IN THE HOUSE OF REPRESENTATIVES

November 9, 1997

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

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

2 (1) That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the

3 District of Columbia for the fiscal year ending September 30, 1998, and for other purposes; namely:


TITLE I—FISCAL YEAR 1998

FEDERAL FUNDS

Federal Contribution to the Operations of the Nation's Capital

For a Federal contribution to the District of Columbia towards the costs of the operation of the government of the District of Columbia, $180,000,000; as authorized by section 11601 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Office of the Inspector General

For the Office of the Inspector General, $2,000,000, to prevent and detect fraud, waste, and abuse in the programs and operations of all functions, activities, and entities within the government of the District of Columbia.

Metropolitan Police Department

For the Metropolitan Police Department, $5,400,000, for a 5 percent pay increase for sworn officers who perform primarily nonadministrative public safety services and are certified by the Chief of Police as having met certain minimum standards referred to in section 148 of this Act.
FIRE AND EMERGENCY MEDICAL SERVICES

DEPARTMENT

For the Fire and Emergency Medical Services Department, $2,600,000, for a 5 percent pay increase for uniformed fire fighters.

FEDERAL CONTRIBUTION TO PUBLIC SCHOOLS

For the public schools of the District of Columbia, $1,000,000, which shall be paid to the District Education and Learning Technologies Advancement (DELTA) Council established by section 2604 of the District of Columbia School Reform Act of 1995, Public Law 104–134, within 10 days of the effective date of the appointment of a majority of the Council’s members.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee for the administration and operation of correctional facilities, $169,000,000, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to re-
main available until expended, of which not less than
$294,900,000 is available for transfer to the Federal Pris-
one System, as authorized by section 11202 of the National
Capital Revitalization and Self-Government Improvement
Act of 1997; and $7,100,000 shall be for security improve-
ments and repairs at the Lorton Correctional Complex.

EXECUTIVE OFFICE OF THE PRESIDENT

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Pursuant to the National Capital Revitalization and
Self-Government Improvement Act of 1997 (Public Law
105-33) $146,000,000 for the Office of Management and
Budget, of which: (1) not to exceed $121,000,000 shall
be transferred to the Joint Committee on Judicial Admin-
istration in the District of Columbia for operation of the
District of Columbia Courts; (2) not to exceed $2,000,000
shall be transferred to the District of Columbia Truth in
Sentencing Commission to implement section 11211 of the
National Capital Revitalization and Self-Government Im-
provement Act of 1997; (3) not to exceed $22,200,000
shall be transferred to the Pretrial Services, Defense Serv-
ices, Parole, Adult Probation, and Offender Supervision
Trustee for expenses relating to pretrial services, defense
services, parole, adult probation and offender supervision
in the District of Columbia; and for operating expenses
of the Trustee; and (4) not to exceed $800,000 shall be
transferred to the United States Parole Commission to im-
plement section 11231 of the National Capital Revitaliza-

UNITED STATES PARK POLICE

For payment to the United States Park Police for polici
ing services performed within the District of Colum-
bia, $12,500,000.

FEDERAL CONTRIBUTION TO THE DISTRICT OF
COLUMBIA SCHOLARSHIP FUND

For the District of Columbia Scholarship Fund, $7,000,000, as authorized by section 342 of this Act for schol-
aris to students of low-income families in the Dis-

trict of Columbia to enable them to have educational choice.

DIVISION OF EXPENSES

The following amounts are appropriated for the Dis-
trict of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as other-
wise specifically provided.

DISTRICT OF COLUMBIA TAXPAYERS RELIEF FUND

For the District of Columbia Taxpayers Relief Fund, an amount equal to the difference between the amount of District of Columbia local revenues provided under this Act and the actual amount of District of Columbia local
revenues generated during fiscal year 1998 (as determined and certified by the Chief Financial Officer of the District of Columbia): Provided, That such amount shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, in amounts and in a manner consistent with the requirements of this Act: Provided further, That these funds shall only be used to offset reductions in District of Columbia local revenues as a result of reductions in District of Columbia taxes or fees enacted by the Council of the District of Columbia (based upon the recommendations of the District of Columbia Tax Revision Commission and the Business Regulatory Reform Commission) and effective no later than October 1, 1998.

DISTRICT OF COLUMBIA DEFICIT REDUCTION FUND

For the District of Columbia Deficit Reduction Fund, $200,000,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: Provided, That an addi-
tional amount shall be deposited into the Fund each month equal to the amount saved by the District of Co-

lumbia during the previous month as a result of cost-savin-

ing initiatives of the Mayor of the District of Columbia
(described in the fiscal year 1998 budget submission of
June 1997), as determined and certified by the Chief Fi-

nancial Officer of the District of Columbia: Provided fur-

ther, That the District government shall make every effort
to implement such cost-saving initiatives so that the total
amount saved by the District of Columbia during all
months of fiscal year 1998 as a result of such initiatives
is equal to or greater than $100,000,000: Provided fur-

ther, That the Chief Financial Officer shall submit a re-
port to Congress not later than January 1, 1998, on a
timetable for the implementation of such initiatives under
which all such initiatives shall be implemented by not later
than September 30, 1998: Provided further, That amounts
in the Fund shall only be used for reduction of the accum-
ulated general fund deficit existing as of September 30,
1997.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $119,177,000
and 1,479 full-time equivalent positions (including
$98,316,000, and 1,400 full-time equivalent positions
from local funds, $14,013,000 and 9 full-time equivalent
positions from Federal funds; and $6,848,000 and 70 full-
time equivalent positions from other funds): Provided,
That not to exceed $2,500 for the Mayor, $2,500 for the
Chairman of the Council of the District of Columbia, and
$2,500 for the City Administrator shall be available from
this appropriation for official purposes: Provided further,
That any program fees collected from the issuance of debt
shall be available for the payment of expenses of the debt
management program of the District of Columbia: Pro-
vided further, That no revenues from Federal sources shall
be used to support the operations or activities of the State-
hood Commission and Statehood Compact Commission:
Provided further, That the District of Columbia shall iden-
tify the sources of funding for Admission to Statehood
from its own locally-generated revenues: Provided further,
That $240,000 shall be available for citywide special elec-
tions: Provided further, That all employees permanently
assigned to work in the Office of the Mayor shall be paid
from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000
and 1,283 full-time equivalent positions (including
$40,377,000 and 561 full-time equivalent positions from
local funds, $42,065,000 and 526 full-time equivalent po-
sitions from Federal funds, and $25,630,000 and 196 full-
time equivalent positions from other funds and $12,000,000 collected in the form of Business Improvement Districts tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, see. 1–2271 et seq.) and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

Public Safety and Justice

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $502,970,000 and 9,719 full-time equivalent positions (including $483,557,000 and 9,642 full-time equivalent positions from local funds, $13,519,000 and 73 full-time equivalent positions from Federal funds, and $5,894,000 and 4 full-time equivalent positions from other funds); Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the
cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime. Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department. Provided further, That notwithstanding any other provision of law, or Mayor’s Order 86–45, issued March 18, 1986, the Metropolitan Police Department’s delegated small purchase authority shall be $500,000. Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000. Provided further, That the District of Columbia Fire Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department. Provided further, That notwithstanding any other provision of law, or Mayor’s Order 86–45, issued March 18, 1986, the District of Columbia Fire Department’s delegated small purchase authority
shall be $500,000: Provided further, That the District of Columbia government may not require the District of Columbia Fire Department to submit to any other procurement review or contract approval process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until
the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings are achieved through actions within the appropriated budget: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, see. 11–2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, Sec. 16–2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective
Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989:

Provided further, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes:

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $673,444,000 and 11,314 full-time equivalent positions (including $531,197,000 and 9,595 full-time equivalent positions from local funds, $112,806,000 and 1,424 full-time equivalent positions from Federal funds, and $29,441,000 and 295 full-time equivalent positions from other funds), to be allocated as follows: $560,114,000 and 9,979 full-time equivalent positions (including $456,128,000 and 8,623 full-time equivalent positions from local funds, $98,491,000 and 1,251 full-time equivalent positions from Federal funds, and $5,495,000 and 105 full-time equivalent positions from other funds), for the public schools of
the District of Columbia; $5,250,000 (including $300,000 for the Public Charter School Board) from local funds for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 15, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104–134); $8,900,000 from local funds for the District of Columbia Teachers’ Retirement Fund; $1,000,000 from local funds for the District Education and Learning Technologies Advancement (DELTa) Council to be paid to the Council within 10 days of the effective date of the appointment of a majority of the Council’s members; $70,687,000 and 872 full-time equivalent positions (including $37,126,000 and 562 full-time equivalent positions from local funds; $12,804,000 and 156 full-time equivalent positions from Federal funds, and $20,757,000 and 154 full-time equivalent positions from other funds) for the University of the District of Columbia (excluding the U.D.C. School of Law); $3,400,000 and 45 full-time equivalent positions (including $665,000 and 10 full-time equivalent positions from local funds and $2,735,000 and 35 full-time equivalent positions from other funds) for the U.D.C. School of Law; $22,036,000
and 409 full-time equivalent positions (including $20,424,000 and 398 full-time equivalent positions from local funds; $1,158,000 and 10 full-time equivalent positions from Federal funds; and $454,000 and 1 full-time equivalent position from other funds) for the Public Library; $2,057,000 and 9 full-time equivalent positions (including $1,704,000 and 2 full-time equivalent positions from local funds and $353,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities. Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program. Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes. Provided further, That not less than $1,200,000 shall be available for local school allotments in a restricted line item. Provided further, That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item. Provided further, That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item. Provided further, That not less than $1,788,000 shall be available in a restricted line item for school coun-
... Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area. Provided further, That not less than $584,000 shall be available to support high school dropout prevention programs. Provided further, That not less than $295,000 shall be available for youth leadership and conflict resolution programs. Provided further, That not less than $10,000,000 shall be available to support a pay raise for principals and assistant principals of the District of Columbia Public Schools, and for teachers of the Schools with valid teaching credentials who are primarily engaged in classroom instruction during the SY 1997–1998. Provided further, That not less than $250,000 shall be available to support Truancy Prevention Programs. Provided further, That by the end of fiscal year 1998, the District of Columbia Schools shall designate at least 2 or more District of Columbia Public School buildings as "Community Hubs," which, in addition to serving as educational...
facilities, shall serve as multi-purpose centers that provide opportunities to integrate support services and enable inter-generational users to meet the lifelong learning needs of community residents, and may support the following activities: before and after school care; counseling; tutoring; vocational and career training; art and sports programs; housing assistance; family literacy; health and nutrition programs; parent education; employment assistance; adult education; and access to state-of-the-art technology.

Human Support Services

Human support services, $1,718,939,000 and 6,096 full-time equivalent positions (including $789,350,000 and 3,583 full-time equivalent positions from local funds; $886,702,000 and 2,444 full-time equivalent positions from Federal funds; and $42,887,000 and 69 full-time equivalent positions from other funds): Provided, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a Peer Review Committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or simi-
lar services to any legally constituted private nonprofit or-
ganization (as defined in section 411(5) of Public Law
100–77, approved July 22, 1987) providing emergency
shelter services in the District, if the District would not
be qualified to receive reimbursement pursuant to the
Stewart B. McKinney Homeless Assistance Act, approved
July 22, 1987 (101 Stat. 485; Public Law 100–77; 42
U.S.C. 11301 et seq.)

Public Works

Public works, including rental of one passenger-car-
rying vehicle for use by the Mayor and three passenger-
carrying vehicles for use by the Council of the District of
Columbia and leasing of passenger-carrying vehicles
$241,934,000 and 1,292 full-time equivalent positions (in-
cluding $227,983,000 and 1,162 full-time equivalent posi-
tions from local funds; $3,350,000 and 51 full-time equiv-
alent positions from Federal funds; and $10,601,000 and
79 full-time equivalent positions from other funds): Pro-
vided, That this appropriation shall not be available for
collecting ashes or miscellaneous refuse from hotels and
places of business: Provided further, That $3,000,000 shall
be available for the lease financing, operation, and mainte-
nance of two mechanical street sweepings; one flusher
truck; 5 packer trucks; one front-end loader; and various
public litter containers: Provided further, That $2,400,000 shall be available for recycling activities.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, as amended (87
1. Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219; note), including interest as required thereby;
2. $366,976,000 from local funds.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $12,000,000 from local funds.

Certificates of Participation

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000.

Human Resources Development

For Human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000.
MANAGEMENT REFORM AND PRODUCTIVITY FUND

For the Management Reform and Productivity Fund, $5,000,000, to improve management and service delivery in the District of Columbia.

CRITICAL IMPROVEMENTS AND REPAIRS TO SCHOOL FACILITIES AND STREETS

For expenditures for immediate, one-time critical improvements and repairs to school facilities (including roof, boiler, and chiller renovation or replacement) and for neighborhood and other street repairs; to be completed not later than August 1, 1998; $30,000,000, to be derived from current local general fund operating revenues, to be expended on a pay-as-you-go basis.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY


WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including
ing $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District’s debt service fund for repayment of loans and interest incurred for capital improvement projects.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000 and 100 full-time equivalent positions (including $7,850,000 and 100 full-time equivalent positions for administrative expenses and $205,650,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District’s own locally-generated revenues: Provided further, That no revenues from Federal
sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

**Cable Television Enterprise Fund**

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, see 43-1801 et seq.), $2,467,000 and 8 full-time equivalent positions (including $2,135,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds).

**Public Service Commission**

For the Public Service Commission, $4,547,000 (including $4,250,000 from local funds, $117,000 from Federal funds, and $180,000 from other funds).

**Office of the People’s Counsel**

For the Office of the People’s Counsel, $2,428,000 from local funds.

**Department of Insurance and Securities Regulation**

For the Department of Insurance and Securities Regulation, $5,683,000 and 89 full-time equivalent positions from other funds.
Office of Banking and Financial Institutions

For the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds).

Starplex Fund

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 329; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. General Hospital

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $103,934,000 of which $44,335,000 shall be derived by transfer from the general fund and $59,599,000 shall be derived from other funds.
D.C. Retirement Board

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $4,898,000 and 8 full-time equivalent positions from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Correctional Industries Fund

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 and 50 full-time equivalent positions from other funds.
WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000 of which $5,400,000 shall be derived by transfer from the general fund.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $105,485,000 from local funds, $31,100,000 from the highway trust fund, and $132,745,000 in Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That funds for
use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System. Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended. Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999. Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse. Provided further, That the District has approved projects to finance capital related items, such as vehicles and heavy equipment, through a master lease purchase program. The District will finance $13,052,000 of its equipment needs up to a 5 year-period. The fiscal year 1998 operating budget includes a total of $3,741,000 for the debt associated with the lease purchase.
GENERAL PROVISIONS

Sec. 101. 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. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor. Provided, That such rates shall not exceed the
maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

Sec. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provision of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the

Sec. 108. 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. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions; the compensation of personnel; or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the
Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.):

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.
Sec. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980; approved October 30, 1979 (93 Stat. 713; Public Law 96–93); as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.). Provided, That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

Sec. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

Sec. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824;
Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon. **Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.**

**Sec. 419. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, see. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor; not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.**

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)); the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, dur-
ing any fiscal year, per diem compensation at a rate estab-
lished by the Mayor.

Sec. 120. Notwithstanding any other provisions of
law, the provisions of the District of Columbia Govern-
ment Comprehensive Merit Personnel Act of 1978, effec-
tive March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–
601.1 et seq.), enacted pursuant to section 422(3) of the
District of Columbia Home Rule Act of 1973, approved
December 24, 1973 (87 Stat. 790; Public Law 93–198;
D.C. Code, sec. 1–242(3)); shall apply with respect to the
compensation of District of Columbia employees: Provided,
That for pay purposes, employees of the District of Co-
lumbia government shall not be subject to the provisions
of title 5, United States Code.

Sec. 121. The Director of the Department of Admin-
istrative Services may pay rentals and repair, alter, and
improve rented premises, without regard to the provisions
of section 322 of the Economy Act of 1932 (Public Law
72–212; 40 U.S.C. 278a), based upon a determination by
the Director, that by reason of circumstances set forth in
such determination, the payment of these rents and the
execution of this work, without reference to the limitations
of section 322, is advantageous to the District in terms
of economy, efficiency, and the District’s best interest.
Sec. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Emergency Transitional Education Board of Trustees rules and procedures.

Sec. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as
amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided,
That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

Sec. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, ap-
proved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

Sec. 126. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Home Rule Act of 1973; approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council of the required reorganization plans.

Sec. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.
(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

Sec. 128. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

Prohibition Against Use of Funds for Abortions

Sec. 129. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were
carried to term or where the pregnancy is the result of an act of rape or incest.

PROHIBITION ON DOMESTIC PARTNERS ACT

Sec. 130. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis as such benefits are extended to legally married couples.

MONTHLY REPORTING REQUIREMENTS—PUBLIC SCHOOLS

Sec. 131. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

1. current month expenditures and obligations;
2. year-to-date expenditures and obligations; and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility cen-
ter, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor, the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date; the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational
entities that have been changed, the name of the
staff member supervising each entity affected, and
the reasons for the structural change:

MONTHLY REPORTING REQUIREMENTS

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 132. The University of the District of Columbia
shall submit to the Congress, the Mayor, the District of
Columbia Financial Responsibility and Management As-
sistance Authority, and the Council of the District of Co-
lumbia no later than fifteen (15) calendar days after the
end of each month a report that sets forth—

(1) current month expenditures and obligations,
year-to-date expenditures and obligations, and total
fiscal year expenditure projections versus budget
broken out on the basis of control center, respon-
sibility center, and object class, and for all funds,
non-appropriated funds, and capital financing;

(2) a list of each account for which spending is
frozen and the amount of funds frozen, broken out
by control center, responsibility center, detailed ob-
ject, and for all funding sources;

(3) a list of all active contracts in excess of
$10,000 annually, which contains the name of each
contractor, the budget to which the contract is
charged broken out on the basis of control center
and responsibility center, and contract identifying
codes used by the University of the District of Columbia; payments made in the last month and year-to-date; the total amount of the contract and total payments made for the contract and any modifications; extensions; renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

ANNUAL REPORTING REQUIREMENTS

Sec. 133. (a) In General.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—
(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1996, fiscal year 1997, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) Submission.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

Sec. 134. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of
the District of Columbia Appropriations Act, 1998, whichever occurs later; and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transitional Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor’s budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

EDUCATIONAL BUDGET APPROVAL

Sec. 135. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the Univer-
sity of the District of Columbia, the Board of Library
Trustees, and the Board of Governors of the D.C. School
of Law shall vote on and approve their respective annual
or revised budgets before submission to the Mayor of the
District of Columbia for inclusion in the Mayor's budget
submission to the Council of the District of Columbia in
accordance with section 442 of the District of Columbia
Home Rule Act; Public Law 93–198, as amended (D.C.
Code, sec. 47–301), or before submitting their respective
budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

Sec. 136. Notwithstanding any other provision of
law, rule, or regulation, the evaluation process and instru-
ments for evaluating District of Columbia Public Schools
employees shall be a non-negotiable item for collective bar-
gaining purposes.

Sec. 137. (a) Notwithstanding any other provision
of law, rule, or regulation, an employee of the District of
Columbia Public Schools shall be—

(1) classified as an Educational Service em-
ployee;

(2) placed under the personnel authority of the
Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate
competitive area from nonschool-based personnel who shall
not compete with school-based personnel for retention purposes.

MISCELLANEOUS PROVISIONS RELATING TO DISTRICT OF COLUMBIA EMPLOYEES

Sec. 138. (a) Restrictions on Use of Official Vehicles.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except in the case of a police officer who resides in the District of Columbia):

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned, the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.
(b) Source of Payment for Employees Detailed Within Government.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) Modification of Reduction in Force Procedures.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended by adding at the end the following new section:

"SEC. 2408. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1998.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect
or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1998, each agency head is authorized, within the agency head’s discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee’s competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his
or her creditable service for reduction-in-force purposes.

For purposes of this subsection only, a nonresident Dis-

tric employee who was hired by the District government

prior to January 1, 1980, and has not had a break in

service since that date, or a former employee of the United

States Department of Health and Human Services at

Saint Elizabeths Hospital who accepted employment with

the District government on October 1, 1987, and has not

had a break in service since that date, shall be considered

a District resident.

