Public Law 104–91
104th Congress

An Act

To require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

Jan. 6, 1996
[H.R. 1358]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCES.

(a) NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.—

(1) IN GENERAL.—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) TERMS.—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions specified under paragraphs (3) and (4).

(3) CONDITIONS FOR TRANSFER.—

(A) IN GENERAL.—As a condition of any conveyance of property under this subsection, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(B) CONTINUED USE OF PROPERTY BY NMFS.—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this subsection, if—

(i) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(ii) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(4) REVERSIONARY INTEREST.—All right, title, and interest in and to all property conveyed under this subsection shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

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(5) RESTRICTION.—Amounts provided by the South Essex Sewage District may not be used by the Commonwealth of Massachusetts to transfer existing activities to, or conduct activities at, property conveyed under this section.

(b) PIER IN CHARLESTON, SOUTH CAROLINA.—Section 22(a) of the Marine Mammal Protection Act Amendments of 1994 (Public Law 103–238; 108 Stat. 561) is amended—

(1) by inserting "(1)" before "Not"; and

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

"(2) Not later than December 31, 1996, the Secretary of the Navy may convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the property line located 70 feet northwest of and parallel to the centerline of Pier Q, and the northwest property line of the parking area associated with Pier R. The property shall include Pier Q, all towers and outbuildings on that property, and walkways and parking areas associated with those buildings and Pier Q.".

SEC. 2. FISHERIES RESEARCH FACILITIES.

South Carolina.

(a) FORT JOHNSON.—The Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, is authorized to construct on land to be leased from the State of South Carolina, a facility at Fort Johnson, South Carolina, provided that the annual cost of leasing the required lands does not exceed one dollar.

Alaska.

(b) AUKE CAPE.—The Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, is authorized to construct a facility on Auke Cape near Juneau, Alaska, to provide consolidated office and laboratory space for National Oceanic and Atmospheric Administration personnel in Juneau, provided that the property for such facility is transferred to the National Oceanic and Atmospheric Administration from the United States Coast Guard or the City of Juneau.

(c) COMPLETION DATE FOR FUNDED WORK.—The Secretary of Commerce shall complete the architectural and engineering work for the facilities described in subsections (a) and (b) by not later than May 1, 1996, using funds that have been previously appropriated for that work.

(d) AVAILABILITY OF APPROPRIATIONS.—The authorizations contained in subsections (a) and (b) are subject to the availability of appropriations provided for the purpose stated in this section.

Alaska.
Hazardous wastes.
16 USC 1165 note.

SEC. 3. PRIBILOF ISLANDS.

(a) IN GENERAL.—The Secretary of Commerce shall, subject to the availability of appropriations provided for the purposes of this section, clean up landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants, including petroleum products and their derivatives, left by the National Oceanic and Atmospheric Administration on lands which it and its predecessor agencies abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, or other applicable law.

(b) OBLIGATIONS OF SECRETARY.—In carrying out cleanup activities under subsection (a), the Secretary of Commerce shall—

(1) to the maximum extent practicable, execute agreements with the State of Alaska, and affected local governments, entities, and residents eligible to receive conveyance of lands under the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.) or other applicable law;

(2) manage such activities with the minimum possible overhead, delay, and duplication of State and local planning and design work;

(3) receive approval from the State of Alaska for agreements described in paragraph (1) where such activities are required by State law;

(4) receive approval from affected local entities or residents before conducting such activities on their property; and

(5) not seek or require financial contributions by or from local entities or landowners.

(c) RESOLUTION OF FEDERAL RESPONSIBILITIES.—(1) Within 9 months after the date of enactment of this section, and after consultation with the Secretary of the Interior, the State of Alaska, and local entities and residents of the Pribilof Islands, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Resources of the House of Representatives, a report proposing necessary actions by the Secretary of Commerce and Congress to resolve all claims with respect to, and permit the final implementation, fulfillment and completion of— Reports.

(A) title II of the Fur Seal Act Amendments of 1983 (16 U.S.C. 1161 et seq.);

(B) the land conveyance entitlements of local entities and residents of the Pribilof Islands under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(C) the provisions of this section; and

(D) any other matters which the Secretary deems appropriate.

(2) The report required under paragraph (1) shall include the estimated costs of all actions, and shall contain the statements of the Secretary of Commerce, the Secretary of the Interior, any statement submitted by the State of Alaska, and any statements of claims or recommendations submitted by local entities and residents of the Pribilof Islands.

(d) USE OF LOCAL ENTITIES.—Notwithstanding any other law to the contrary, the Secretary of Commerce shall, to the maximum extent practicable, carry out activities under subsection (a) and fulfill other obligations under Federal and State law relating to the Pribilof Islands, through grants or other agreements with local entities and residents of the Pribilof Islands, unless specialized skills are needed for an activity, and the Secretary specifies in writing that such skills are not available through local entities and residents of the Pribilof Islands.

(e) DEFINITION.—For the purposes of this section, the term "clean up" means the planning and execution of remediation actions for lands described in subsection (a) and the redevelopment of landfills to meet statutory requirements.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated not to exceed $10,000,000 in each of fiscal

years 1996, 1997, and 1998 for the purposes of carrying out this section.

