respect to chapter 53 of title 31, Unit-  
18          ed States Code, the Secretary of the Treasury.

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

21 **SEC. 6005. SENSE OF THE CONGRESS.**

22          It is the sense of the Congress that the Board of Gov-  
23          ernors of the Federal Reserve System, the Comptroller of  
24          the Currency, the Director of the Office of Thrift Super-  
25          vision, the Federal Deposit Insurance Corporation, and

1 the National Credit Union Administration should encour-  
2 age depository institutions to meet the financial services  
3 needs of their communities and customers located in areas  
4 affected by the 1997 flooding of the Red River of the  
5 North, the Minnesota River, and the tributaries of such  
6 rivers.

7 **SEC. 6006. OTHER AUTHORITY NOT AFFECTED.**

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

11 **Subtitle B—HUD Disaster Waiver**  
12 **Provision**

13 **SEC. 6011. DISASTER WAIVER AUTHORITY.**

14 To address the damage resulting from the con-  
15 sequences of the natural disasters occurring in the winter  
16 of 1996 and 1997 and the spring of 1997 (including severe  
17 weather in the Western United States, damaging torna-  
18 does, and the March 1997 flooding in the Midwest), upon  
19 the request of a recipient of assistance the Secretary of  
20 Housing and Urban Development may, on a case-by-case  
21 basis and upon such other terms as the Secretary may  
22 specify—

23 (1) in applying section 122 of the Housing and  
24 Community Development Act of 1974, waive (in

1 whole or in part) the requirements that activities  
2 benefit persons of low- and moderate-income; and  
3 (2) in applying section 290 of the HOME In-  
4 vestment Partnerships Act, waive (in whole or in  
5 part) the requirements that housing qualify as af-  
6 fordable housing.

7 This Act may be cited as the “1997 Emergency Sup-  
8 plemental Appropriations Act for Recovery from Natural  
9 Disasters, and for Overseas Peacekeeping Efforts, Includ-  
10 ing Those in Bosnia”.

Passed the House of Representatives May 15, 1997.

Attest:

*Clerk.*