"(f) Each employee selected for separation pursuant

to this section shall be given written notice of at least 30

days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area

smaller than an agency, nor the determination that a spe-

ific position is to be abolished, nor separation pursuant

to this section shall be subject to review except that—

"(1) an employee may file a complaint contest-

ing a determination or a separation pursuant to title

XV of this Act or section 303 of the Human Rights

Act of 1977 (D.C. Code, sec. 1–2543); and

"(2) an employee may file with the Office of

Employee Appeals an appeal contesting that the sep-

aration procedures of subsections (d) and (f) were

not properly applied.
(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

(1) four years for an employee who qualified for veterans preference under this Act, and

(2) three years for an employee who qualified for residency preference under this Act.

(i) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

(j) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.
(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.

(m) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency's management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.

(d) Restricting Providers From Whom Employees May Receive Disability Compensation Services.—

(1) In general.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

“(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.”
(2) SERVICES FURNISHED.—Section 2303 of such Act (D.C. Code, sec. 1–624.3) is amended by adding at the end the following new subsection:

"(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

"(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees' Compensation Fund.

"(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323."

(3) REPEAL PENALTY FOR DELAYED PAYMENT OF COMPENSATION.—Section 2324 of such Act (D.C. Code, sec. 1–624.24) is amended by striking subsection (c).

(4) DEFINITIONS.—Section 2301 of such Act (D.C. Code, sec. 1–624.1) is amended—
(A) in the first sentence of subsection (c),
by inserting "and as designated by the Mayor
to provide services to injured employees" after
"State law"; and

(B) by adding at the end the following new
subsection:

"(r)(1) The term ‘managed care organization’ means
an organization of physicians and allied health profes-
sionals organized to and capable of providing systematic
and comprehensive medical care and treatment of injured
employees which is designated by the Mayor to provide
such care and treatment under this title.

(2) The term ‘allied health professional’ means a
medical care provider (including a nurse, physical thera-
pist, laboratory technician, X-ray technician, social work-
er, or other provider who provides such care within the
scope of practice under applicable law) who is employed
by or affiliated with a managed care organization.”.

(5) EFFECTIVE DATE.—The amendments made
by this subsection shall apply with respect to serv-
ices, supplies, or appliances furnished under title
XXIII of the District of Columbia Merit Personnel
Act of 1978 on or after the date of the enactment
of this Act.
(a) Application of Binding Arbitration Procedures Under New Personnel Rules.—

(1) In General.—Section 11105(b)(3) of the Balanced Budget Act of 1997 is amended in the matter preceding subparagraph (A) by striking “pursuant” and inserting “in accordance with binding arbitration procedures in effect under a collective bargaining agreement, or pursuant”.

(2) Effective Date.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

Ceiling on Operating Expenses and Deficit

Sec. 139. (a) Ceiling on Total Operating Expenses.—

(1) In General.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption “Division of Expenses” may not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year less $192,741,000, or

(B) $4,493,375,000 (excluding intra-District funds of $118,269,000) of which $2,655,232,000 is from local funds;
$1,072,572,000 is from Federal grants; and
$765,571,000 in private and other funds.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as the “Authority”) shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning or reprogramming by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.
(2) Requirement of Chief Financial Officer Report and Authority Approval.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) Prohibition on Spending in Anticipation of Approval or Receipt.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.
(4) Monthly reports.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

(c) Prohibiting Use of Non-Appropriated Funds by Certain Entities.—

(1) In general.—Notwithstanding any other provision of law, the District of Columbia Financial Responsibility and Management Assistance Authority and the District of Columbia Water and Sewer Authority may not obligate or expend any funds during fiscal year 1998 or any succeeding fiscal year without approval by Act of Congress.

(2) Report on expenditures by financial responsibility and management assistance authority.—Not later than November 15, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the
House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House; and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority at any time prior to October 1, 1997. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(3) Effect of expenditure of non-appropriated funds.—Any obligation of funds by any officer or employee of the District of Columbia government (including any member, officer or employee of the District of Columbia Financial Responsibility and Management Assistance Authority) in violation of the fourth sentence of section 446 of the District of Columbia Home Rule Act shall have no legal effect, and the officer or employee involved shall be removed from office and personally liable for any amounts owed as a result of such obligation.

POWERS AND DUTIES OF CHIEF FINANCIAL OFFICER

Sec. 140. (a) Clarification of Authority Over Financial Personnel.
(1) IN GENERAL.—Section 424(a) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.1) is amended—

(A) in paragraph (2), by striking "`, who shall be appointed" and all that follows through "direction and control"; and

(B) by striking paragraph (4) and inserting the following:

``(4) AUTHORITY OVER FINANCIAL PERSONNEL.—

``(A) IN GENERAL.—Notwithstanding any other provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), the heads and all personnel of the offices described in subparagraph (B), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of independent agencies but not including personnel of the legislative or judicial branches of the District government) shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer, and shall be considered at-will employees

``(B) OFFICES DESCRIBED.—The offices referred to in this subparagraph are as follows:

``(i) The Office of the Treasurer (or any successor office).

``(ii) The Controller of the District of Columbia (or any successor office).

``(iii) The Office of the Budget (or any successor office).

``(iv) The Office of Financial Information Services (or any successor office).

``(v) The Department of Finance and Revenue (or any successor office).

``(vi) During a control year, the District of Columbia Lottery and Charitable Games Control Board (or any successor office).

``(C) REMOVAL OF PERSONNEL BY AUTHORITY.—In addition to the power of the Chief Financial Officer to remove any of the personnel covered under this paragraph, the Authority may remove any such personnel for
cause, after written consultation with the Mayor and the Chief Financial Officer.

(2) CONFORMING AMENDMENTS.—(A) Section 152(a) of the District of Columbia Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–102) is hereby repealed.

(B) Section 142(a) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194; 110 Stat. 2375) is hereby repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 1996, except that the amendment made by paragraph (2)(B) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 1997.

P. PERSONNEL AUTHORITY UNDER MANAGEMENT REFORM PLANS.—

(1) IN GENERAL.—Section 11105(b) of the Balanced Budget Act of 1997 is amended—

(A) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”;

(B) by adding at the end the following new paragraph:
(4) Exception for personnel under direction and control of Chief Financial Officer.—This subsection shall not apply with respect to any personnel who are appointed by, serve at the pleasure of, and act under the direction and control of the Chief Financial Officer of the District of Columbia pursuant to section 424(a)(4) of the District of Columbia Home Rule Act.”.

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 11105(b) of the Balanced Budget Act of 1997.

(e) Monthly reports on revenues and expenditures; inclusion of information on all entities of District government.—Section 424(d) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.4) is amended by adding at the end the following new paragraphs:

“(8) Preparing monthly reports containing the following information (and submitting such reports to Congress, the Council, the Mayor, and the Authority not later than the 21st day of the month following the month covered by the report):

“(A) The cash flow of the District government, including a statement of funds received
and disbursed for all standard categories of revenues and expenses.

"(B) The revenues and expenditures of the District government, including a comparison of the amounts projected for such revenues and expenditures in the annual budget for the fiscal year involved with actual revenues and expenditures during the month.

"(C) The obligations of funds made by or on behalf of the District government, together with a statement of accounts payable and the disbursements paid towards such accounts during the month and during the fiscal year involved.

"(D) Ensuring that any regular report on the status of the funds of the District government prepared by the Chief Financial Officer includes information on the funds of all entities within the District government (including funds in any accounts of the Authority and interest earned on such accounts)."

(d) CLARIFICATION OF GROUNDS FOR REMOVAL FROM OFFICE.—Section 424(b)(2) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.2(2)) is
amended by adding at the end the following new subpara-
graph:

"(C) CONSULTATION WITH CONGRESS.—
The Authority or the Mayor (whichever is appli-
cable) may not remove the Chief Financial Offi-
cer under this paragraph unless the Authority
or the Mayor (as the case may be) has con-
sulted with Congress prior to the removal. Such
consultation shall include at a minimum the
submission of a written statement to the Com-
mittees on Appropriations of the Senate and
the House of Representatives, the Committee
on Government Reform and Oversight of the
House of Representatives, and the Committee
on Governmental Affairs of the Senate, explain-
ing the factual circumstances involved."

POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 141. (a) DETERMINATIONS OF DISABILITY STA-
TUS.—Notwithstanding any other provisions of the Dis-
trict of Columbia Retirement Reform Act or any other law,
rule, or regulation, for purposes of any retirement pro-
gram of the District of Columbia for teachers, members
of the Metropolitan Police Department, or members of the
Fire Department, no individual may have disability status
unless the determination of the individual's disability sta-
tus is made by a single entity designated by the District
to make such determinations (or, if the determination is
made by any other person, if such entity approves the de-
termination).

(b) Analysis by Enrolled Actuary of Impact
of Disability Retirements.—Not later than January
1, 1998, and every 6 months thereafter, the Mayor of the
District of Columbia shall engage an enrolled actuary (to
be paid by the District of Columbia Retirement Board)
to provide an analysis of the actuarial impact of disability
retirements occurring during the previous 6-month period
on the police and fire fighter retirement programs of the
District of Columbia.

Sec. 142. (a) Compliance With Buy American
Act.—None of the funds made available in this Act may
be expended by an entity unless the entity agrees that in
expending the funds the entity will comply with the Buy

(b) Sense of Congress; Requirement Regard-
ing Notice.—

(1) Purchase of American-Made Equipment
and Products.—In the case of any equipment or
product that may be authorized to be purchased
with financial assistance provided using funds made
available in this Act, it is the sense of the Congress
that entities receiving the assistance should, in ex-
pending the assistance, purchase only American-
made equipment and products to the greatest extent
practicable.

(2) Notice to recipients of assistance.—
In providing financial assistance using funds made
available in this Act, the head of each agency of the
Federal or District of Columbia government shall
provide to each recipient of the assistance a notice
describing the statement made in paragraph (1) by
the Congress.

(c) Prohibition of contracts with persons
falsely labeling products as made in America.—
If it has been finally determined by a court or Federal
agency that any person intentionally affixed a label bear-
ing a “Made in America” inscription, or any inscription
with the same meaning, to any product sold in or shipped
to the United States that is not made in the United
States, the person shall be ineligible to receive any con-
tract or subcontract made with funds made available in
this Act, pursuant to the debarment, suspension, and ineli-
gibility procedures described in sections 9.400 through

Budgets of departments or agencies subject to
court-appointed administrator

Sec. 143. If a department or agency of the govern-
ment of the District of Columbia is under the administra-
tion of a court-appointed receiver or other court-appointed
official during fiscal year 1998 or any succeeding fiscal
year; the receiver or official shall prepare and submit to
the Mayor, for inclusion in the annual budget of the Dis-
trict of Columbia for the year, annual estimates of the
expenditures and appropriations necessary for the mainte-
nance and operation of the department or agency. All such
estimates shall be forwarded by the Mayor to the Council,
for its action pursuant to sections 446 and 603(c) of the
District of Columbia Home Rule Act, without revision but
subject to the Mayor's recommendations. Notwithstanding
any provision of the District of Columbia Home Rule Act,
the Council may comment or make recommendations con-
cerning such annual estimates but shall have no authority
under such Act to revise such estimates.

COMMENCING OF ADVERSE ACTIONS FOR POLICE

Sec. 144. Section 1601(b-1) of the District of Co-
lumbia Government Comprehensive Merit Personnel Act
of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.
Code, sec. 1-617.1(b-1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase
"Except as provided in paragraph (2)" and inserting the
phrase "Except as provided in paragraphs (2) and (3)"
in its place.

(b) A new paragraph (3) is added to read as follows:
"(3) Except as provided in paragraph (2) of this subsection, for members of the Metropolitan Police Department, no corrective or adverse action shall be commenced pursuant to this section more than 120 days, not including Saturdays, Sundays, or legal holidays, after the date that the agency knew or should have known of the act or occurrence allegedly constituting cause, as that term is defined in subsection (d) of this section:"

NOTICE TO POLICE OFFICERS FOR OUT-OF-SERVICE ASSIGNMENTS

Sec. 145. (a) Notwithstanding any other provision of law or collective bargaining agreement, the Metropolitan Police Department shall change the advance notice that is required to be given to officers for out-of-schedule assignments from 28 days to 14 days.

(b) No officer shall be entitled to overtime for out-of-regular schedule assignments if the Metropolitan Police Department provides the officer with notice of the change in assignment at least 14 days in advance.

Sec. 146. Except as provided in this Act under the heading "DISTRICT OF COLUMBIA TAXPAYERS RELIEF FUND", any unused surplus as of the end of the fiscal year shall be used to reduce the District’s outstanding accumulated deficit.
Sec. 147. (a) Cap on Stipends of Retirement Board Members.—Section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking the period at the end and inserting the following: ``(c) and the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000.''

(b) Resumption of Certain Terminated Annuities Paid to Child Survivors of District of Columbia Police and Firefighters.—

(1) In general.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(a)) is amended by adding at the end the following new subparagraph:

``(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.''

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable
only with respect to amounts accruing for periods
beginning on the first day of the month beginning
after the later of such termination of marriage or
such date of enactment.

PREMIUM PAY FOR CERTAIN POLICE OFFICERS

Sec. 148. Effective for the first full pay period fol-
lowing the date of the enactment of this Act, the salary
of any sworn officer of the Metropolitan Police Depart-
ment shall be increased by 5 percent if—

(1) the officer performs primarily nonadminis-
trative public safety services; and

(2) the officer is certified by the Chief of the
Department as having met the minimum “Basic
Certificate” standards transmitted by the District of
Columbia Financial Responsibility and Management
Assistance Authority to Congress by letter dated
May 19, 1997, or (if applicable) the minimum stand-
ards under any physical fitness and performance
standards developed by the Department in consulta-
tion with the Authority.

PROHIBITING INCREASE IN WELFARE PAYMENTS

Sec. 149. (a) In General.—The Council of the Dis-
trict of Columbia shall have no authority to enact any act,
resolution, or rule during a fiscal year which increases the
amount of payment which may be for any individual under
the Temporary Assistance for Needy Families Program to
an amount greater than the amount provided under such program under the District of Columbia Public Assistance Act of 1982, as in effect on the day after the effective date of the Public Assistance Temporary Amendment Act of 1997.

(b) EFFECTIVE DATE.—Subsection shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

SEC. 150. Effective as if included in the enactment of the Omnibus Consolidated Reconciliation and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking “October 1, 1991” and inserting “the date of the enactment of this Act”.

LIENS OF WATER AND SEWER AUTHORITY

SEC. 151. (a) REQUIRING IMPOSITION OF LIEN FOR UNPAID BILLS.—The District of Columbia Water and Sewer Authority shall take action to impose a lien against each commercial property with respect to which any payment owed to the Authority is past due in an aggregate amount equal to or greater than $3,000, but only if the payment is past due for 120 or more consecutive days.

(b) DISPOSITION OF LIENS THROUGH PRIVATE SOURCES.—Beginning January 31, 1998, the District of Columbia Water and Sewer Authority shall dispose of all pending liens described in subsection (a) by assigning the right to collect under such liens to a private entity in ex-
change for a cash payment, or by issuing securities se-

cured by such liens.

DEEMED APPROVAL OF CONTRACTS BY AUTHORITY

Sec. 152. Section 203(b) of the District of Columbia
Financial Responsibility and Management Assistance Act
of 1995 (D.C. Code, sec. 47–392.3(b)); as amended by
section 5203(d) of the Omnibus Consolidated Appropri-
tions Act, 1997 (Public Law 104–208; 110 Stat. 3009–
1456); is amended—

(1) by redesignating paragraph (5) as para-

graph (6); and

(2) by inserting after paragraph (4) the follow-

ing new paragraph:

"(5) DEEMED APPROVAL.—

"(A) IN GENERAL.—If the Authority does
not notify the Mayor (or the appropriate officer
or agent of the District government) that it has
determined that a contract or lease submitted
under this subsection is consistent with the fi-
nancial plan and budget or is not consistent
with the financial plan and budget during the
30-day period (or, if the Authority meets the
requirements of subparagraph (B), such alter-
native period as the Authority may elect, not to
exceed 60 days) which begins on the first day
after the Authority receives the contract or
lease, the Authority shall be deemed to have determined that the contract or lease is consistent with the financial plan and budget.

"(B) Election of Longer Period by Authority.—The Authority meets the requirements of this subparagraph if, prior to the expiration of the 30-day period described in subparagraph (A), the Authority provides a notice to the Mayor (or the appropriate officer or agent of the District government) and Congress which describes the period elected by the Authority, together with an explanation of the Authority's decision to elect an alternative period."

FINANCIAL MANAGEMENT SYSTEM

Sec. 153. (a) In General.—The Chief Financial Officer of the District of Columbia shall enter into a contract with a private entity under which the entity shall carry out the following activities (by contract or otherwise) on behalf of the District of Columbia:

(1) In accordance with the requirements of subsection (b), the establishment and operation of an update of the present financial management system for the government of the District of Columbia by not later than June 30, 1998, to provide for the complete, accurate, and timely input and processing.
of financial data and the generation of reliable output reports for financial management purposes.

(2) To execute a process in accordance with "best practice" procedures of the information technology industry to determine the need, if any, of further improving the updated financial management system in subsection (a).

(b) SPECIFICATIONS FOR SHORT-TERM FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS.—For purposes of subsection (a)(1), the requirements of this subsection are as follows:

(1) A qualified vendor, in accordance with Office of Management and Budget standards, shall update the District of Columbia government's financial management system in use as of October 1, 1996.

(2) An information technology vendor shall operate the financial data center environment of the District government to ensure that its equipment and operations are compatible with the updated financial management system.

(3) A financial consulting vendor shall carry out an assessment of the District government employees who work with the financial management system, provide training in the operation of the updated system for those who are capable of effectively using...
the system, and provide recommendations to the Chief Financial Officer regarding those who are not capable of effectively using the system; including recommendations for reassignment or for separation from District government employment.

(c) Certification of Policies and Procedures for Acquisition of Long-Term Financial Management System Improvements.—

(1) In general.—The Chief Financial Officer of the District of Columbia shall enter into a contract with a private entity under which the entity shall conduct an independent assessment to certify whether the District government (including the District of Columbia Financial Responsibility and Management Assistance Authority) has established and implemented policies and procedures that will result in a disciplined approach to the acquisition of a financial management system for the District government, including policies and procedures with respect to such items as—

(A) software acquisition planning;

(B) solicitation;

(C) requirements, development, and management;

(D) project office management,
(E) contract tracking and oversight,
(F) evaluation of products and services provided by the contractor, and
(G) the method that will be used to carry out a successful transition to the delivered system by its users.

(2) MODEL FOR ASSESSMENT.—The independent assessment shall be performed based on the Software Acquisition Capability Maturity Model developed by the Software Engineering Institute or a comparable methodology.

(3) REVIEW OF ASSESSMENT.—A copy of the independent assessment shall be provided to the Comptroller General, the Director of the Office of Management and Budget, and the Inspector General of the District of Columbia, who shall review and prepare a report on the assessment.

(d) RESTRICTIONS ON SPENDING FOR OTHER FINANCIAL MANAGEMENT SYSTEM PROCUREMENT AND DEVELOPMENT.—

(1) IN GENERAL.—None of the funds made available under this or any other Act may be used to improve or replace the financial management system of the government of the District of Columbia (including the procuring of hardware and installa-
tion of new software, conversion, testing, and training) until the expiration of the 30-day period which begins on the date the Comptroller General, Director of the Office of Management and Budget, and Inspector General of the District of Columbia submit a report under subsection (c)(3) to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Governmental Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, which certifies that the District government has established and implemented the policies and procedures described in subsection (c)(1).

(2) Exceptions. Paragraph (1) shall not apply to funds used to carry out subsection (a) or to carry out the contract described in subsection (c).

POWERS AND DUTIES OF INSPECTOR GENERAL

SEC. 154. (a) CLARIFICATION OF AUTHORITY TO CONDUCT AUDITS.—

(1) EXCLUSIVE AUTHORITY TO CONTRACT FOR INDEPENDENT ANNUAL AUDIT.—None of the funds made available under this Act or any other Act may be used to carry out any contract to conduct the annual audit of the complete financial statement and report of the activities of the District government for fiscal year 1997 or any succeeding fiscal year unless
the contract is entered into by the Inspector General of the District of Columbia.