Appropriations.

TITLE I

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All allowances paid under section 5(b) of the Peace Corps Act, 22 U.S.C. section 2504, notwithstanding section 10 of Public Law 91–672, at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–295) on the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (H.R. 1868), as passed by the House of Representatives on October 31, 1995;

All activities, including administrative expenses, necessary to process single-family mortgage loans and refinancing for low-income and moderate-income families funded under the Federal Housing Administration's "FHA-mutual mortgage insurance program account" and "FHA-general and special risk program account" in the Department of Housing and Urban Development at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–384) on the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (H.R. 2099), as passed by the House of Representatives on December 7, 1995;

All projects and activities directly related to the security of United States diplomatic posts and facilities abroad, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

Activities funded under the account heading "Emergency food and shelter program" in the Federal Emergency Management Agency: *Provided,* That, notwithstanding any other provision of this Act, the amount made available by this Act shall not exceed $46,000,000: *Provided further,* That not to exceed three and one-half per centum of the amount made available shall be for administrative costs;

All retirement pay and medical benefits for Public Health Services Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C. ch. 55) and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)) at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed by the House of Representatives on August 4, 1995;

All projects and activities of the Federal Bureau of Investigation, Drug Enforcement Administration, Interagency Crime and Drug Enforcement, Federal Prison System, United States Attorneys, United States Marshals Service, Federal Prisoner Detention, Fees and Expenses of Witnesses, Immigration and Naturalization Service, and the Executive Office for Immigration Review, necessary for the investigation and prosecution of criminal and civil offenses; national security; the apprehension, detention and removal of illegal and criminal aliens; the incarceration, detention, and movement of Federal prisoners and detainees; and the protection of the Federal judiciary at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities of the Judiciary to the extent and in the manner and at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to provide for the expenses of State surveys and certifications under the account heading "Program Management" under the Health Care Financing Administration in the Department of Health and Human Services;

Trade adjustment assistance benefits and North American Free Trade Act benefits funded under the account heading "Federal Unemployment Benefits and Allowances" under the Employment and Training Administration in the Department of Labor;

Payments to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds under the account heading "Payments to Health Care Trust Funds" under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities necessary to provide for the expenses of Medicare contractors under title XVIII of the Social Security Act under the account heading "Program Management"

under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities funded under the account heading "Grants to States for Medicaid" under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities of the National Institutes of Health in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed by the House of Representatives on August 4, 1995;

All projects and activities necessary to carry out the section 7(a) General Business Loan Guaranty Program and the section 504 Certified Development Company Program, as authorized by law, under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities funded under the account heading "Surety Bond Guarantees Revolving Fund" under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to accommodate visitors and to provide for visitors services on the public lands managed by the Bureau of Land Management at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities funded under the account heading "Disease Control, Research, and Training" under the Centers for Disease Control and Prevention in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, not to exceed an annual rate for new obligational authority of $2,114,693,000;

All Self-Determination and Self-Governance projects and activities of tribes or tribal organizations (as that term is defined in Public Law 93–638) that are authorized by Public Law 93–638 under the account heading "Operation of Indian Programs" under the Bureau of Indian Affairs in the Department of the Interior or under the account heading "Indian Health Services" under the Indian Health Service in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for

in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities necessary to provide for the expenses of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf under the account heading "Gallaudet University" in the Department of Education;

Payments for benefits and interest on advances, together with expenses of operation and administration, under the account heading "Black Lung Disability Trust Fund" under the Employment Standards Administration in the Department of Labor; and

Payments for benefits, together with expenses of operation and administration, under the account heading "Special Benefits for Disabled Coal Miners" in the Social Security Administration:

Provided, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which

by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

Termination date.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

Coverage.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

TITLE II

Arizona.

SECTION 201. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

(a) EXTENSION.—Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking "December 31, 1995" and inserting "June 30, 1996".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of December 31, 1995, and with the consent of Prescott, Arizona, the contract referred to in such section 112(b) is revived.

Arizona.

SEC. 202. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102–575) is amended by striking "December 31, 1995" and inserting "December 31, 1996".

25 USC 390 note.

25 USC 390 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as of December 31, 1995.

(2) LAPSED PROVISIONS OF LAW AND CONTRACTS.—The provisions of subsections (c) and (d) of section 3704, subsections (a) and (b) of section 3705, section 3706, subsections (a)(2), (c), (d), and (f) of section 3707, subsections (b) and (c) of section 3708, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of such Act, together with each contract entered into pursuant to any such section or subsection (with the consent of the non-Federal parties thereto), shall be effective on and after the date of enactment of this Act, subject to the December 31, 1996, deadline specified in such section 3711(b)(1), as amended by subsection (a) of this section.

Approved January 6, 1996.

LEGISLATIVE HISTORY—H.R. 1358:

HOUSE REPORTS: No. 104–287 (Comm. on Resources).
CONGRESSIONAL RECORD:
Vol. 141 (1995): Oct. 30, considered and passed House.
Dec. 22, considered and passed Senate, amended.
Vol. 142 (1996): Jan. 5, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):
Jan. 6, Presidential statement.