

on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

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

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

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

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

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

CONSTRUCTION

For an additional amount for “Construction” for emergency expenses resulting from flooding and other natural disasters, \$10,800,000, to remain available until expended: *Provided*, That

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

RELATED AGENCY

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

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

GENERAL PROVISIONS, CHAPTER 2

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

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

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

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

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

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

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

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

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

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

JUNE 4, 1997.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 1469]

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

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

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

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

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

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
INDUSTRIAL TECHNOLOGY SERVICES

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES

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

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

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

CONSTRUCTION

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

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

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

RELATED AGENCIES

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

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

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

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

TITLE VII—RESCISSIONS
 DEPARTMENT OF JUSTICE
 GENERAL ADMINISTRATION
 WORKING CAPITAL FUND
 (RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, \$100,000,000 are rescinded.

TITLE VIII—EMERGENCY SUPPLEMENTAL
 APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities”, for emergency expenses to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska, \$7,000,000 to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that the Secretary of Commerce transmits a determination that there is a commercial fishery failure.

This Act may be cited as the “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998”.

Approved November 26, 1997.

LEGISLATIVE HISTORY—H.R. 2267 (S. 1022):

HOUSE REPORTS: Nos. 105-207 (Comm. on Appropriations) and 105-405 (Comm. of Conference).

SENATE REPORTS: No. 105-48, accompanying S. 1022 (Comm. on Appropriations).
 CONGRESSIONAL RECORD, Vol. 143 (1997):

Sept. 24-26, 30, considered and passed House.

Oct. 1, considered and passed Senate, amended, in lieu of S. 1022.

Nov. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Nov. 26, Presidential statement.

Dec. 2, President's special message on line item veto.

FEDERAL REGISTER, Vol. 62 (1997):

Dec. 3, Cancellation of item pursuant to the Line Item Veto Act.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.