(2) Scope of audits.—Section 208(a) of the District of Columbia Procurement Practices Act of 1985 (sec. 1–1182.8(a); D.C. Code) is amended by adding at the end the following new paragraph:

``(5) The Inspector General may include in any audits conducted pursuant to this subsection (by contract or otherwise) of the activities of the District government such audits of the activities of the Authority as the Inspector General considers appropriate.''

(b) Clarification of grounds for removal from office.—Section 208(a)(1) of such Act (sec. 1–1182.8(a)(1); D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subparagraph:

``(G) The Authority or the Mayor (whichever is applicable) may not remove the Inspector General under this paragraph unless the Authority or the Mayor (as the case may be) has consulted with Congress prior to the removal. Such consultation shall include at a minimum the submission of a written statement to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Gov-
(e) Requiring Placement of Inspector General Hotline on Permit and License Application Forms.—

(1) In General.—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

(2) Quarterly Reports on Use of Number.—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.
REQUIRING USE OF DIRECT DEPOSIT OR MAIL FOR ALL PAYMENTS

SEC. 155. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person's place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

REVISION OF CERTAIN AUDITING REQUIREMENTS

SEC. 156. (a) INFORMATION INCLUDED IN INDEPENDENT ANNUAL AUDIT.—Effective with respect to fiscal year 1997 and each succeeding fiscal year, the independent annual audit of the government of the District of Columbia conducted for a fiscal year pursuant to section 4(a) of Public Law 94–399 (D.C. Code, sec. 47–
119(a)) shall include the following information in the
Comprehensive Annual Financial Report:

(1) An audited budgetary statement comparing
actual revenues and expenditures during the fiscal
year with the amounts appropriated in the annual
appropriations act for the entire District government
and for each fund of the District government (and
each appropriation account with each such fund as
a supplemental schedule) for the fiscal year, together
with the revenue projections on which the appropri-
tions are based, to determine the surplus or deficit
thereof.

(2) An unaudited statement of monthly cash
flows (on a fund-by-fund basis) showing projected
and actual receipts and disbursements (with
variances) by category.

(3) A discussion and analysis of the financial
condition and results of operations of the District
government prepared by the independent auditor.

(b) Audit of Financial Responsibility and
Management Assistance Authority.—

(1) In General.—Section 106 of the District
of Columbia Financial Responsibility and Manage-
304.1), as amended by section 11711(a) of the Bal-
anced Budget Act of 1997, is amended by adding at
the end the following new subsection:

"(e) Annual Financial Audit.—

"(1) In general.—For each fiscal year (begin-
ing with fiscal year 1997), the Authority shall
enter into a contract, using annual appropriations to
the Authority, with an auditor who is a certified
public accountant licensed in the District of Colum-
bia to conduct an audit of the Authority’s financial
statements for the fiscal year, in accordance with
generally accepted government auditing standards,
and the financial statements shall be prepared in ac-
cordance with generally accepted accounting prin-
ciples.

"(2) Contents.—The auditor shall include in
the audit conducted under this subsection the follow-
ing information:

"(A) An audited budgetary statement com-
paring gross actual revenues and expenditures
of the Authority during the fiscal year with
amounts appropriated, together with the reve-
 nue projections on which the appropriations are
based, to determine the surplus or deficit there-
of:
(B) An unaudited statement of monthly cash flows, showing projected and actual receipts and disbursements by category (with variances).

(C) A discussion and analysis of the financial condition and results of operations of the Authority prepared by the independent auditor.

(3) Submission.—The Authority shall submit the audit reports and financial statements conducted under this subsection to Congress, the President, the Comptroller General, the Council, and the Mayor.”.

(2) Responsibilities of Authority.—The District of Columbia Financial Responsibility and Management Assistance Authority shall—

(A) with respect to the annual budget of the Authority for fiscal year 1999 and each succeeding fiscal year, provide the Mayor of the District of Columbia (prior to the transmission of the budget by the Mayor to the President and Congress under section 446 of the District of Columbia Home Rule Act) with an item-by-item accounting of the planned uses of appropriated and non-appropriated funds (including
all projected revenues) of the Authority under
the budget for such fiscal year; and

(B) with respect to the annual budget of
the Authority for fiscal year 1997 and each suc-
ceeding fiscal year, provide the person conduct-
ing the independent annual audit of the govern-
ment of the District of Columbia pursuant to
section 4(a) of Public Law 94-299 (D.C. Code;
see. 47-119(a)) (prior to the completion of the
audit) with the actual uses of all appropriated
and non-appropriated funds of the Authority
under the budget for such fiscal year.

(3) INCLUSION IN INDEPENDENT ANNUAL
AUDIT.—For purposes of the independent annual
audit of the government of the District of Columbia
conducted pursuant to section 4(a) of Public Law
94-299 (D.C. Code, see. 47-119(a)) for fiscal year
1997 and each succeeding fiscal year, the District of
Columbia Financial Responsibility and Management
Assistance Authority shall be considered to be an en-
tity within the government of the District of Colum-
bia accountable for appropriated funds in the Dis-
trict of Columbia annual budget, and included as
such in the District of Columbia government’s Com-
TREATMENT OF UNCLAIMED PROPERTY

SEC. 157. (a) DEFINITIONS OF CERTAIN TERMS.—

Section 102 of the Uniform Disposition of Unclaimed Property Act of 1980 (D.C. Code, sec. 42–202) is amended—

(1) by amending paragraph (4) to read as follows:

"(4) 'Business association' means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability, business trust, trust company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit;"

and

(2) by adding at the end the following new paragraphs:

"(18) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"(19) 'Property' means a fixed and certain interest in or right in property that is held, issued, or owed in the course of a holder's business, or by a government or governmental entity, and all income
or increments therefrom, including an interest referred to as or evidenced by any of the following:

"(A) Money, check, draft, deposit, interest, dividend, and income.

"(B) Credit balance, customer overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused airline ticket, unused ticket, mineral proceeds, and unidentified remittance and electronic fund transfer.

"(C) Stock or other evidence of ownership of an interest in a business association.

"(D) Bond, debenture, note, or other evidence of indebtedness.

"(E) Money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions.

"(F) An amount due and payable under the terms of an insurance policy, including policies providing life insurance, property and casualty insurance, workers compensation insurance, or health and disability benefits insurance.

"(G) An amount distributable from a trust or custodial fund established under a plan to
provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.’’

(b) Shortening Period for Presumption of Abandonment.—

(1) In general.—Section 103(a) of such Act (D.C. Code, sec. 42–203(a)) is amended by striking “5 years” and inserting “3 years”.

(2) Bank deposits and funds in financial organizations.—Section 106 of such Act (D.C. Code, sec. 42–206) is amended by striking “5 years” each place it appears in subsections (a) and (d) and inserting “3 years”.

(3) Funds held by life insurance companies.—Section 107 of such Act (D.C. Code, sec. 42–207) is amended by striking “5 years” each place it appears in subsections (a) and (c)(2)(C) and inserting “3 years”.

(4) Deposits and refunds held by utilities.—Section 108 of such Act (D.C. Code, sec. 42–208) is amended by striking “5 years” each place it appears and inserting “1 year”.

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Stock and other intangible interests in business associations.—Section 109 of such Act (D.C. Code, sec. 42–209) is amended—

(A) by striking "5 years" each place it appears in subsections (a) and (b)(1) and inserting "3 years";

(B) in subsection (b)(2), by striking "5-year" and inserting "3-year".

Property held by fiduciaries.—Section 111(a) of such Act (D.C. Code, sec. 42–211(a)) is amended by striking "5 years" and inserting "3 years".

Property held by public officers and agencies.—Section 112 of such Act (D.C. Code, sec. 42–212) is amended by striking "2 years" and inserting "1 year".

Employee benefit trust distributions.—Section 113 of such Act (D.C. Code, sec. 42–213) is amended by striking "5 years" and inserting "3 years".

Contents of safe deposit box.—Section 115 of such Act (D.C. Code, sec. 42–215) is amended by striking "5 years" and inserting "3 years".
(e) Criteria for Presumption of Abandonment.—

(1) In General.—Section 103 of such Act (D.C. Code, see 42–203) is amended by adding at the end the following new subsection:

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(d) A record of the issuance of a check, draft, or similar instrument by a holder is prima facie evidence of property held or owed to a person other than the holder. In claiming property from a holder who is also the issuer, the Mayor's burden of proof as to the existence and amount of the property and its abandonment is satisfied by showing issuance of the instrument and passage of the requisite period of abandonment. Defenses of payment, satisfaction, discharge, and want of consideration are affirmative defenses that may be established by the holder.''
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(2) Special Rules Regarding Stock and Other Intangible Interests in Business Associations.—Section 109 of such Act (D.C. Code, see 42–209) is amended by adding at the end the following new subsections:

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(d) For purposes of subsection (b), the return of official shareholder notifications or communications by the postal service as undeliverable shall be evidence that the association does not know the location of the owner.
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(e) In the case of property consisting of stock or
other intangible ownership interest enrolled in a plan that
provides for the automatic reinvestment of dividends; dis-
tribution; or other sums payable as a result of the interest,
the property may not be presumed to be abandoned under
this section unless either of the following applies:

"(1) The records available to the administrator
of the plan show, with respect to any intangible own-
ership interest not enrolled in the reinvestment plan,
that the owner has not within 3 years communicated
in any manner described in subsection (a):

"(2) 3 years have elapsed since the location of
the owner became unknown to the association, as
evidenced by the return of official shareholder notifi-
cations or by the postal service as undeliverable, and
the owner has not within those 3 years commu-
icated in any manner described in subsection (a).
The 3-year period from the return of official share-
holder notifications or communications shall com-
ence from the earlier of the return of the second
such mailing or the time the holder discontinues
mailings to the shareholder.".

(3) SPECIAL RULE REGARDING PROPERTY DIS-
TRIBUTED THROUGH LITIGATION OR SETTLEMENT
OF DISPUTE.—Section 110 of such Act (D.C. Code, see. 42–210) is amended—

(A) by striking “All intangible” and inserting “(a) All intangible”; and

(B) by adding at the end the following new subsection:

“(b) All intangible property payable or distributable to a member or participant in a class action suit, either one allowed by the court to be maintained as such or one essentially handled as a class action suit and remaining for more than one year after the time for the final payment or distribution is presumed abandoned, unless within the preceding one year, there has been a communication between the member or participant and the holder concerning the property. Intangible property payable or distributable as the result of litigation or settlement of a dispute before a judicial or administrative body and remaining unclaimed for more than one year after the time for the final distribution is presumed abandoned.”.

(d) REQUIREMENTS FOR PERSONS HOLDING PROPERTY PRESUMED ABANDONED.—

(1) DEADLINE FOR FILING REPORT WITH MAYOR.—Section 117(d) of such Act (D.C. Code, see. 42–217(d)) is amended to read as follows:
"(d)(1) The report as of the prior June 30th must be filed before November 1st of each year, but a report with respect to a life insurance company must be filed before May 1st of each year as of the prior December 31st. The Mayor may postpone the reporting date upon written request by any person required to file a report.

"(2) In calendar year 1998, a report concerning all property presumed to be abandoned as of October 31, 1997, must be filed no later than January 2, 1998."

(2) Notification of owner.—Section 117(e) of such Act (D.C. Code, sec. 42–217(e)) is amended to read as follows:

"(e) Not earlier than 120 days prior to filing the report required under this section (and not later than 60 days prior to filing such report), the holder of property presumed abandoned shall send written notice to the apparent owner of the property stating that the holder is in possession of property subject to this Act, but only if—

"(1) the holder has in its records an address for the apparent owner, unless the holder’s records indicate that such address is not accurate; and

"(2) the value of the property is at least $50."

(3) Payment or delivery of property to mayor.—Section 119 of such Act (D.C. Code, sec.}
(a) Upon the filing of the report required under section 117 with respect to property presumed abandoned, the holder of the property shall pay or deliver (or cause to be paid or delivered) to the Mayor the property described in the report as abandoned, except that—

1. in the case of property consisting of an automatically renewable deposit for which a penalty or forfeiture in the payment of interest would result if payment were made to the Mayor at such time, the holder may delay the payment or delivery of the property to the Mayor until such time as the penalty or forfeiture will not occur; and

2. in the case of tangible property held in a safe deposit box or other safekeeping depository, the holder shall pay or deliver (or cause to be paid or delivered) the property to the Mayor upon the expiration of the 120-day period which begins on the date the holder files the report required under section 117.

(b) If the Mayor postpones the reporting date with respect to the property under section 117(d), the holder, upon receipt of the extension, may make an interim pay-
ment under this section on the amount the holder estimates will ultimately be due.''

(4) Clarification of use of estimated payments and reports.—Section 130(d) of such Act (D.C. Code, sec. 42–230(d)) is amended to read as follows:

``(d) If a holder fails to maintain the records required by section 132 and the records of the holder available for the periods for which this Act applies to the property involved are insufficient to permit the preparation of a report and delivery of the property, the holder shall be required to report and pay such amounts as may reasonably be estimated from any available records.''

(5) Retention of records.—Section 132(a) of such Act (D.C. Code, sec. 42–232(a)) is amended to read as follows:

``(a) Except as provided in subsection (b) and unless the Mayor provides otherwise by rule, every holder required to file a report under section 117 shall retain all books, records, and documents necessary to establish the accuracy of such report and the compliance of the report with the requirements of this Act for 10 years after the property becomes reportable, together with a record of the name and address of the owner of the property in the case
of any property for which the holder has obtained the last
known address of the owner.’’.

(c) DUTIES AND POWERS OF MAYOR.—

(1) INFORMATION INCLUDED IN PUBLISHED
NOTICE OF ABANDONED PROPERTY.—Section
118(b)(3) of such Act (D.C. Code, see 42–
218(b)(3)) is amended to read as follows:

“(2) A statement that property of the owner is
presumed to be abandoned and has been taken into
the protective custody of the Mayor; except in the
case of property described in section 119(a)(1)
which is not paid or delivered to the Mayor pursuant
to such section.’’.

(2) INFORMATION INCLUDED IN MAILED NO
TICE.—Section 118(e)(3) of such Act (D.C. Code,
see 42–218(e)(3)) is amended to read as follows:

“(3) A statement explaining that property of
the owner is presumed to be abandoned; the prop-
erty has been taken into the protective custody of
the Mayor (other than property described in section
119(a)(1) which is not paid or delivered to the
Mayor pursuant to such section); and information
about the property and its return to the owner is
available to a person having a legal or beneficial in-
terest in the property, upon request to the Mayor.’’.
(3) Transition rule for 1997.—Section 118(g) of such Act (D.C. Code, sec. 42–218(g)) is amended to read as follows:

``(g) With respect to property reported and delivered on or before January 2, 1998, pursuant to section 117(d)(2), the Mayor shall cause the newspaper notice required by subsection (a) and the notice mailed under subsection (d) to be completed no later than May 1, 1998.''

(4) Imposition of one-year waiting period for sale of property.—The first sentence of section 122(a) of such Act (D.C. Code, sec. 42–222(a)) is amended by striking “may be sold” and inserting the following: “which remains unclaimed one year after the delivery to the Mayor may be sold”.

(5) Special rule for sale of property consisting of securities.—Section 122 of such Act (D.C. Code, sec. 42–222) is amended by adding at the end the following new subsection:

``(d)(1) Notwithstanding subsection (a), abandoned property consisting of securities delivered to the Mayor under this Act may not be sold under this section until the expiration of the 3-year period which begins on the date the property is delivered to the Mayor, except that the Mayor may sell the property prior to the expiration
of such period if the Mayor finds that sale at such time
is in the best interests of the District of Columbia.

\( \text{(2)} \) If the Mayor sells any property described in
paragraph (1) prior to the expiration of the 3-year period
described in such paragraph; any person making a claim
with respect to the property pursuant to this Act prior
to the expiration of such period is entitled to either the
proceeds of the sale of the securities or the market value
of the securities at the time the claim is made, whichever
is greater, less any deduction for fees pursuant section
123(c). If the Mayor does not sell any such property prior
to the expiration of such 3-year period, a person may make
a claim with respect to the property in accordance with
section 124 and other applicable provisions of this Act.”.

(6) STATUTE OF LIMITATIONS.—Section 129(b) of such Act (D.C. Code, sec. 42–229(b)) is amended
to read as follows:

\( \text{(b)} \) No action or proceeding may be commenced by
the Mayor to enforce any provision of this Act with respect
to the reporting, delivery, or payment of property more
than 10 years after the holder specifically identified the
property in a report filed with the Mayor or gave express
notice to the Mayor of a dispute regarding the property.
The period of limitation shall be tolled in the absence of
such a report or other express notice, or by the filing of
a report that is fraudulent.''

(f) INTEREST AND PENALTIES.—

(1) IN GENERAL.—Section 135 of such Act
(D.C. Code, sec. 42–235) is amended by striking
subsections (b), (c), and (d) and inserting the follow-
ings:

``(b) Except as otherwise provided in subsection (c),
a person who fails to report, pay, or deliver property with-
in the time prescribed under this Act, or fails to perform
other duties imposed by this Act, shall pay (in addition
to the interest required under subsection (a)) a civil pen-
alty of $200 for each day the report, payment, or delivery
is withheld or the duty is not performed, up to a maximum
of $10,000.

``(c) A person who willfully fails to report, pay, or
deliver property within the time prescribed under this Act,
or fails to perform other duties imposed by this Act, shall
pay (in addition to the interest required under subsection
(a)) a civil penalty of $1,000 for each day the report, pay-
ment, or delivery is withheld or the duty is not performed,
up to a maximum of $25,000, plus 25 percent of the value
of any property that should have been paid or delivered.

``(d) The Mayor may waive the imposition of any in-
terest or penalty (or any part thereof) against any person
under subsection (b) or (c) if the person's failure to pay
or deliver property is satisfactorily explained to the Mayor
and if the failure has resulted from a mistake by the per-
son in understanding or applying the law or the facts in-
volved:"

(2) Failure of holder to exercise due
diligence with respect to items subject to
reporting.—Section 135 of such Act (D.C. Code; sec. 42–235) is amended by adding at the end the
following new subsection:

"(f) A holder who fails to exercise due diligence with
respect to information required to be reported under sec-
tion 117 shall pay (in addition to any other interest or
penalty which may be imposed under this section) a pen-
alty of $10 with respect to each item involved:"

(g) Miscellaneous Revisions.—

(1) Restriction on amount charged for
holding certain bank deposits and funds.—
(A) Section 106(e) of such Act (D.C. Code, sec. 42–
206(e)) is amended by adding at the end the follow-
ing new paragraph:

"(4) The amount of the deduction is limited to an
amount that is not unconscionable:’’
(B) Section 106(f) of such Act (D.C. Code, sec. 42–206(f)) is amended by adding at the end the following new paragraph:

"(3) The amount of the deduction is limited to an amount that is not unconscionable."

(2) Clarification of application of law to wages and other compensation.—Section 116 of such Act (D.C. Code, sec. 42–216) is amended by striking "Unpaid wages or outstanding payroll checks" and inserting "Wages or other compensation for personal services".

(h) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Transition rule.—In the case of any property which is presumed to be abandoned under the Uniform Disposition of Unclaimed Property Act of 1980 (as amended by this Act) during the 6-month period which begins on the date of the enactment of this Act and which would not be presumed to be abandoned under such Act during such period but for the amendments made by this Act, the property may not be presumed to be abandoned under such Act prior to the expiration of such period.
RESTRICTIONS ON BORROWING

Sec. 158. (a) Prohibiting Use of Borrowing to Finance or Refund Accumulated General Fund Deficit.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) at any time before, on, or after the date of the enactment of this Act to obtain borrowing to finance or refund the accumulated general fund deficit of the District of Columbia existing as of September 30, 1997.

(b) Restrictions on Use of Funds for Debt Restructuring.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) during fiscal year 1998 or any succeeding fiscal year to obtain borrowing (including borrowing through the issuance of any bonds, notes, or other obligations) to repay any other borrowing of funds or issuance of bonds, notes, or other obligations unless—

(1) the aggregate cost to the District of the new borrowing or issuance does not exceed the aggregate cost of the original borrowing or issuance; and
(2) the date provided for the final repayment of
the new borrowing or issuance is not later than the
date provided for the final repayment of the original
borrowing or issuance.

(c) Prohibiting Use of Funds for Private
Bond Sales.—None of the funds made available in this
Act or in any other Act may be used by the District of
Columbia (including the District of Columbia Financial
Responsibility and Management Assistance Authority)
during fiscal year 1998 or any succeeding fiscal year to
sell any bonds at a private sale.

Reopening of Pennsylvania Avenue

Sec. 159. Notwithstanding any other provision of law
or any other rule or regulation, beginning January 1,
1998, the portion of Pennsylvania Avenue in front of the
White House shall be reopened to regular vehicular traffic.

Independence in Contracting for Chief Financial
Officer and Inspector General

Sec. 160. (a) In General.—Notwithstanding any
other provision of law, neither the Mayor of the District
of Columbia or the District of Columbia Financial Respon-
sibility and Management Assistance Authority may enter
into any contract with respect to any authority or activity
under the jurisdiction of the Chief Financial Officer or
Inspector General of the District of Columbia without the
consent and approval of the Chief Financial Officer or Inspector General (as the case may be).

(b) Effect on Other Powers and Duties of Authority.—Nothing in this section may be construed—

(1) to affect the ability of the District of Columbia Financial Responsibility and Management Assistance Authority to remove the Chief Financial Officer or Inspector General of the District of Columbia from office during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995); or

(2) to exempt any contracts entered into by the Chief Financial Officer or Inspector General from review by the Authority under section 203(b) of such Act.

MISCELLANEOUS PROVISIONS

Sec. 161. (a) Deposit of Annual Federal Contribution With Authority.—

(1) In general.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:
SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

“(a) In General.—

“(1) Deposit into escrow account.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

“(2) Exception for amounts withheld for advances.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse the Secretary for advances made under title VI of such Act.
“(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN
ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any
funds allocated by the Authority to the Mayor from the
esarow account described in paragraph (1) may be ex-
pended by the Mayor only in accordance with the terms
and conditions established by the Authority at the time
the funds are allocated.”.

(2) CLERICAL AMENDMENT.—The table of con-
tents for such Act is amended by inserting after the
item relating to section 204 the following new item:
“Sec. 205. Deposit of annual Federal contribution with Authority.”.

(3) EFFECTIVE DATE.—The amendments made
by this subsection shall take effect as if included in

(b) DISHONORED CHECK COLLECTION.—The Act en-
titled “An Act to authorize the Commissioners of the Dis-
trict of Columbia to prescribe penalties for the handling
and collection of dishonored checks”, approved September
28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third
sentence the following: “The Mayor may enter into
a contract to collect the amount of the original obli-
gation.”; and

(2) by adding at the end the following new sub-
sections:
(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney’s fees.

(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney’s fees may be initiated—

(1) by the Corporation Counsel of the District of Columbia; or

(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.

(e) Nothing in this section may be construed to eliminate the Mayor’s exclusive authority with respect to any obligations and liabilities of the District of Columbia.”
(e) Requiring District Government Officials to Provide Information Upon Request to Congressional Committees.—Notwithstanding any provision of law or any other rule or regulation, during fiscal year 1998 and each succeeding fiscal year, at the request of the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, or the Committee on Governmental Affairs of the Senate, any officer or employee of the District of Columbia government (including any officer or employee of the District of Columbia Financial Responsibility and Management Assistance Authority) shall provide the Committee with such information and materials as the Committee may require, within such deadline as the Committee may require.

(d) Prohibiting Certain Helicopter Flights Over District.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia to grant a permit or license to any person for purposes of any business in which the person provides tours of any portion of the District of Columbia by helicopter.

(e) Conforming References to Internal Revenue Code of 1986.—Section 4(28A) of the District of
Columbia Income and Franchise Act of 1947 (D.C. Code, see. 47–1801.4(28A)) is amended to read as follows:


(f) Standard for Review of Recommendations of Business Regulatory Reform Commission in Review of Regulations by Authority.—Section 11701(a)(1) of the Balanced Budget Act of 1997 is amended by striking the second sentence and inserting the following: “In carrying out such review, the Authority shall include an explicit reference to each recommendation made by the Business Regulatory Reform Commission pursuant to the Business Regulatory Reform Commission Act of 1994 (D.C. Code, see. 2–1101 et seq.), together with specific findings and conclusions with respect to each such recommendation.’’

(g) Technical Corrections Relating to Balanced Budget Act of 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(e) of the District of Columbia Home
Rule Act (D.C. Code, see 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

``(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council; the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.’’.

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking ‘‘DEPARTMENT OF PARKS AND RECREATION’’ and inserting ‘‘PARKS AUTHORITY’’; and

(B) by striking ‘‘Department of Parks and Recreation’’ and inserting ‘‘Parks Authority’’.

(h) REPEAL OF PRIOR NOTICE REQUIREMENT FOR FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DISTRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.
This title may be cited as the “District of Columbia Appropriations Act, 1998”.

**TITLE II—DISTRICT OF COLUMBIA MEDICAL LIABILITY REFORM**

Subtitle A—Standards for Health Care Liability Actions and Claims in the District of Columbia

**SEC. 201. SHORT TITLE.**

This title may be cited as the “District of Columbia Medical Liability Reform Act of 1997”.

**SEC. 202. STATUTE OF LIMITATIONS.**

A District of Columbia health care liability action may not be brought after the expiration of the 2-year period that begins on the date on which the alleged injury that is the subject of the action was discovered or should reasonably have been discovered, but in no case after the expiration of the 5-year period that begins on the date the alleged injury occurred.

**SEC. 203. TREATMENT OF NONECONOMIC DAMAGES.**

(a) LIMITATION ON NONECONOMIC DAMAGES.—The total amount of noneconomic damages that may be awarded to a claimant for losses resulting from the injury which is the subject of a District of Columbia health care liability
action may not exceed $250,000, regardless of the number
of parties against whom the action is brought or the num-
ber of actions brought with respect to the injury.

(b) JOINT AND SEVERAL LIABILITY.—In any District
of Columbia health care liability action, a defendant shall
be liable only for the amount of noneconomic damages at-
tributable to such defendant in direct proportion to such
defendant's share of fault or responsibility for the claim-
ant's actual damages, as determined by the trier of fact.
In all such cases, the liability of a defendant for non-
economic damages shall be several and not joint.

SEC. 204. CRITERIA FOR AWARDING OF PUNITIVE DAM-
AGES; LIMITATION ON AMOUNT AWARDED.

(a) In General.—Punitive damages may, to the ex-
tent permitted by applicable District of Columbia law, be
awarded in any District of Columbia health care liability
action if the claimant establishes by clear and convincing
evidence that the harm suffered was the result of—

(1) conduct specifically intended to cause harm;

or

(2) conduct manifesting a conscious, flagrant
indifference to the rights or safety of others.

(b) PROPORTIONAL AWARDS.—The amount of puni-
tive damages that may be awarded in any District of Co-
lumbia health care liability action may not exceed 3 times
the amount of damages awarded to the claimant for economic loss, or $250,000, whichever is greater. This subsection shall be applied by the court and shall not be disclosed to the jury.

(c) Applicability.—This subsection shall apply to any District of Columbia health care liability action brought on any theory under which punitive damages are sought. This subsection does not create a cause of action for punitive damages. This subsection does not preempt or supersede any law to the extent that such law would further limit the award of punitive damages.

(d) Bifurcation.—At the request of any party, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded and the amount of such award. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable District of Columbia law, shall be inadmissible in any proceeding to determine whether actual damages are to be awarded.

SEC. 205. TREATMENT OF PUNITIVE DAMAGES IN ACTIONS RELATING TO DRUGS OR MEDICAL DEVICES.

(a) Prohibiting Award of Punitive Damages With Respect to Certain Approved Drugs and Devices.—
(1) In general.—In any District of Columbia health care liability action, punitive damages may not be awarded against a manufacturer or product seller of a drug or medical device which caused the claimant’s harm if—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant’s harm, or the adequacy of the packaging or labeling of such drug or device which caused the harm, and such drug, device, packaging, or labeling was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

(2) Exception.—Paragraph (1) shall not apply in any case in which the defendant, before or after premarket approval of a drug or device—

(A) intentionally and wrongfully withheld from or misrepresented to the Food and Drug
Administration information concerning such
drug or device required to be submitted under
the Federal Food, Drug, and Cosmetic Act (21
U.S.C. 301 et seq.) or section 351 of the Public
Health Service Act (42 U.S.C. 262) that is ma-
terial and relevant to the harm suffered by the
claimant, or
(C) made an illegal payment to an official
or employee of the Food and Drug Administra-
tion for the purpose of securing or maintaining
approval of such drug or device.

(b) SPECIAL RULE REGARDING CLAIMS RELATING
to PACKAGING.—In a District of Columbia health care
liability action relating to the adequacy of the packaging
or labeling of a drug which is required to have tamper-
resistant packaging under regulations of the Secretary of
Health and Human Services (including labeling regula-
tions related to such packaging), the manufacturer or
product seller of the drug shall not be held liable for puni-
tive damages unless such packaging or labeling is found
by the court by clear and convincing evidence to be sub-
stantially out of compliance with such regulations.

(c) DEFINITIONS.—In this section, the following defi-
nitions apply:
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(1) DRUG.—The term "drug" has the meaning
given such term in section 201(g)(1) of the Federal
Food, Drug, and Cosmetic Act (21 U.S.C.
321(g)(1)).

(2) MEDICAL DEVICE.—The term "medical de-
vice" has the meaning given such term in section
201(h) of the Federal Food, Drug, and Cosmetic
Act (21 U.S.C. 321(h)).

(3) PRODUCT SELLER.—

(A) IN GENERAL.—Subject to subpara-
graph (B), the term "product seller" means a
person who, in the course of a business con-
ducted for that purpose—

(i) sells, distributes, rents, leases, pre-
pares, blends, packages, labels, or is other-
wise involved in placing, a product in the
stream of commerce, or

(ii) installs, repairs, or maintains the
harm-causing aspect of a product.

(B) EXCLUSION.—Such term does not in-
clude—

(i) a seller or lessor of real property;

(ii) a provider of professional services
in any case in which the sale or use of a
product is incidental to the transaction and
the essence of the transaction is the furn-
ishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capac-
ity with respect to the sale of a prod-
uct; or

(II) leases a product under a
lease arrangement in which the selec-
tion, possession, maintenance, and op-
eration of the product are controlled
by a person other than the lessor.

SEC. 206. PERIODIC PAYMENTS FOR FUTURE LOSSES.

(a) In General.—In any District of Columbia
health care liability action in which the damages awarded
for future economic and noneconomic loss exceeds
$50,000, a person shall not be required to pay such dam-
ages in a single, lump-sum payment, but shall be per-
mitted to make such payments periodically based on when
the damages are found likely to occur, as such payments
are determined by the court.

(b) Finality of Judgment.—The judgment of the
court awarding periodic payments under this section may
not, in the absence of fraud, be reopened at any time to
contest, amend, or modify the schedule or amount of the
payments.
(e) **Lump-sum Settlements.**—This section may not be construed to preclude a settlement providing for a single, lump-sum payment.

**SEC. 207. TREATMENT OF COLLATERAL SOURCE PAYMENTS.**

(a) **INTRODUCTION INTO EVIDENCE.**—In any District of Columbia health care liability action, any defendant may introduce evidence of collateral source payments. If any defendant elects to introduce such evidence, the claimant may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the claimant to secure the right to such collateral source payments.

(b) **No Subrogation.**—No provider of collateral source payments may recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated the right of the claimant in a District of Columbia health care liability action.

(c) **APPLICATION TO SETTLEMENTS.**—This section shall apply to an action that is settled as well as an action that is resolved by a fact finder.

(d) **Collateral Source Payments Defined.**—In this section, the term "collateral source payments" means any amount paid or reasonably likely to be paid in the
future to or on behalf of a claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of a claimant, as a result of an injury or wrongful death, pursuant to—

1. any State or Federal health, sickness, income-disability, accident or workers' compensation Act;
2. any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;
3. any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and
4. any other publicly or privately funded program.

**SEC. 208. APPLICATION OF STANDARDS TO CLAIMS RESOLVED THROUGH ALTERNATIVE DISPUTE RESOLUTION.**

(a) IN GENERAL.—Any alternative dispute resolution system used to resolve a District of Columbia health care liability action or claim shall contain provisions relating to statute of limitations, non-economic damages, joint and several liability, punitive damages, collateral source rule,
and periodic payments which are identical to the provisions relating to such matters in this title.

(3) ALTERNATIVE DISPUTE RESOLUTION SYSTEM DEFINED.—In this title, the term “alternative dispute resolution system” means a system that provides for the resolution of District of Columbia health care liability claims in a manner other than through District of Columbia health care liability actions.

Subtitle B—General Provisions

SEC. 211. GENERAL DEFINITIONS.

(a) DISTRICT OF COLUMBIA HEALTH CARE LIABILITY ACTION.—

(1) IN GENERAL.—In this title, the term “District of Columbia health care liability action” means a civil action brought against a health care provider, an entity which is obligated to provide or pay for health benefits under any health benefit plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim (including third party claims, cross claims, counter claims, or distribution claims) based upon the provision of (or the failure to provide or pay for) health care services
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or the use of a medical product within the District
of Columbia, regardless of the theory of liability on
which the claim is based or the number of plaintiffs,
defendants, or causes of action.

(2) HEALTH BENEFIT PLAN.—The term
“health benefit plan” means—

(A) a hospital or medical expense incurred
policy or certificate;

(B) a hospital or medical service plan con-
tract;

(C) a health maintenance subscriber con-
tract, or

(D) a Medicare+Choice plan (as described
in section 1859(b)(1) of the Social Security
Act),

that provides benefits with respect to health care
services.

(3) HEALTH CARE PROVIDER.—The term
“health care provider” means any person that is en-
gaged in the delivery of health care services in the
District of Columbia and that is required by the
laws or regulations of the District of Columbia to be
licensed or certified to engage in the delivery of such
services in the District of Columbia, and includes an
employee of the government of the District of Co-
lumbia (including an independent agency of the Dis-

(1) District of Columbia Health Care Liability Claim.—The term “District of Columbia health care liability claim” means a claim in which the claimant alleges that injury was caused by the provision of (or the failure to provide) health care services within the District of Columbia.

(2) Other Definitions.—As used in this title:

(1) Actual Damages.—The term “actual damages” means damages awarded to pay for economic loss.

(2) Claimant.—The term “claimant” means any person who brings a District of Columbia health care liability action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the claimant’s decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the claimant’s legal guardian.

(3) Clear and Convincing Evidence.—The term “clear and convincing evidence” is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.
Such measure or degree of proof is more than that required under preponderance of the evidence but less than that required for proof beyond a reasonable doubt.

(4) Economic loss.—The term "economic loss" means any pecuniary loss resulting from injury (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent recovery for such loss is allowed under applicable District of Columbia law.

(5) Harm.—The term "harm" means any legally cognizable wrong or injury for which punitive damages may be imposed.

(6) Health care service.—The term "health care service" means any service for which payment may be made under a health benefit plan including services related to the delivery or administration of such service.

(7) Noneconomic damages.—The term "noneconomic damages" means damages paid to an individual for pain and suffering, inconvenience, emotional distress, mental anguish, loss of consortium,
injury to reputation, humiliation, and other nonpecuniary losses.

(8) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(9) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded against any person not to compensate for actual injury suffered, but to punish or deter such person or others from engaging in similar behavior in the future.

SEC. 212. NONAPPLICATION TO CERTAIN ACTIONS; PREEMPTION.

(a) APPLICABILITY.—This title shall not apply to—

(1) an action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act applies to the action; or


(b) PREEMPTION.—This title shall preempt any District of Columbia law to the extent such law is inconsistent with the limitations contained in this title. This title shall not preempt any District of Columbia law that provides
for defenses or places limitations on a person’s liability
in addition to those contained in this title or otherwise
imposes greater restrictions than those provided in this
title.

(e) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE
OF LAW OR VENUE.—Nothing in this title may be con-
structed to—

(1) waive or affect any defense of sovereign im-
munity asserted by the District of Columbia under
any provision of law;

(2) waive or affect any defense of sovereign im-
munity asserted by the United States;

(3) affect the applicability of any provision of
the Foreign Sovereign Immunities Act of 1976;

(4) preempt any choice-of-law rules with respect
to claims brought by a foreign nation or a citizen of
a foreign nation; or

(5) affect the right of any court to transfer
venue or to apply the law of a foreign nation or to
dismiss a claim of a foreign nation or of a citizen
of a foreign nation on the ground of inconvenient
forum.
SEC. 213. RULES OF CONSTRUCTION REGARDING JURISDICTION OF FEDERAL COURTS.

(a) Amount in Controversy.—In an action to which this title applies and which is brought under section 1332 of title 28, United States Code, the amount of non-economic damages or punitive damages, and attorneys' fees or costs, shall not be included in determining whether the matter in controversy exceeds the sum or value of $50,000.

(b) Federal Court Jurisdiction Not Established on Federal Question Grounds.—Nothing in this title shall be construed to establish any jurisdiction in the district courts of the United States over District of Columbia health care liability actions on the basis of section 1331 or 1337 of title 28, United States Code.

Subtitle C—Effective Date

SEC. 221. EFFECTIVE DATE.

This title shall apply to any District of Columbia health care liability action and to any District of Columbia health care liability claim subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any such action or claim arising from an injury occurring prior to such date shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.
TITLE III—DISTRICT OF COLUMBIA EDUCATION REFORM ACT OF 1997
Subtitle A—Amendments to District of Columbia School Reform Act of 1995

SEC. 301. SHORT TITLE.

This title may be cited as the “District of Columbia Education Reform Amendments Act of 1997.”

SEC. 302. GENERAL EFFECTIVE DATE.

Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–112; D.C. Code § 31–2851) is amended by striking “shall be effective” and all that follows through the period at the end and inserting “shall take effect on the date of the enactment of this Act.”

SEC. 303. TIMETABLE FOR APPROVAL OF PUBLIC CHARTER SCHOOL PETITIONS.

Section 2203(1)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code § 31–2853.13(i)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—

“(i) ANNUAL LIMIT.—Subject to sub-
paragraph (B) and clause (ii), during cal-
endar year 1997, and during each subse-
quent calendar year, each eligible chartering authority shall not approve more than
10 petitions to establish a public charter school under this subtitle.

"(ii) Timetable.—Any petition ap-
proved under clause (i) shall be approved
during an application approval period that
terminates on April 1 of each year. Such
an approval period may commence before
or after January 1 of the calendar year in
which it terminates, except that any peti-
tion approved at any time during such an
approval period shall count, for purposes of
clause (i), against the total number of peti-
tions approved during the calendar year in
which the approval period terminates.".

SEC. 304. INCREASE IN PERMITTED NUMBER OF TRUSTEES
OF PUBLIC CHARTER SCHOOL.

Section 2205(a) of the District of Columbia School
1321–122; D.C. Code § 31–2853.15(a)) is amended by
striking "7," and inserting "15,".
SEC. 305. LEASE TERMS FOR PERSONS OPERATING CHARTER SCHOOLS.

(a) Leasing Former or Unused Public School Properties.—

(1) In general.—Section 2209(b)(1)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code § 31–2853.19(b)(1)(A)) is amended to read as follows:

"(A) In general.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (C), the Mayor and the District of Columbia Government—

"(i) subject to clause (ii), shall give preference to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, with respect to the purchase of a facility or property described in subparagraph (C), if doing so will not result in a significant loss of revenue that might be obtained from other dispositions or uses of the facility or property; and

"
“(ii) shall lease a facility or property described in subparagraph (C), at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if—

“(I) the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of operating the facility or property as a public charter school under this subtitle; and

“(II) the facility or property is not yet otherwise disposed of (by sale, lease, or otherwise).”.

(2) TERMINATION OF LEASE.—Section 2209(b)(1) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code § 31–2853.10(b)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

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(B) Termination of lease.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—

(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(e)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant's failure...
timely to submit the identification and informa-
tion described in section 2202(6)(B)(i).”.

(3) Conforming Amendment.—Section 225(d) of the District of Columbia Financial Re-
sponsibility and Management Assistance Act of 1995 (Public Law 104–8; 110 Stat. 3009–508; D.C. Code § 47–392.25(d)) is amended by striking “section 2209(b)(1)(B) of the District of Columbia School Reform Act of 1995” and inserting “section 2209(b)(1)(C) of the District of Columbia School Reform Act of 1995, other than a facility or real property that is subject to a lease under section 2209(b)(1)(A)(ii) of such Act.”.

(b) Conversions of Public Schools.—Section 2209(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code § 31–2853.19(b)) is amended by adding at the end the following:

“(3) Special Rule for Persons Converting Public School into Charter School.—

“(A) In General.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in this para-

graph, the Mayor and the District of Columbia
Government shall lease a facility or property, at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2209(d)(2), or a Board of Trustees, if—

"(i) the facility or property is under the jurisdiction of the Board of Education;

"(ii) the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of operating the facility or property as a public charter school under this subtitle; and

"(iii) immediately prior to the date of such request, the facility or property—

"(I) was operated as a District of Columbia public school, and the requirements of section 2202(a) were met; or

"(II) was operated as a public charter school under this subtitle.

"(B) TERMINATION OF LEASE.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—
“(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

“(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(c)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

“(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant’s failure timely to submit the identification and information described in section 2202(6)(B)(i).”.

(o) LEASING CURRENT PUBLIC SCHOOL PROPERTIES.—

(1) IN GENERAL.—Section 2209(b)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–506; D.C. Code § 31–2853.19(b)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (C), but subject to paragraph (3), the Mayor and the District of Columbia Government shall lease a facility or property described in subparagraph (C), at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of—

"(i) operating the facility or property as a public charter school under this sub-title; or

"(ii) using the facility or property for a purpose directly related to the operation
of a public charter school under this sub-
title.”.

(2) TERMINATION OF LEASE.—Section
2209(b)(2) of the District of Columbia School Re-
3009–506; D.C. Code § 31–2853.10(b)(2)) is
amended—

(A) by redesignating subparagraph (B) as
subparagraph (C); and

(B) by inserting after subparagraph (A)
the following:

“(B) TERMINATION OF LEASE.—Any lease
entered into pursuant to this paragraph with
respect to a public charter school shall be
deemed to terminate—

“(i) upon the denial of an application
to renew the charter granted to the school
under section 2212, or, in a case where ju-
dicial review of the denial is sought under
section 2212(d)(6), upon the entry of an
order, not subject to further review, up-
holding a decision to deny such an applica-
tion, whichever occurs later;

“(ii) upon the revocation of the char-
ter granted to the school under section
2213, or, in a case where judicial review of
the revocation is sought under section
2213(c)(6), upon the entry of an order; not
subject to further review, upholding the
revocation, whichever occurs later; or

“(iii) in the case of a lease to an eligi-
ble applicant whose petition to establish a
public charter school has been conditionally
approved under section 2203(d)(2), upon
the termination of such conditional ap-
proval by reason of the applicant’s failure
timely to submit the identification and in-
formation described in section
2202(6)(B)(i).”

SEC. 306. AUTHORIZATION OF APPROPRIATIONS FOR PUB-
LIC CHARTER SCHOOL BOARD.

Section 2214(g) of the District of Columbia School
1321–133; D.C. Code § 31–2853.24(g)) is amended by in-
serting “to the Board” after “appropriated”.

SEC. 307. ADJUSTMENT OF ANNUAL PAYMENT FOR RESI-
DENTIAL SCHOOLS.

Section 2401(b)(3)(B) of the District of Columbia
School Reform Act of 1995 (Public Law 104–134; 110

(1) in clause (i), by striking "or";

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iii) to whom the school provides room and board in a residential setting.";

SEC. 308. ADJUSTMENT OF ANNUAL PAYMENT FOR FACILITIES COSTS.

Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code § 31–2853.41(b)(3)) is amended by adding at the end the following:

"(C) ADJUSTMENT FOR FACILITIES COSTS.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school, not later than April 1 of the fiscal
year preceding the payment, requests such an
adjustment.”

SEC. 309. PAYMENTS TO NEW CHARTER SCHOOLS.

(a) In General.—Section 2403(b) of the District of
Columbia School Reform Act of 1995 (Public Law 104–
134; 110 Stat. 1321–140; D.C. Code § 31–2853.43(b)) is
amended to read as follows:

“(b) PAYMENTS TO NEW SCHOOLS.—

“(1) Establishment of Fund.—There is es-
established in the general fund of the District of Co-
lumbia a fund to be known as the ‘New Charter
School Fund’.

“(2) Contents of Fund.—The New Charter
School Fund shall consist of—

“(A) unexpended and unobligated amounts
appropriated from local funds for public charter
schools for fiscal year 1997 that reverted to the
general fund of the District of Columbia;

“(B) amounts credited to the fund in ac-
cordance with this subsection upon the receipt
by a public charter school described in para-
graph (5) of its first initial payment under sub-
section (a)(2)(A) or its first final payment
under subsection (a)(2)(B); and

“(C) any interest earned on such amounts.
“(3) EXPENDITURES FROM FUND.—

“(A) IN GENERAL.—Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay, from the New Charter School Fund, to each public charter school described in paragraph (5), an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401(b) by the total anticipated enrollment as set forth in the petition to establish the public charter school.

“(B) PRO RATA REDUCTION.—If the amounts in the New Charter School Fund for any year are insufficient to pay the full amount that each public charter school described in paragraph (5) is eligible to receive under this subsection for such year, the Chief Financial Officer of the District of Columbia shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

“(C) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the New Charter
School Fund to a bank designated by a public charter school.

"(4) Credits to fund.—Upon the receipt by a public charter school described in paragraph (5) of—

"(A) its first initial payment under subsection (a)(2)(A), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 75 percent of the amount paid to the school under paragraph (3); and

"(B) its first final payment under subsection (a)(2)(B), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 percent of the amount paid to the school under paragraph (3).

"(5) Schools described.—A public charter school described in this paragraph is a public charter school that—

"(A) did not enroll any students during any portion of the fiscal year preceding the most recent fiscal year for which funds are appropriated to carry out this subsection; and

"(B) operated as a public charter school during the most recent fiscal year for which
funds are appropriated to carry out this sub-
section.

"(6) Authorization of Appropriations.—
There are authorized to be appropriated to the Chief
Financial Officer of the District of Columbia such
sums as may be necessary to carry out this sub-
section for each fiscal year.''.

(b) Reduction of Annual Payment.—

(1) Initial Payment.—Section 2403(a)(2)(A)
of the District of Columbia School Reform Act (Pub-
lie Law 104–134; 110 Stat. 1321–139; D.C. Code
§ 31–2853.43(a)(2)(A)) is amended to read as fol-
lows:

"(A) Initial Payment.—

"(i) In General.—Except as pro-
vided in clause (ii), not later than October
15, 1996, and not later than October 15 of
each year thereafter, the Mayor shall
transfer, by electronic funds transfer, an
amount equal to 75 percent of the amount
of the annual payment for each public
charter school determined by using the for-
mula established pursuant to section
2401(b) to a bank designated by such
school.
“(ii) Reduction in case of new school.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).”.


(A) in clause (i)—

(i) by inserting “In general.—” before “Except,”; and

(ii) by striking “clause (ii),” and inserting “clauses (ii) and (iii),”;

(B) in clause (ii), by inserting “Adjustment for enrollment.—” before “Not later than March 15, 1997,”; and

(C) by adding at the end the following:

“(iii) Reduction in case of new school.—In the case of a public charter
school that has received a payment under subsection (b) in the fiscal year imme-
diately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).’’.

SEC. 310. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

Section 2603 of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–144; D.C. Code § 31–2853.63) is amended to read as follows:

‘‘SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NON-

PROFIT CORPORATION.

‘‘A private, nonprofit corporation shall be eligible to receive a grant under section 2602 if the corporation is a business organization incorporated in the District of Co-

lumbia, that—

‘‘(1) has a board of directors which includes members who are also executives of technology-relat-
ed corporations involved in education and workforce development issues;
“(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

“(3) has experience in working with State and local educational agencies with respect to the integration of academic studies with workforce preparation programs; and

“(4) has a structure through which additional resources can be leveraged and innovative practices disseminated.”.

Subtitle B—Student Opportunity Scholarships

SEC. 341. DEFINITIONS.

As used in this subtitle—

(1) the term “Board” means the Board of Directors of the Corporation established under section 342(b)(1);

(2) the term “Corporation” means the District of Columbia Scholarship Corporation established under section 342(a);

(3) the term “eligible institution”—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 343(d)(1), means a public;

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private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 343(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 343(d)(2);

(4) the term "parent" includes a legal guardian or other person standing in loco parentis; and

(5) the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 342. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship
Corporation', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this subtitle, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).
(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.
(10) AUTHORIZATION:—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;
(ii) $8,000,000 for fiscal year 1999;
and
(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this subtitle for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS:—

(1) BOARD OF DIRECTORS; MEMBERSHIP:—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.
(B) House nominations.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) Senate nominations.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) Deadline.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) Appointee of Mayor.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) Possible interim members.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority
Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this paragraph.

(2) Powers.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) Elections.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) Residency.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) Nonemployee.—No member of the Board may be an employee of the United States Govern-
ment or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, see. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board’s power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corpora-
tion, except as salary or reasonable compensation for services.

(10) **Political activity.**—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) **No officers or employees.**—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) **Stipends.**—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(13) **Officers and staff.**—

(1) **Executive director.**—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level
EG-16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) **Staff.**—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) **Annual Rate.**—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) **Service.**—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) **Qualification.**—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) **Powers of the Corporation.**—

(1) **Generally.**—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) **Hiring Authority.**—The Corporation may hire, or accept the voluntary services of, consultants,
experts, advisory boards, and panels to aid the Corporation in carrying out this subtitle.

(c) Financial Management and Records.—

(1) Audits.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for non-profit corporations; and

(B) audited annually by independent certified public accountants.

(2) Report.—The report for each such audit shall be included in the annual report to Congress required by section 350(c).

(f) Responsibilities of the Corporation.—

(1) Application Schedule and Procedures for Certification.—Not later than 60 days after the Board has been appointed, the Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this subtitle that includes a list of certified eligible institutions; distribution of information to parents and the general public (including through a newspaper of general circulation); and deadlines for steps in the scholarship application and award process.
(2) APPLICATION.—An eligible institution that desires to participate in the scholarship program under this subtitle shall file an application with the Corporation for certification for participation in the scholarship program under this subtitle which shall—

(A) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(B) contain an assurance that the eligible institution will comply with all applicable requirements of this subtitle;

(C) contain an annual statement of the eligible institution’s budget; and

(D) describe the eligible institution’s proposed program, including personnel qualifications and fees.

(3) CERTIFICATION.—

(A) IN GENERAL.—Not later than 60 days after receipt of an application in accordance with paragraph (2), the Corporation shall cer-
tify an eligible institution to participate in the
scholarship program under this subtitle.

(B) CONTINUATION.—An eligible institu-
tion’s certification to participate in the scholar-
ship program shall continue unless such eligible
institution’s certification is revoked in accord-
ance with paragraph (5).

(4) NEW ELIGIBLE INSTITUTION.—

(A) IN GENERAL.—An eligible institution
that did not operate with at least 25 students
in the 3 years preceding the year for which the
determination is made may apply for a 1-year
provisional certification to participate in the
scholarship program under this subtitle for a
single year by providing to the Corporation not
later than July 1 of the year preceding the year
for which the determination is made—

(i) a list of the eligible institution’s
board of directors;

(ii) letters of support from not less
than 10 members of the community served
by such eligible institution;

(iii) a business plan;

(iv) an intended course of study;
(v) assurances that the eligible institution will begin operations with not less than 25 students;

(vi) assurances that the eligible institution will comply with all applicable requirements of this subtitle; and

(vii) a statement that satisfies the requirements of paragraphs (2) and (4) of subsection (a).

(B) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (2), the Corporation shall certify in writing the eligible institution’s provisional certification to participate in the scholarship program under this subtitle unless the Corporation determines that good cause exists to deny certification.

(C) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under subparagraph (A) from an eligible institution that includes a statement of the eligible institution’s budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution’s provisional certification for the second
and third years of the school’s participation in
the scholarship program under this subtitle un-
less the Corporation finds—

(i) good cause to deny the renewal, in-
cluding a finding of a pattern of violation
of requirements described in paragraph
(6)(A); or

(ii) consistent failure of 25 percent or
more of the students receiving scholarships
under this subtitle and attending such
school to make appropriate progress (as
determined by the Corporation) in aca-
demic achievement.

(D) Denial of Certification.—If provi-
sional certification or renewal of provisional cer-
tification under this paragraph is denied, then
the Corporation shall provide a written expla-
nation to the eligible institution of the reasons
for such denial.

(5) Revocation of Eligibility.—

(A) In General.—The Corporation, after
notice and hearing, may revoke an eligible insti-
tution’s certification to participate in the schol-
arship program under this subtitle for a year
succeeding the year for which the determination is made for—

(i) good cause, including a finding of a pattern of violation of program requirements described in paragraph (6)(A); or

(ii) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(B) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this subtitle.

(6) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this subtitle shall—

(i) provide to the Corporation not later than June 30 of each year the most
recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this subtitle not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) Compliance.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this subtitle.

SEC. 343. SCHOLARSHIPS AUTHORIZED.

(a) Eligible Students.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and
(2) whose family income does not exceed 185 percent of the poverty line.

(b) Scholarship Priority.—

(1) First.—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this sub-paragraph shall apply only for academic years 1997, 1998, and 1999; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) Second.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) Random Selection.—Except as provided in subsections (a) and (b), if there are more applications to participate in the scholarship program than there are spaces available, a student shall be admitted using a random selection process.

(d) Use of Scholarship.—
(1) **TUITION SCHOLARSHIPS.**—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees at a public, private, or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition and mandatory fees at a public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) **ENHANCED ACHIEVEMENT SCHOLARSHIP.**—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) **NOT SCHOOL AID.**—A scholarship under this sub-title shall be considered assistance to the student and shall not be considered assistance to an eligible institution.
SEC. 344. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award a scholarship to a student and make payments in accordance with section 345 on behalf of such student to a participating eligible institution chosen by the parent of the student.

(b) NOTIFICATION.—Each eligible institution that accepts a student who has received a scholarship under this subtitle shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this subtitle is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this subtitle, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this subtitle is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—
(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—
(1) the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

SEC. 345. SCHOLARSHIP PAYMENTS.

(a) DISBURSEMENT OF SCHOLARSHIPS.—The funds may be distributed by check or another form of disbursement which is issued by the Corporation and made payable directly to a parent of a student participating in the scholarship program under this subtitle. The parent may use such funds only as payment for tuition, mandatory fees, and transportation costs associated with attending or obtaining services from a participating eligible institution.

(b) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(1) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and
the number of days the student was enrolled in the eligible institution.

(2) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

SEC. 346. CIVIL RIGHTS.

(a) In General.—An eligible institution participating in the scholarship program under this subtitle shall not engage in any practice that discriminates on the basis of race, color, national origin, or sex.

(b) Exception.—Nothing in this Act shall be construed to prevent a parent from choosing an eligible institution from offering, a single-sex school, class, or activity.

(c) Revocation.—Notwithstanding section 342(f), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution’s certification to participate in the program.
SEC. 347. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 348. RULE OF CONSTRUCTION.

(a) In General.—Nothing in this Act shall be construed to bar any eligible institution which is operated, supervised, or controlled by, or in connection with, a religious organization from limiting employment, or admission to, or giving preference to persons of the same religion as is determined by such institution to promote the religious purpose for which it is established or maintained.

(b) Sectarian Purposes.—Nothing in this Act shall preclude the use of funds authorized under this Act for sectarian educational purposes or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

SEC. 349. REPORTING REQUIREMENTS.

(a) In General.—An eligible institution participating in the scholarship program under this subtitle shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution’s programs.
(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 350. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has
demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this subtitle; including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall
be made available to the public upon request except that no personal identifiers shall be made public.

(c) Report to Congress.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) Authorization.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 351. JUDICIAL REVIEW.

(a) In General.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the scholarship program under this subtitle and shall provide expedited review.

(b) Appeal to Supreme Court.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.
SEC. 352. EFFECTIVE DATE.

This subtitle shall be effective for each of the fiscal years 1998 through 2002.

Subtitle C—Other Education Reforms

SEC. 361. REDUCTION IN ADMINISTRATIVE STAFF.

At any time after June 30, 1998, the total number of full-time-equivalent employees of the District of Columbia Public Schools whose principal duty is not classroom instruction may not exceed the number of such full-time-equivalent employees as of September 30, 1997, reduced by 200.

SEC. 362. DEVELOPMENT OF PERFORMANCE CRITERIA FOR TEACHERS.

The District of Columbia Public Schools shall develop and implement performance benchmarks for teachers, based on the ability of students to improve by at least one grade level each year in performance on standardized tests, and shall establish incentives to encourage teachers to meet such benchmarks.

SEC. 363. REPEAL OF TAX EXEMPTION FOR LABOR ORGANIZATIONS.

(a) IN GENERAL.—Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of any labor organization located in the District of Columbia shall be subject to taxation
by the District of Columbia in the same manner as any
similar organization.

(b) Labor Organization Defined.—In subsection
(a), the term "labor organization" means any organization
of any kind, or any agency or employee representation
committee or plan, in which employees participate and
which exists for the purpose, in whole or in part, of dealing
with employers concerning grievances, labor disputes,
wages, rates of pay, hours of employment, or conditions
of work.

Sec. 364. Treatment of Supervisory Personnel as
At-Will Employees.

Notwithstanding any other provision of law or regula-
tion (including any law or regulation providing for collec-
tive bargaining or the enforcement of any collective bar-
gaining agreement), all supervisory personnel of the Dis-
trict of Columbia Public Schools shall be appointed by,
shall serve at the pleasure of, and shall act under the di-
rection and control of the Emergency Transitional Edu-
cation Board of Trustees, and shall be considered at-will
employees not covered by the District of Columbia Govern-
SEC. 365. DETERMINATION OF NUMBER OF STUDENTS ENROLLED.

Not later than 30 days after the date of the enactment of this Act, and not later than 30 days after the beginning of each semester which begins after such date, the District of Columbia Auditor shall submit a report to Congress, the Mayor, the Council, the Chief Financial Officer of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority providing the most recent information available on the number of students enrolled in the District of Columbia Public Schools and the average daily attendance of such students.

SEC. 366. BUDGETING ON SCHOOL-BY-SCHOOL BASIS.

(a) Preparation of Initial Budgets.—Not later than 30 days after the date of the enactment of this Act, the District of Columbia Public Schools shall prepare and submit to Congress a budget for each public elementary and secondary school for fiscal year 1998 which describes the amount expected to be expended with respect to the school for salaries, capital, and other appropriate categories of expenditures.

(b) Use of Budgets for Future Aggregate Budget.—The District of Columbia Public Schools shall use the budgets prepared for individual schools under sub-
section (a) to prepare the overall budget for the Schools
for fiscal year 1999.

SEC. 367. REQUIRING PROOF OF RESIDENCY FOR INDIVIDUALS ATTENDING SCHOOLS AND SCHOOL
CHILD CARE PROGRAMS.

None of the funds made available in this Act or any
other Act may be used by the District of Columbia Public
Schools in fiscal year 1998 or any succeeding fiscal year
to provide classroom instruction or child care services to
any minor whose parent or guardian does not supply the
Schools with proof of the State of the minor's residence.

SEC. 368. DISTRICT OF COLUMBIA SCHOOL OF LAW.

(a) REQUIRING FULL ACCREDITATION.—

(1) IN GENERAL.—If the District of Columbia
School of Law is not fully, unconditionally accredited
by the American Bar Association at its midyear
meeting in February 1998, none of the funds made
available in this Act or any other Act may be ex-
pended for or on behalf of the School except for pur-
poses of providing assistance to assist students en-
rolled at the School as of such date who are resi-
dents of the District of Columbia in paying the tui-
tion for enrollment at other law schools in the Wash-
ington Metropolitan Area, in accordance with a plan
submitted to Congress.
(2) Restrictions on use of funds prior to accreditation.—None of the funds made available in this Act or any other Act may be used by or on behalf of the District of Columbia School of Law for recruiting or capital projects until the School is fully, unconditionally accredited by the American Bar Association.

(b) No other source of funding permitted.—None of the funds made available in this Act or any other Act for the use of any entity (including the University of the District of Columbia) other than the District of Columbia School of Law may be transferred to, made available for, or expended for or on behalf of the District of Columbia School of Law.

SEC. 369. WAIVER OF LIABILITY IN PRO BONO ARRANGEMENTS.

(a) In General.—Notwithstanding any other provision of law or any rule or regulation—

(1) any person who voluntarily provides goods or services to or on behalf of the District of Columbia Public Schools without the expectation of receiving or intending to receive compensation shall be immune from civil liability, both personally and professionally, for any act or omission occurring in the
course of providing such goods or services (except as
provided in subsection (b)); and

(2) the District of Columbia (including the Dis-

trict of Columbia Public Schools) shall be immune
from civil liability for any act or omission of any
person voluntarily providing goods or services to or
on behalf of the District of Columbia Public Schools.

(b) Exception for Intentional Acts or Acts of

Gross Negligence.—Subsection (a)(1) shall not apply
with respect to any person if the act or omission in-
volved—

(1) constitutes gross negligence;

(2) constitutes an intentional tort; or

(3) is criminal in nature.

(c) Effective Date.—This section shall apply with
respect to the provision of goods and services occurring
during fiscal year 1998 or any succeeding fiscal year.

This Act may be cited as the “District of Columbia
Appropriations, Medical Liability Reform, and Education
Reform Act of 1998”.

That the following sums are appropriated, out of any
money in the Treasury not otherwise appropriated, for the
several departments, agencies, corporations and other orga-
nizational units of the Government for the fiscal year 1998,
and for other purposes, namely:
DIVISION A—DISTRICT OF COLUMBIA

APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

FEDERAL FUNDS

Federal Payment for Management Reform

For payment to the District of Columbia, as authorized by section 11103(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, $8,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and shall be disbursed from such escrow account pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.
Federal Contribution to the Operations of the Nation’s Capital

For a Federal contribution to the District of Columbia toward the costs of the operation of the government of the District of Columbia, $190,000,000, which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year: Provided, That these funds may be used by the District of Columbia for the costs of advances to the District government as authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33: Provided further, That not less than $30,000,000 shall be used by the District of Columbia to repay the accumulated general fund deficit.

Federal Payment to the District of Columbia Corrections Trustee Operations

For payment to the District of Columbia Corrections Trustee, $169,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization

Federal Payment to the District of Columbia Corrections Trustee for Correctional Facilities, Construction and Repair

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Federal Payment to the District of Columbia Criminal Justice System (Including Transfer of Funds)

Notwithstanding any other provision of law, $108,000,000 for payment to the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts, including pension costs: Provided, That said sums shall be paid quarterly by the Treasury of the United States based on quarterly apportionments approved by the Office of Management and Budget, with payroll and financial services to be provided on a contractual basis with the General Services Administration, said services to include the preparation and submission of monthly financial reports to the President and to
the Committees on Appropriations of the Senate and House
of Representatives, the Committee on Governmental Affairs
of the Senate, and the Committee on Government Reform
and Oversight of the House of Representatives; of which not
to exceed $750,000 shall be available for establishment and
operations of the District of Columbia Truth in Sentencing
Commission as authorized by section 11211 of the National
Capital Revitalization and Self-Government Improvement

Notwithstanding any other provision of law, for an ad-
ditional amount, $43,000,000, for payment to the Offender
Supervision Trustee to be available only for obligation by
the Offender Supervision Trustee; of which $26,855,000
shall be available for Parole, Adult Probation and Offender
Supervision; of which $9,000,000 shall be available to the
Public Defender Service; of which $6,345,000 shall be avail-
able to the Pretrial Services Agency; and of which not to
exceed $800,000 shall be transferred to the United States
Parole Commission to implement section 11231 of the Na-
tional Capital Revitalization and Self-Government Im-
DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $105,177,000 (including $84,316,000 from local funds, $14,013,000 from Federal funds, and $6,848,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $240,000 shall be available for citywide special elections: Provided
further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

**ECONOMIC DEVELOPMENT AND REGULATION**

Economic development and regulation, $120,072,000 (including $40,377,000 from local funds, $42,065,000 from Federal funds, and $37,630,000 from other funds), together with $12,000,000 collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

**PUBLIC SAFETY AND JUSTICE**

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $529,739,000 (including $510,326,000 from local funds, $13,519,000 from Federal funds, and $5,894,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the
District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor’s Order 86–45, issued March 18, 1986, the Metropolitan Police Department’s delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified
as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings achieved through actions within the appropriated budget: Provided further, That, commencing on December 31, 1997, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate
Public education system, including the development of national defense education programs, $672,444,000 (including $530,197,000 from local funds, $112,806,000 from Federal funds, and $29,441,000 from other funds), to be allocated as follows: $564,129,000 (including $460,143,000 from local funds, $98,491,000 from Federal funds, and $5,495,000 from other funds), for the public schools of the District of Columbia; $8,900,000 from local funds for the District of Columbia Teachers’ Retirement Fund; $3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That if the entirety of this allocation has not been provided as payment to one or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: Provided further, That
the Emergency Transitional Education Board of Trustees of the District of Columbia shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: Provided further, That until the Emergency Transitional Education Board of Trustees reports to Congress as provided in the preceding proviso, the Emergency Transitional Education Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect to assistance provided to other District of Columbia public schools: Provided further, That the Emergency Transitional Education Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property; $74,087,000 (including $37,791,000 from local funds, $12,804,000 from Federal funds, and $23,492,000 from other funds) for the University of the District of Columbia; $22,036,000 (including $20,424,000 from local funds, $1,158,000 from Federal funds, and $454,000 from other funds) for the Public Library; $2,057,000 (including $1,704,000 from local funds and $353,000 from Federal funds) for the Commission on the Arts and Human-
ities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That not less than $1,200,000 shall be available for local school allotments in a restricted line item: Provided further, That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: Provided further, That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: Provided further, That not less than $1,788,000 shall be available in a restricted line item for school counselors: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.
HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 (including $789,350,000 from local funds, $886,702,000 from Federal funds, and $42,887,000 from other funds): Provided, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees’ disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Colum-
bia and leasing of passenger-carrying vehicles, $241,934,000 (including $227,983,000 from local funds, $3,350,000 from Federal funds, and $10,601,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepers, one flusher truck, five packer trucks, one front-end loader, and various public litter containers: Provided further, That $2,400,000 shall be available for recycling activities.

FINANCING AND OTHER USES

Financing and other uses, $454,773,000 (including for payment to the Washington Convention Center, $5,400,000 from local funds; reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation’s Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act
to authorize the Commissioners of the District of Columbia
to plan, construct, operate, and maintain a sanitary sewer
to connect the Dulles International Airport with the Dis-

triet of Columbia system, approved June 12, 1960 (74 Stat.
211; Public Law 86–515); and sections 723 and 743(f) of
the District of Columbia Home Rule Act of 1973, approved
December 24, 1973, as amended (87 Stat. 821; Public Law
93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public
Law 95–131; D.C. Code, sec. 9–219, note), including inter-
est as required thereby, $384,430,000 from local funds; for
the purpose of eliminating the $331,589,000 general fund
accumulated deficit as of September 30, 1990, $39,020,000
from local funds, as authorized by section 461(a) of the Dis-

triet of Columbia Home Rule Act, approved December 24,
1973, as amended (105 Stat. 540; Public Law 102–106;
D.C. Code, sec. 47–321(a)(1); for payment of interest on
short-term borrowing, $12,000,000 from local funds; for
lease payments in accordance with the Certificates of Par-
ticipation involving the land site underlying the building
located at One Judiciary Square, $7,923,000 from local
funds; for human resources development, including costs of
increased employee training, administrative reforms, and
an executive compensation system, $6,000,000 from local
funds); for equipment leases, the Mayor may finance
$13,127,000 of equipment cost, plus cost of issuance not to
exceed two percent of the par amount being financed on
a lease purchase basis with a maturity not to exceed five
years: Provided, That $75,000 is allocated to the Depart-
ment of Corrections, $8,000,000 for the Public Schools,
$50,000 for the Public Library, $260,000 for the Depart-
ment of Human Services, $244,000 for the Department of
Recreation and Parks, and $4,498,000 for the Department
of Public Works.

ENTERPRISE FUNDS

ENTERPRISE AND OTHER USES

Enterprises and other uses, $15,725,000 (including for
the Cable Television Enterprise Fund, established by the
Cable Television Communications Act of 1981, effective Oc-
et seq.), $2,467,000 (including $2,135,000 from local funds
and $332,000 from other funds); for the Public Service
Commission, $4,547,000 (including $4,250,000 from local
funds, $117,000 from Federal funds, and $180,000 from
other funds); for the Office of the People’s Counsel,
$2,428,000 from local funds; for the Office of Banking and
Financial Institutions, $600,000 (including $100,000 from
local funds and $500,000 from other funds); for the Depart-
ment of Insurance and Securities Regulation, $5,683,000
from other funds).
WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District’s debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District’s own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.
For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $97,019,000, of which $44,335,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $16,762,000 from the earnings of the ap-
applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

**CORRECTIONAL INDUSTRIES FUND**

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 from other funds.

**WASHINGTON CONVENTION CENTER ENTERPRISE FUND**

For the Washington Convention Center Enterprise Fund, $46,400,000, of which $5,400,000 shall be derived by transfer from the general fund.
District of Columbia Financial Responsibility and
Management Assistance Authority

For the District of Columbia Financial Responsibility
and Management Assistance Authority, established by sec-
tion 101(a) of the District of Columbia Financial Respon-
sibility and Management Assistance Act of 1995, approved
April 17, 1995 (109 Stat. 97; Public Law 104–8),
$3,220,000.

Capital Outlay

For construction projects, $269,330,000 (including
$31,100,000 for the highway trust fund, $105,485,000 from
local funds, and $132,745,000 in Federal funds), to remain
available until expended: Provided, That funds for use of
each capital project implementing agency shall be managed
and controlled in accordance with all procedures and limi-
tations established under the Financial Management Sys-
tem: Provided further, That all funds provided by this ap-
propriation title shall be available only for the specific
projects and purposes intended: Provided further, That not-
withstanding the foregoing, all authorizations for capital
outlay projects, except those projects covered by the first sen-
tence of section 23(a) of the Federal-Aid Highway Act of
1968, approved August 23, 1968 (82 Stat. 827; Public Law
90–495; D.C. Code, sec. 7–134, note), for which funds are
provided by this appropriation title, shall expire on Sep-
tember 30, 1999, except authorizations for projects as to
which funds have been obligated in whole or in part prior
to September 30, 1999: Provided further, That, upon expi-
ration of any such project authorization, the funds provided
herein for the project shall lapse.

DEFICIT REDUCTION AND REVITALIZATION

For deficit reduction and revitalization, $201,090,000,
to be deposited into an escrow account held by the District
of Columbia Financial Responsibility and Management As-
sistance Authority (hereafter in this section referred to as
“Authority”), which shall allocate the funds to the Mayor,
or such other District official as the Authority may deem
appropriate, at such intervals and in accordance with such
terms and conditions as the Authority considers appro-
priate: Provided, That these funds shall only be used for
reduction of the accumulated general fund deficit; capital
expenditures, including debt service; and management and
productivity improvements, as allocated by the Authority:
Provided further, That no funds may be obligated until a
plan for their use is approved by the Authority: Provided
further, That the Authority shall inform the Committees on
Appropriations of the Senate and House of Representatives,
the Committee on Governmental Affairs of the Senate, and
the Committee on Government Reform and Oversight of the
House of Representatives of the approved plans.
GENERAL PROVISIONS

SECTION 101. 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. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum
prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

Sec. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Fed-

Sec. 108. 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. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Af-
fairs, and the Council of the District of Columbia, or their
duly authorized representative.

Sec. 111. There are appropriated from the applicable
funds of the District of Columbia such sums as may be nec-
essary for making payments authorized by the District of
Columbia Revenue Recovery Act of 1977, effective September
seq.).

Sec. 112. No part of this appropriation shall be used
for publicity or propaganda purposes or implementation of
any policy including boycott designed to support or defeat
legislation pending before Congress or any State legislature.

Sec. 113. At the start of the fiscal year, the Mayor
shall develop an annual plan, by quarter and by project,
for capital outlay borrowings: Provided, That within a rea-
sonable time after the close of each quarter, the Mayor shall
report to the Council of the District of Columbia and the
Congress the actual borrowings and spending progress com-
pared with projections.

Sec. 114. The Mayor shall not borrow any funds for
capital projects unless the Mayor has obtained prior ap-
proval from the Council of the District of Columbia, by reso-
lution, identifying the projects and amounts to be financed
with such borrowings.
Sec. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Re­programming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.); Pro­vided, That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

Sec. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

Sec. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824;
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Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any
fiscal year, per diem compensation at a rate established by
the Mayor.

SEC. 120. Notwithstanding any other provisions of
law, the provisions of the District of Columbia Government
Comprehensive Merit Personnel Act of 1978, effective March
3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.),
enacted pursuant to section 422(3) of the District of Colum-
bia Home Rule Act of 1973, approved December 24, 1973
(87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–
242(3)), shall apply with respect to the compensation of
District of Columbia employees: Provided, That for pay
purposes, employees of the District of Columbia government
shall not be subject to the provisions of title 5, United States
Code.

SEC. 121. The Director of the Department of Adminis-
trative Services may pay rentals and repair, alter, and im-
prove rented premises, without regard to the provisions of
section 322 of the Economy Act of 1932 (Public Law 72–
212; 40 U.S.C. 278a), based upon a determination by the
Director that, by reason of circumstances set forth in such
determination, the payment of these rents and the execution
of this work, without reference to the limitations of section
322, is advantageous to the District in terms of economy,
efficiency, and the District’s best interest.
Sec. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.
Sec. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term “program, project, and activity” shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

Sec. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation
accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

Sec. 126. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept
and use gifts to the public schools without prior approval by the Mayor.

Sec. 127. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

Sec. 128. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by
control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.
SEC. 129. Funds authorized or appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.


(1) in subsection (a)(1), by—

(A) striking “1995” and inserting “1998”;

(B) striking “Mayor” and inserting “District of Columbia Financial Responsibility and Management Assistance Authority”; and

(C) striking “Committee on the District of Columbia” and inserting “Committee on Government Reform and Oversight”;

(2) in subsection (b)(1), by—

(A) striking “1997” and inserting “1999”;

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(B) striking “Mayor” and inserting “Authority”; and

(C) striking “Committee on the District of Columbia” and inserting “Committee on Government Reform and Oversight”;

(3) in subsection (b)(3), by striking “Committee on the District of Columbia” and inserting “Committee on Government Reform and Oversight”;

(4) in subsection (c)(1), by—

(A) striking “1995” and inserting “1997”;

(B) striking “Mayor” and inserting “Chief Financial Officer”; and

(C) striking “Committee on the District of Columbia” and inserting “Committee on Government Reform and Oversight”;

(5) in subsection (c)(2)(A), by—

(A) striking “1997” and inserting “1999”;

(B) striking “Mayor” and inserting “Chief Financial Officer”; and

(C) striking “Committee on the District of Columbia” and inserting “Committee on Government Reform and Oversight”;

(6) in subsection (c)(2)(B), by striking “Committee on the District of Columbia” and inserting “Committee on Government Reform and Oversight”; and
(7) in subsection (d)(1), by—

(A) striking “1994” and inserting “1997”;

(B) striking “Mayor” and inserting “Chief Financial Officer”; and

(C) striking “Committee on the District of Columbia” and inserting “Committee on Government Reform and Oversight”.

SEC. 131. For purposes of the appointment of the head of a department of the government of the District of Columbia under section 11105(a) of the National Capital Revitalization and Self-Improvement Act of 1997, Public Law 105–33, the following rules shall apply:

(1) After the Mayor notifies the Council under paragraph (1)(A)(ii) of such section of the nomination of an individual for appointment, the Council shall meet to determine whether to confirm or reject the nomination.

(2) If the Council fails to confirm or reject the nomination during the 7-day period described in paragraph (1)(A)(iii) of such section, the Council shall be deemed to have confirmed the nomination.

(3) For purposes of paragraph (1)(B) of such section, if the Council does not confirm a nomination (or is not deemed to have confirmed a nomination) during the 30-day period described in such para-
graph, the Mayor shall be deemed to have failed to
nominate an individual during such period to fill the
vacancy in the position of the head of the department.

Sec. 132. None of the funds appropriated under this
Act shall be expended for any abortion except where the life
of the mother would be endangered if the fetus were carried
to term or where the pregnancy is the result of an act of
rape or incest.

Sec. 133. None of the funds made available in this
Act may be used to implement or enforce the Health Care
Code, sec. 36–1401 et seq.) or to otherwise implement or
enforce any system of registration of unmarried, cohabiting
couples (whether homosexual, heterosexual, or lesbian), in-
cluding but not limited to registration for the purpose of
extending employment, health, or governmental benefits to
such couples on the same basis as such benefits are extended
to legally married couples.

Sec. 134. The Emergency Transitional Education
Board of Trustees shall submit to the Congress, the Mayor,
the District of Columbia Financial Responsibility and
Management Assistance Authority, and the Council of the
District of Columbia no later than fifteen (15) calendar
days after the end of each month a report that sets forth—
(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and
(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

Sec. 135. (a) In general.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31,
verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

Sec. 136. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that re-
aligns budgeted data for personal services and other-than-
personal services, respectively, with anticipated actual ex-
penditures.

(b) The revised budget required by subsection (a) of
this section shall be submitted in the format of the budget
that the Emergency Transitional Education Board of
Trustees and the University of the District of Columbia sub-
mit to the Mayor of the District of Columbia for inclusion
in the Mayor’s budget submission to the Council of the Dis-
trict of Columbia pursuant to section 442 of the District
of Columbia Home Rule Act, Public Law 93–198, as

Sec. 137. The Emergency Transitional Education
Board of Trustees, the Board of Trustees of the University
of the District of Columbia, the Board of Library Trustees,
and the Board of Governors of the University of the District
of Columbia School of Law shall vote on and approve their
respective annual or revised budgets before submission to
the Mayor of the District of Columbia for inclusion in the
Mayor’s budget submission to the Council of the District
of Columbia in accordance with section 442 of the District
of Columbia Home Rule Act, Public Law 93–198, as
amended (D.C. Code, sec. 47–301), or before submitting
their respective budgets directly to the Council.
SEC. 138. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) In general.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption “Division of Expenses” shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $4,811,906,000 (of which $118,269,000 shall be from intra-District funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; and

(ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which are approved by the
District of Columbia Financial Responsibility and Management Assistance Authority.

(C) to the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in subsection (B) above, the Chief Financial Officer of the District of Columbia, with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as “Authority”) shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998.
(b) Acceptance and Use of Grants Not Included in Ceiling.—

(1) In General.—Notwithstanding subsection (a), the Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year, as defined in section 305(4) of Public Law 104–8, as amended, 109 Stat. 152, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of Chief Financial Officer Report and Financial Responsibility and Management Assistance Authority Approval.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Re-
sponsibility and Management Assistance Act of 1995.

(3) Prohibition on spending in anticipation of approval or receipt.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) Monthly reports.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

Sec. 139. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of Public Law 104–8—

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;
(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: Provided, That the terms of such contracts do not exceed twenty-five years; and

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 140. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1998 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor’s recommendations. Notwithstanding any provision
of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

Sec. 141. In addition to amounts appropriated or otherwise made available, $5,000,000 is hereby appropriated to the National Park Service and shall be available only for the United States Park Police operations in the District of Columbia.

Sec. 142. The District government shall maintain for fiscal year 1998 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia.

Sec. 143. The District of Columbia Financial Responsibility and Management Assistance Authority and the Chief Executive Officer of the District of Columbia public schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Senate Committee on Governmental Affairs and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1998, on all measures necessary and steps to be taken to ensure that the District’s public schools open on time to begin the 1998–99 academic year.
Sec. 144. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Commission. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

Sec. 145. (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia’s alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia’s lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia’s tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and
(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

SEC. 146. Of the amounts appropriated in this Act to the District of Columbia, funds may be expended to—

(1) hire 5 additional inspectors for the Department of Consumer and Regulatory Affairs to focus on monitoring day care centers and home day care operations; and

(2) hire 5 additional Department of Human Services monitors to focus on selecting quality day care centers eligible for public financing and monitoring safety standards at such centers.

(b) Nothing in this section shall be deemed to supersede or otherwise preempt the development and implementation of the management reform plan for the Department of Consumer and Regulatory Affairs and the Department of Human Services as authorized in the District of Columbia Management Reform Act of 1997 (Subtitle B, Title XI, Public Law 105–33).

SEC. 147. (a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the “Nation’s Capital Bicentennial Designation Act”.

(2) FINDINGS.—The Senate finds that—
(A) the year 2000 will mark the 200th anniversary of Washington, D.C. as the Nation’s permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as “the seat of Government of the United States”;

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L’Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation’s capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and
the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) the Government of the United States must continually work to ensure that the Nation’s capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the “Year of National Bicentennial Celebration for Washington, D.C.—the Nation’s Capital”; and

(B) establish the Presidents’ Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION’S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the “Year of the National Bicentennial Celebration for Washington, D.C.—the Nation’s Capital” and the Presidents’ Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate
with and assist the Nation’s Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation’s capital.

SEC. 148. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), General Obligation Bond Act of 1998 (D.C. Bill 12–371), if enacted by the Council of the District of Columbia and approved by the District of Columbia Financial Responsibility and Management Assistance Authority, shall take effect on the date of such approval or the date of the enactment of this Act, whichever is later.

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall
not compete with school-based personnel for retention purposes.

SEC. 150. (a) Restrictions on Use of Official Vehicles.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer’s or employee’s official duties. For purposes of this paragraph, the term “official duties” does not include travel between the officer’s or employee’s residence and workplace (except in the case of a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee’s title and resident location.

(b) Source of Payment for Employees Detailed Within Government.—For purposes of determining the
amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity’s budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) Restricting Providers From Whom Employees May Receive Disability Compensation Services.—

(1) In general.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

“(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.”.
(2) Services Furnished.—Section 2303 of such Act (D.C. Code, sec. 1–624.3) is amended by adding at the end the following new subsection:

“(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

“(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees’ Compensation Fund.

“(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323.”.

(3) Repeal Penalty for Delayed Payment of Compensation.—Section 2324 of such Act (D.C. Code, sec. 1–624.24) is amended by striking subsection (c).

(4) Definitions.—Section 2301 of such Act (D.C. Code, sec. 1–624.1) is amended—
(A) in the first sentence of subsection (c), by inserting “and as designated by the Mayor to provide services to injured employees” after “State law”; and

(B) by adding at the end the following new subsection:

“(r)(1) The term ‘managed care organization’ means an organization of physicians and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees which is designated by the Mayor to provide such care and treatment under this title.

“(2) The term ‘allied health professional’ means a medical care provider (including a nurse, physical therapist, laboratory technician, X-ray technician, social worker, or other provider who provides such care within the scope of practice under applicable law) who is employed by or affiliated with a managed care organization.”.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services, supplies, or appliances furnished under title XXIII of the District of Columbia Merit Personnel Act of 1978 on or after the date of the enactment of this Act.

(d) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Com-
prehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended by adding at the end the following new section:


“(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1998, each agency head is authorized, within the agency head’s discretion, to identify positions for abolishment.

“(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

“(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.
“(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee’s competitive level.

“(e) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

“(f) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except that—

“(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977 (D.C. Code, sec. 1–2543); and

“(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) were not properly applied.

“(g) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included
in computing creditable service for severance pay for employees separated pursuant to this section—

“(1) four years for an employee who qualified for veterans preference under this Act, and

“(2) three years for an employee who qualified for residency preference under this Act.

“(h) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

“(i) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

“(j) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

“(k) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.
“(l) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency’s management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.”.

Sec. 151. (a) Compliance With Buy American Act.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) Sense of Congress; Requirement Regarding Notice.—

(1) Purchase of American-Made Equipment and Products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) Notice to Recipients of Assistance.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall pro-
vide to each recipient of the assistance a notice de-
scribing the statement made in paragraph (1) by the
Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS
FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
If it has been finally determined by a court or Federal agen-
cy that any person intentionally affixed a label bearing a
“Made in America” inscription, or any inscription with
the same meaning, to any product sold in or shipped to
the United States that is not made in the United States,
the person shall be ineligible to receive any contract or sub-
contract made with funds made available in this Act, pur-
suant to the debarment, suspension, and ineligibility proce-
dures described in sections 9.400 through 9.409 of title 48,
Code of Federal Regulations.

SEC. 152. (a) CAP ON STIPENDS OF RETIREMENT
BOARD MEMBERS.—Section 121(c)(1) of the District of Co-
lumbia Retirement Reform Act (D.C. Code, sec. 1–
711(c)(1)) is amended by striking the period at the end and
inserting the following: “, and the total amount to which
a member may be entitled under this subsection during a
year (beginning with 1998) may not exceed $5,000.”.

(b) RESUMPTION OF CERTAIN TERMINATED ANNU-
ITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUM-
BIA POLICE AND FIREFIGHTERS.—
(1) In general.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(e)) is amended by adding at the end the following new subparagraph:

“(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.”.

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

Sec. 153. (a) In general.—The Council of the District of Columbia shall annually review and adjust the amount of the monthly assistance payment that may be made under the Temporary Assistance for Needy Families Program so that such payment is comparable with the monthly assistance payments made under such program in Maryland and Virginia counties that are contiguous to the District of Columbia.
(b) **Effective Date.**—Subsection (a) shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

**Sec. 154.** Effective as if included in the enactment of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking “October 1, 1991” and inserting “the date of the enactment of this Act”.

**Sec. 155.** Requiring Placement of Inspector General Hotline on Permit and License Application Forms.—

1. **In General.**—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

2. **Quarterly Reports on Use of Number.**—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone
number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.

SEC. 156. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person’s place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

SEC. 157. (a) DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the
Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:

“SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

“(a) IN GENERAL.—

“(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

“(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse
the Secretary for advances made under title VI of such Act.

“(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.”

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 204 the following new item:

“Sec. 205. Deposit of annual Federal contribution with Authority.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

(b) DISHONORED CHECK COLLECTION.—The Act entitled “An Act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks”, approved September 28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third sentence the following: “The Mayor may enter into a contract to collect the amount of the original obligation.”; and
(2) by adding at the end the following new subsections:

“(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney’s fees.

“(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney’s fees may be initiated—

“(1) by the Corporation Counsel of the District of Columbia; or

“(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.
“(e) Nothing in this section may be construed to elimi-
nate the Mayor’s exclusive authority with respect to any
obligations and liabilities of the District of Columbia.”.

(c) Conforming References to Internal Revenue Code of 1986.—Section 4(28A) of the District of Co-
47–1801.4(28A)) is amended to read as follows:

“(28A) The term ‘Internal Revenue Code of
1986’ means the Internal Revenue Code of 1986 (100
Stat. 2085; 26 U.S.C. 1 et seq.), as amended through
August 20, 1996. The provisions of the Internal Reve-
nue Code of 1986 shall be effective on the same dates
that they are effective for Federal tax purposes.”.

(d) Standard for Review of Recommendations
of Business Regulatory Reform Commission in Re-
view of Regulations by Authority.—Section
11701(a)(1) of the Balanced Budget Act of 1997 is amended
by striking the second sentence and inserting the following:
“In carrying out such review, the Authority shall include
an explicit reference to each recommendation made by the
Business Regulatory Reform Commission pursuant to the
Business Regulatory Reform Commission Act of 1994 (D.C.
Code, sec. 2–4101 et seq.), together with specific findings
and conclusions with respect to each such recommenda-
tion.”.
(e) Technical Corrections Relating to Balanced Budget Act of 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(c) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

“(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council, the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.”.

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking “DEPARTMENT OF PARKS AND RECREATION” and inserting “PARKS AUTHORITY”; and

(B) by striking “Department of Parks and Recreation” and inserting “Parks Authority”.

(f) Repeal of Prior Notice Requirement for Federal Activities Affecting Real Property in Dist-
TRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.

SEC. 158. Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

SEC. 159. (a) Section 501(c)(4) of the District of Columbia Police and Firemen’s Act of 1958 (D.C. Code, sec. 4–416(c)(4)) is amended by striking “locality pay” and inserting “longevity pay”.

(b) The amendment made by subsection (a) is effective on the date of enactment of Public Law 105–61.

SEC. 160. In addition to amounts appropriated or otherwise made available, $3,000,000 is appropriated for the purpose of funding a Medicare Coordinated Care Demonstration Project in the District of Columbia as specified in section 4016(b)(2)(C) of the Balanced Budget Act of 1997.

SEC. 161. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Co-
lumbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as “Authority”). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 162. Effective as if included in the enactment of subtitle J of title IV of the Balanced Budget Act of 1997 (Public Law 105–33) the Social Security Act is amended as follows:

(1) The fourth sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting “for the State for a fiscal year, and that do not exceed the amount of the State’s allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year,” after “subsection (u)(3)”.

(2) Section 1905(u) of such Act (42 U.S.C. 1396d(u)) is amended—

(A) in paragraph (1)(B), by striking “paragraph (2)” and inserting “the fourth sentence of subsection (b)”;

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(B) in paragraph (2)(A), by striking “(C), but not in excess” and all that follows up to the period at the end and inserting “(B)”;

(C) by striking subparagraphs (B) and (C) of paragraph (2) and inserting the following: “(B) For purposes of this paragraph, the term ‘optional targeted low-income child’ means a targeted low-income child as defined in section 2110(b)(1) (determined without regard to that portion of subparagraph (C) of such section concerning eligibility for medical assistance under this title) who would not qualify for medical assistance under the State plan under this title as in effect on March 31, 1997 (but taking into account the expansion of age of eligibility effected through the operation of section 1902(l)(1)(D)).”;

(D) in paragraph (3)—

(i) by striking “described in this subparagraph” and inserting “described in this paragraph”; and

(ii) by striking “April 15, 1997” and inserting “March 31, 1997”; and

(E) by adding at the end the following: “(4) The limitations on payment under subsections (f) and (g) of section 1108 shall not apply to Federal payments
made under section 1903(a)(1) based on an enhanced FMAP described in section 2105(b).”.

(3) Section 2110(b) of such Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(B)(ii) to read as follows:

“(ii) is a child—

“(I) whose family income (as determined under the State child health plan))

exceeds the medicaid applicable income level

(as defined in paragraph (4)), but does not exceed 50 percentage points above the med-

icaid applicable income level;

“(II) whose family income (as so deter-

mined) does not exceed the medicaid appli-

cable income level (as defined in paragraph

(4) but determined as if ‘June 1, 1997’ were

substituted for ‘March 31, 1997’); or

“(III) who resides in a State that does

not have a medicaid applicable income level

(as defined in paragraph (4)); and”; and

(B) in paragraph (4)—

(i) by striking “June 1, 1997” and in-

serting “March 31, 1997”; and
(ii) by inserting “or 1905(n)(2) (as selected by a State)” after “1902(l)(2)”.

(4) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by striking “or 1905(p)(1)” and inserting “1905(p)(1), or 1905(u)”.

(5) Section 2105(c)(2)(A) of such Act (42 U.S.C. 1397ee(c)(2)(A)) is amended to read as follows—

“(A) IN GENERAL.—Except as provided in this paragraph, payment shall not be made under subsection (a) for expenditures for items described in subsection (a) (other than paragraph (1)) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the sum of—

“(i) the total of such expenditures for such fiscal year, and

“(ii) the total expenditures for medical assistance by the State under title XIX for which Federal payments made under section 1903(a)(1) are based on an enhanced FMAP described in section 2105(b) for such fiscal year.”.

(6) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—
(A) in subsection (d)(1), by striking “for calendar quarters” and inserting “for expenditures claimed by the State”; and

(B) by striking subsection (d)(2) and inserting the following:

“(2) the amount (if any) of the payments made to that State under section 1903(a) for expenditures claimed by the State during such fiscal year that is attributable to the provision of medical assistance to a child for which payment is made under section 1903(a)(1) on the basis of an enhanced FMAP under the fourth sentence of section 1905(b).”.

(7) Section 2105 of such Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

“(f) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section or subsections (e) and (f) of section 2104 shall be construed as preventing a State from claiming as expenditures in the quarter expenditures that were incurred in a previous quarter.”.

(8) Section 2104 of such Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)(1), by striking “$4,275,000,000” and inserting “$4,295,000,000”;
(B) in subsection (b)(4), by striking “Subject to paragraph (5), in” and inserting “In”;
and

(C) in subsection (c)—

(i) in paragraph (2)(C), by inserting “the” before “Virgin Islands”, and

(ii) in paragraphs (3)(C) and (3)(E), by striking “the” and inserting “The”.

(9) Section 2110(c)(3) of such Act (42 U.S.C. 1397jj(c)(3)) is amended by striking “2191” and inserting “2791”.

Sec. 163. The Administrator of General Services is authorized to amend the use restriction contained in the Administrator’s 1956 conveyance of land to the City of Bonham, Texas, mandated by Public Law 586 of the 84th Congress. The amended use restriction will limit the property to state veterans, nursing homes and public safety communications purposes only.

Sec. 164. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

Sec. 165. There are appropriated from such funds of the District of Columbia, as are deemed appropriate by the
District of Columbia Financial Responsibility and Management Assistance Authority, $2,600,000, for the Fire and Emergency Medical Services Department for a 5 percent pay increase for uniformed fire fighters.

Sec. 166. During fiscal year 1998, from funds available to the Department of Defense, up to $800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as “FS 28” and “FS–1” adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE II—CLARIFICATION OF ELIGIBILITY FOR RELIEF FROM REMOVAL AND DEPORTATION FOR CERTAIN ALIENS

Sec. 201. SHORT TITLE.—This title may be cited as the “Nicaraguan Adjustment and Central American Relief Act”.

Sec. 202. ADJUSTMENT OF STATUS OF CERTAIN NICARAGUANS AND CUBANS. (a) ADJUSTMENT OF STATUS.—

(1) In general.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the
status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney
General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) Aliens Eligible for Adjustment of Status.—

(1) In general.—The benefits provided by subsection (a) shall apply to any alien who is a national of Nicaragua or Cuba and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under such subsection is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(2) Proof of commencement of continuous presence.—For purposes of establishing that the period of continuous physical presence referred to in paragraph (1) commenced not later than December 1, 1995, an alien—

(A) shall demonstrate that the alien, prior to December 1, 1995—
(i) applied to the Attorney General for asylum;

(ii) was issued an order to show cause under section 242 or 242B of the Immigration and Nationality Act (as in effect prior to April 1, 1997);

(iii) was placed in exclusion proceedings under section 236 of such Act (as so in effect);

(iv) applied for adjustment of status under section 245 of such Act;

(v) applied to the Attorney General for employment authorization;

(vi) performed service, or engaged in a trade or business, within the United States which is evidenced by records maintained by the Commissioner of Social Security; or

(vii) applied for any other benefit under the Immigration and Nationality Act by means of an application establishing the alien’s presence in the United States prior to December 1, 1995; or

(B) shall make such other demonstration of physical presence as the Attorney General may provide for by regulation.
(c) Stay of Removal; Work Authorization.—

(1) In General.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) During Certain Proceedings.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) Work Authorization.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been de-
nied, the Attorney General shall authorize such em-
ployment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHIL-
DREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the
status of an alien shall be adjusted by the Attorney
General to that of an alien lawfully admitted for per-
manent residence, if—

(A) the alien is a national of Nicaragua or
Cuba;

(B) the alien is the spouse, child, or unmar-
rried son or daughter, of an alien whose status is
adjusted to that of an alien lawfully admitted for
permanent residence under subsection (a), except
that in the case of such an unmarried son or
daughter, the son or daughter shall be required
to establish that they have been physically
present in the United States for a continuous pe-
riod, beginning not later than December 1, 1995,
and ending not earlier than the date the applica-
tion for adjustment under this subsection is filed;

(C) the alien applies for such adjustment
and is physically present in the United States on
the date the application is filed;
(D) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(E) applies for such adjustment before April 1, 2000.

(2) **Proof of Continuous Presence.**—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien—

(A) shall demonstrate that such period commenced not later than December 1, 1995, in a manner consistent with subsection (b)(2); and

(B) shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period in the aggregate not exceeding 180 days.

(e) **Availability of Administrative Review.**—The Attorney General shall provide to applicants for adjustment
of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) Limitation on Judicial Review.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) No Offset in Number of Visas Available.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) Application of Immigration and Nationality Act Provisions.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act.
or any other law relating to immigration, nationality, or
naturalization. The fact that an alien may be eligible to
be granted the status of having been lawfully admitted for
permanent residence under this section shall not preclude
the alien from seeking such status under any other provi-
sion of law for which the alien may be eligible.

SEC. 203. MODIFICATION OF CERTAIN TRANSITION
RULES. (a) TRANSITIONAL RULES WITH REGARD TO SUS-
PENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 309(c)(5) of the Ille-
gal Immigration Reform and Immigrant Responsibil-
ity Act of 1996 (Public Law 104–208; division C; 110
Stat. 3009–627) is amended to read as follows:

“(5) TRANSITIONAL RULES WITH REGARD TO
SUSPENSION OF DEPORTATION.—

“(A) IN GENERAL.—Subject to subpara-
graphs (B) and (C), paragraphs (1) and (2) of
section 240A(d) of the Immigration and Nation-
ality Act (relating to continuous residence or
physical presence) shall apply to orders to show
cause (including those referred to in section
242B(a)(1) of the Immigration and Nationality
Act, as in effect before the title III–A effective
date), issued before, on, or after the date of the
enactment of this Act.
“(B) Exception for certain orders.—

In any case in which the Attorney General elects to terminate and reinitiate proceedings in accordance with paragraph (3) of this subsection, paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply to an order to show cause issued before April 1, 1997.

“(C) Special rule for certain aliens granted temporary protection from deportation.—

“(i) In general.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act (as in effect before the title III–A effective date) or section 240A of such Act (as in effect after the title III–A effective date), subparagraph (A) and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated
felony (as defined in section 101(a) of the Immigration and Nationality Act) and—

“(I) was not apprehended after December 19, 1990, at the time of entry, and is—

“(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the settlement agreement in American Baptist Churches, et al. v. Thornburgh (ABC), 760 F. Supp. 796 (N.D. Cal. 1991) on or before October 31, 1991, or applied for temporary protected status on or before October 31, 1991; or

“(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to such settlement agreement on or before December 31, 1991;
“(II) is a Guatemalan or Salvadoran national who filed an application for asylum with the Immigration and Naturalization Service on or before April 1, 1990;

“(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in this clause (excluding this subclause and subclause (IV));

“(IV) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

“(aa) the alien parent has been determined to be described in this clause (excluding this subclause and subclause (III)); and

“(bb) in the case of a son or daughter who is 21 years of age or
older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990; or

“(V) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.

“(ii) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether an alien satisfies the requirements of this clause (i) is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of section 242(a)(2)(B) of the Immigration and
Nationality Act (as in effect after the title III–A effective date) to other eligibility determinations pertaining to discretionary relief under this Act.”.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–625) is amended by striking the subsection designation and the subsection heading and inserting the following:

“(c) TRANSITION FOR CERTAIN ALIENS.—”.

(b) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–625) is amended by adding at the end the following:

“(f) SPECIAL RULE FOR CANCELLATION OF REMOVAL.—

“(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (as in effect after the title III–A effective date), other than subsections (b)(1), (d)(1), and (c) of section 240A of such Act (but including section 242(a)(2)(B) of such Act), the Attorney General may, under section 240A of such Act, cancel removal of, and adjust to the status of an
alien lawfully admitted for permanent residence, an
alien who is inadmissible or deportable from the
United States, if the alien applies for such relief, the
alien is described in subsection (c)(3)(C)(i) of this sec-
tion, and—

“(A) the alien—

“(i) is not inadmissible or deportable
under paragraph (2) or (3) of section
212(a) or paragraph (2), (3), or (4) of sec-
tion 237(a) of the Immigration and Nation-
ality Act and is not an alien described in
section 241(b)(3)(B)(i) of such Act;

“(ii) has been physically present in the
United States for a continuous period of not
less than 7 years immediately preceding the
date of such application;

“(iii) has been a person of good moral
character during such period; and

“(iv) establishes that removal would re-
sult in extreme hardship to the alien or to
the alien’s spouse, parent, or child, who is
a citizen of the United States or an alien
lawfully admitted for permanent residence;
or

“(B) the alien—
“(i) is inadmissible or deportable under section 212(a)(2), 237(a)(2) (other than 237(a)(2)(A)(iii)), or 237(a)(3) of the Immigration and Nationality Act;

“(ii) is not an alien described in section 241(b)(3)(B)(i) or 101(a)(43) of such Act;

“(iii) has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for removal;

“(iv) has been a person of good moral character during such period; and

“(v) establishes that removal would result in exceptional and extremely unusual hardship to the alien or to the alien’s spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

“(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—Section 240A(d)(2) shall apply for purposes of calculating any period of continuous physical presence under this subsection, except that the reference to
subsection (b)(1) in such section shall be considered to
be a reference to paragraph (1) of this section.”.

(c) MOTIONS TO REOPEN DEPORTATION OR REMOVAL
PROCEDINGS.—Section 309 of the Illegal Immigration Re-
form and Immigrant Responsibility Act of 1996 (Public
Law 104–208; 110 Stat. 3009–625), as amended by sub-
section (b), is further amended by adding at the end the
following:

“(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL
PROCEDINGS.—Notwithstanding any limitation imposed
by law on motions to reopen removal or deportation pro-
ceedings (except limitations premised on an alien’s convic-
tion of an aggravated felony (as defined in section 101(a)
of the Immigration and Nationality Act)), any alien who
has become eligible for cancellation of removal or suspension
of deportation as a result of the amendments made by sec-
tion 203 of the Nicaraguan Adjustment and Central Amer-
ican Relief Act may file one motion to reopen removal or
deportation proceedings to apply for cancellation of removal
or suspension of deportation. The Attorney General shall
designate a specific time period in which all such motions
to reopen are required to be filed. The period shall begin
not later than 60 days after the date of the enactment of
the Nicaraguan Adjustment and Central American Relief
Act and shall extend for a period not to exceed 240 days.”.
(d) Temporary Reduction in Diversity Visas.—

(1) Beginning in fiscal year 1999, subject to paragraph (2), the number of visas available for a fiscal year under section 201(e) of the Immigration and Nationality Act shall be reduced by 5,000 from the number of visas available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) one-half of the total number of individuals described in subclauses (I), (II), (III), and (IV) of section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 who have adjusted their status to that of aliens lawfully admitted for permanent residence under the Nicaraguan Adjustment and Central American Relief Act as of the end of the previous fiscal year exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(e) Temporary Reduction in Other Workers’ Visas.—
(1) Beginning in the fiscal year following the fiscal year in which a visa has been made available under section 203(b)(3)(A)(iii) of the Immigration and Nationality Act for all aliens who are the beneficiary of a petition approved under section 204 of such Act as of the date of the enactment of this Act for classification under section 203(b)(3)(A)(iii) of such Act, subject to paragraph (2), visas available under section 203(b)(3)(A)(iii) of that Act shall be reduced by 5,000 from the number of visas otherwise available under that section for such fiscal year.

(2) In no case shall the reduction under paragraph (1) for a fiscal year exceed the amount by which—

(A) the number computed under subsection (d)(2)(A), exceeds—

(B) the total of the reductions in available visas under this subsection for all previous fiscal years.

(f) Effective Date.—The amendments made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

Sec. 204. Limitation on Cancellations of Removal and Suspensions of Deportation. (a) Annual
LIMITATION.—Section 240A(e) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)) is amended to read as follows:

“(e) Annual Limitation.—

“(1) Aggregate Limitation.—Subject to paragraphs (2) and (3), the Attorney General may not cancel the removal and adjust the status under this section, nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), of a total of more than 4,000 aliens in any fiscal year. The previous sentence shall apply regardless of when an alien applied for such cancellation and adjustment, or such suspension and adjustment, and whether such an alien had previously applied for suspension of deportation under such section 244(a). The numerical limitation under this paragraph shall apply to the aggregate number of decisions in any fiscal year to cancel the removal (and adjust the status) of an alien, or suspend the deportation (and adjust the status) of an alien, under this section or such section 244(a).

“(2) Fiscal Year 1997.—For fiscal year 1997, paragraph (1) shall only apply to decisions to cancel the removal of an alien, or suspend the deportation
of an alien, made after April 1, 1997. Notwithstanding any other provision of law, the Attorney General may cancel the removal or suspend the deportation, in addition to the normal allotment for fiscal year 1998, of a number of aliens equal to 4,000 less the number of such cancellations of removal and suspensions of deportation granted in fiscal year 1997 after April 1, 1997.

“(3) Exception for certain aliens.—Paragraph (1) shall not apply to the following:

“(A) Aliens described in section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by the Nicaraguan Adjustment and Central American Relief Act).

“(B) Aliens in deportation proceedings prior to April 1, 1997, who applied for suspension of deportation under section 244(a)(3) (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”.

(b) Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended in each of paragraphs (1) and
(2) by striking “may cancel removal in the case of an alien” and inserting “may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien”.

(c) Recordation of Date.—Section 240A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(3)) is amended to read as follows:

“(3) Recordation of Date.—With respect to aliens who the Attorney General adjusts to the status of an alien lawfully admitted for permanent residence under paragraph (1) or (2), the Attorney General shall record the alien’s lawful admission for permanent residence as of the date of the Attorney General’s cancellation of removal under paragraph (1) or (2).”.

(d) April 1 Effective Date for Aggregate Limitation.—Section 309(c)(7) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–627) is amended to read as follows:

“(7) Limitation on Suspension of Deportation.—After April 1, 1997, the Attorney General may not suspend the deportation and adjust the status under section 244 of the Immigration and Nationality Act (as in effect before the title III–A effective date) of any alien in any fiscal year, except in ac-
cordance with section 240A(e) of such Act. The previous sentence shall apply regardless of when an alien applied for such suspension and adjustment.”.

(e) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–546).

This division may be cited as the “District of Columbia Appropriations Act, 1998”.


The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:
TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $76,199,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged
or destroyed as a result of any domestic or international 
terrorist incident, (2) the costs of providing support to 
counter, investigate or prosecute domestic or international 
terrorism, including payment of rewards in connection 
with these activities, and (3) the costs of conducting a ter-
rorism threat assessment of Federal agencies and their fa-
cilities: Provided, That funds provided under this heading 
shall be available only after the Attorney General notifies 
the Committees on Appropriations of the House of Rep-
resentatives and the Senate in accordance with section 605 
of this Act.

In addition, for necessary expenses, as determined by 
the Attorney General, $32,700,000, to remain available 
until expended, to reimburse departments and agencies of 
the Federal Government for any costs incurred in connec-
tion with—

(1) counterterrorism technology research and de-
velopment;

(2) providing training and related equipment for 
chemical, biological, nuclear, and cyber attack preven-
tion and response capabilities to State and local law 
enforcement agencies; and

(3) providing bomb training and response capa-
bilities to State and local law enforcement agencies.
ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,211,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year:

Provided, That up to one-tenth of one percent of the Department of Justice’s allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,009,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $444,200,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through “Salaries and Expenses”, General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau,
INTERPOL, for official reception and representation expenses: Provided further, That, of the funds appropriated under this heading, such funds as may be necessary for the orderly termination of the Ounce of Prevention Council.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $75,495,000: Provided, That notwithstanding any other provision of law, not to exceed $70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available
until expended: Provided further, That the sum herein ap-
propriated from the General Fund shall be reduced as such
offsetting collections are received during fiscal year 1998,
so as to result in a final fiscal year 1998 appropriation
from the General Fund estimated at not more than
$5,495,000: Provided further, That any fees received in ex-
cess of $70,000,000 in fiscal year 1998, shall remain avail-
able until expended, but shall not be available for obligation
until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United
States Attorneys, including intergovernmental and coopera-
tive agreements, $972,460,000; of which not to exceed
$2,500,000 shall be available until September 30, 1999, for
(1) training personnel in debt collection, (2) locating debt-
ors and their property, (3) paying the net costs of selling
property, and (4) tracking debts owed to the United States
Government: Provided, That of the total amount appro-
priated, not to exceed $8,000 shall be available for official
reception and representation expenses: Provided further,
That not to exceed $10,000,000 of those funds available for
automated litigation support contracts shall remain avail-
able until expended: Provided further, That not to exceed
$1,200,000 for the design, development, and implementation
of an information systems strategy for D.C. Superior Court
shall remain available until expended: Provided further,
That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including intergovernmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking:
Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $62,828,000, to remain available until expended, which
shall be derived from the Violent Crime Reduction Trust Fund.

**UNITED STATES TRUSTEE SYSTEM FUND**

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at $0: Provided further, That any such fees collected in excess of $114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.
SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,226,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the per-
formance of a governmental function for purposes of 49

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $75,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for pro-
tected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000 and, in addition, up to $2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.
ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $4,381,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $294,967,000, of which $50,000,000 shall remain available until expended. Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated bal-
ances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,750,921,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than $221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities relat-
ed to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), $179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction
Trust Fund; of which $102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely
under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $723,841,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and
section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the
joint Immigration and Naturalization Service and United States Marshals Service’s Buffalo Detention Facility; $1,658,886,000 of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a con-
tinuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the INS to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD-258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to
prepare FD–258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates
policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $607,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement
and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,823,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the
care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

**VIOLENT CRIME REDUCTION PROGRAMS**

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

**BUILDINGS AND FACILITIES**

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $255,133,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct
areas for inmate work programs: Provided, That labor of
United States prisoners may be used for work performed
under this appropriation: Provided further, That not to ex-
ceed 10 percent of the funds appropriated to “Buildings and
Facilities” in this Act or any other Act may be transferred
to “Salaries and Expenses”, Federal Prison System, upon
notification by the Attorney General to the Committees on
Appropriations of the House of Representatives and the
Senate in compliance with provisions set forth in section
605 of this Act: Provided further, That, of the total amount
appropriated, not to exceed $2,300,000 shall be available
for the renovation and construction of United States Mar-
shals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED
The Federal Prison Industries, Incorporated, is hereby
authorized to make such expenditures, within the limits of
funds and borrowing authority available, and in accord
with the law, and to make such contracts and commitments,
without regard to fiscal year limitations as provided by sec-
tion 9104 of title 31, United States Code, as may be nec-
essary in carrying out the program set forth in the budget
for the current fiscal year for such corporation, including
purchase of (not to exceed five for replacement only) and
hire of passenger motor vehicles.
LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL

PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation’s current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children’s Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $173,600,000, to remain available until
expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524); of which $25,000,000 is for the National Sexual Offender Registry.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $512,500,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which $2,097,000 shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association’s participation in legal education training at the National Advocacy Center.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts
shall be transferred to and merged with the “Justice Assistance” account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (“the 1968 Act”); and the Victims of Child Abuse Act of 1990, as amended (“the 1990 Act”); $2,383,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a “unit of local government” as well as a “State”, for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals:

Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be
used to defray the costs of indemnification insurance for law enforcement officers; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $34,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $25,000,000 shall be available for the Cooperative Agreement Program: Provided further, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which $7,000,000 shall be for the Court Appointed Special Advocate Program,
as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $12,000,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence: Provided further, That, of these funds, $7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and $853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which $59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $1,000,000 shall be for grants for
televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer’s Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives:
Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

JUVENILE BLOCK GRANTS

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Juvenile Justice Block Grant Program, $230,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That none of the funds appropriated or otherwise made available by this Act for “Juvenile Block Grants” may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement “Weed and Seed” program activities, $33,500,000, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in “Weed and Seed” designated communities, and for either reimbursements or transfers to appropriation accounts of the Depart-
ment of Justice and other Federal agencies which shall be specified by the Attorney General to execute the “Weed and Seed” program strategy. Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for “Weed and Seed” program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of “Weed and Seed” program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, $1,000,000, to remain available until expended.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (‘‘the 1994 Act’’) (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust...
Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and $20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $103,000,000 shall be used for innovative community policing programs, of which $38,000,000 shall be used for a law enforcement technology program of which $10,000,000 is for the North Carolina Criminal Justice Information Network, $1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, $34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, $17,500,000 shall be used for other innovative community policing programs, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary school grounds and policing initiatives in drug “hot spots”.

In addition, for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the Violent Crime Control and Law Enforcement Act of
1994 (Public Law 103–322), $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

**JUVENILE JUSTICE PROGRAMS**

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $5,922,000 shall be available for expenses authorized by part A of title II of the Act; $96,500,000 shall be available for expenses authorized by part B of title II of the Act, and $45,250,000 shall be available for expenses authorized by part C of title II of the Act. Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2)
$12,000,000 shall be available for expenses authorized by section 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, $5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic
beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreement, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by sections 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Sec. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.
Sec. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

Sec. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Sec. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

Sec. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

Sec. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program
under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

Sec. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Sec. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking “1996” and inserting “1997 and thereafter”.

Sec. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and
(2) in paragraph (2), by striking “the next” and inserting “The first”.

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

Sec. 110. The Immigration and Nationality Act of 1952, as amended, is further amended—

(a) by striking entirely section 286(s);

(b) in section 286(r) by—

(1) adding “, and amount described in section 245(i)(3)(b)” after “recovered by the Department of Justice” in subsection (2);

(2) replacing “Immigration and Naturalization Service” with “Attorney General” in subsection (3); and

(3) striking subsection (4), and replacing it with, “The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates
made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year.”;
and

c) in section 245(i)(3)(B), by replacing “Immigration Detention Account established under section 286(s)” with “Breached Bond/Detention Fund established under section 286(r)”.

Sec. 111. (a) Limitation on Eligibility Under Section 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking “(i)(1)” through “The Attorney General” and inserting the following:
“(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—
“(A) who—
“(i) entered the United States without inspection; or
“(ii) is within one of the classes enumerated in subsection (c) of this section; and
“(B) who is the beneficiary of a petition for classification under section 204 that was filed with the Attorney General or the Department of Labor for labor certification pursuant to section 212(a)(5)(i) on or before the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998; may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General”.

(b) Repeal of Sunset for Section 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amended to read as follows:

“(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994.”.

(c) Inapplicability of Section 245(c)(2) for Certain Employment-Based Immigrants.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting “subject to subsection (k),” after “(2); and
(2) by adding at the end the following:

“(k) An alien is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4) pursuant to subsection (a) and notwithstanding subsection (c)(2), if—

“(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

“(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

“(A) failed to maintain, continuously, a lawful status;

“(B) engaged in unauthorized employment;

or

“(C) otherwise violated the terms and conditions of the alien’s admission.”.

Sec. 112. (a) SHORT TITLE.—This section may be cited as the “Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997”.

(b) IN GENERAL.—Section 405 of the Immigration and Nationality Act of 1990 (8 U.S.C. 1440 note) is amended—
(1) by striking subparagraph (B) of subsection (a)(1) and inserting the following:

“(B) who—

“(i) is listed on the final roster prepared by the Recovered Personnel Division of the United States Army of those who served honorably in an active duty status within the Philippine Army during the World War II occupation and liberation of the Philippines,

“(ii) is listed on the final roster prepared by the Guerilla Affairs Division of the United States Army of those who received recognition as having served honorably in an active duty status within a recognized guerilla unit during the World War II occupation and liberation of the Philippines, or

“(iii) served honorably in an active duty status within the Philippine Scouts or within any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period begin-
ning September 1, 1939, and ending December 31, 1946;”;

(2) by adding at the end of subsection (a) the following new paragraph:

“(3)(A) For purposes of the second sentence of section 329(a) and section 329(b)(3) of the Immigration and Nationality Act, the executive department under which a person served shall be—

“(i) in the case of an applicant claiming to have served in the Philippine Army, the United States Department of the Army;

“(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army; or

“(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

“(B) An executive department specified in subparagraph (A) may not make a determination under
the second sentence of section 329(a) with respect to
the service or separation from service of a person de-
scribed in paragraph (1) except pursuant to a request
from the Service.”; and

(3) by adding at the end the following new sub-
section:

“(d) IMPLEMENTATION.—(1) Notwithstanding any
other provision of law, for purposes of the naturalization
of natives of the Philippines under this section—

“(A) the processing of applications for natu-
ralization, filed in accordance with the provisions of
this section, including necessary interviews, shall be
conducted in the Philippines by employees of the
Service designated pursuant to section 335(b) of the
Immigration and Nationality Act; and

“(B) oaths of allegiance for applications for nat-
uralization under this section shall be administered
in the Philippines by employees of the Service des-
ignated pursuant to section 335(b) of that Act.

“(2) Notwithstanding paragraph (1), applications for
naturalization, including necessary interviews, may con-
tinue to be processed, and oaths of allegiance may continue
to be taken in the United States.”.

(c) REPEAL.—Section 113 of the Departments of Com-
merce, Justice, and State, the Judiciary, and Related Agen-
cies Appropriations Act, 1993 (8 U.S.C. 1440 note), is re-
pealed.

(d) **Effective Date; Termination Date.**—

(1) **Application to Pending Applications.**—

The amendments made by subsection (b) shall apply
to applications filed before February 3, 1995.

(2) **Termination Date.**—The authority pro-
vided by the amendments made by subsection (b) shall

SEC. 113. Section 101(a)(27)(J) of the Immigration
and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended
to read as follows:

“(J) an immigrant who is present in the
United States—

“(i) who has been declared dependent
on a juvenile court located in the United
States or whom such a court has legally
committed to, or placed under the custody
of, an agency or department of a State and
who has been deemed eligible by that court
for long-term foster care due to abuse, ne-
glect, or abandonment;

“(ii) for whom it has been determined
in administrative or judicial proceedings
that it would not be in the alien’s best in-
terest to be returned to the alien’s or parent’s previous country of nationality or country of last habitual residence; and

“(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

“(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

“(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or”.

Sec. 114. Not to exceed $200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Of-
Sec. 115. (a) Standards for Sex Offender Registration Programs.—

(1) In general.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “with a designated State law enforcement agency”; and

(ii) in subparagraph (B), by striking “with a designated State law enforcement agency”; 

(B) by striking paragraph (2) and inserting the following:

“(2) Determination of Sexually Violent Predator Status; Waiver; Alternative Measures.—

(A) In general.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and
treatment of sex offenders, victims’ rights advocates, and representatives of law enforcement agencies.

“(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

“(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators.”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “that consists of—” and inserting “in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:”; 

(ii) in subparagraph (B), by striking “that consists of” and inserting “in a range of offenses specified by State law which is
comparable to or which exceeds the range of offenses encompassed by”; and

(D) by adding at the end the following:

“(F) The term ‘employed, carries on a voca-
tion’ includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

“(G) The term ‘student’ means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.”.

(2) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amend-
ed—

(A) in paragraph (1)—

(i) by striking the paragraph designa-
tion and heading and inserting the follow-
ing:
“(1) DUTIES OF RESPONSIBLE OFFICIALS.—”;

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “or in the case of probation, the court” and inserting “the court, or another responsible officer or official”;

(II) in clause (ii), by striking “give” and all that follows before the semicolon and inserting “report the change of address as provided by State law”; and

(III) in clause (iii), by striking “shall register” and all that follows before the semicolon and inserting “shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student”; and
(iii) in subparagraph (B), by striking “or the court” and inserting “, the court, or another responsible officer or official”; 

(B) by striking paragraph (2) and inserting the following:

“(2) Transfer of Information to State and FBI; Participation in National Sex Offender Registry.—

“(A) State Reporting.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

“(B) National Reporting.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.”;
(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i),

by striking “on each” and all that follows through “applies:” and inserting the following: “State procedures shall provide for verification of address at least annually.”; and

(ii) by striking clauses (i) through (v);

(D) in paragraph (4), by striking “section reported” and all that follows before the period at the end and inserting the following: “section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system”;

(E) in paragraph (5), by striking “shall register” and all that follows before the period at the end and inserting “and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving
shall ensure that notice is provided promptly to
an agency responsible for registration in the new
State, if that State requires registration”; and

(F) by adding at the end the following:

“(7) Registration of out-of-state offenders, federal offenders, persons sentenced by
courts martial, and offenders crossing state borders.—As provided in guidelines issued by the
Attorney General, each State shall include in its reg-
istration program residents who were convicted in an-
other State and shall ensure that procedures are in
place to accept registration information from—

“(A) residents who were convicted in an-
other State, convicted of a Federal offense, or
sentenced by a court martial; and

“(B) nonresident offenders who have crossed
into another State in order to work or attend
school.”.

(3) Registration of offender crossing
state border.—Section 170101 of the Violent Crime
Control and Law Enforcement Act of 1994 (42 U.S.C.
14071) is amended by redesignating subsections (c)
through (f) as (d) through (g), respectively, and in-
serting after subsection (b) the following:
“(c) **Registration of Offender Crossing State Border.**—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.”.

(4) **Release of Information.**—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking “The designated” and all that follows through “State agency” and inserting “The State or any agency authorized by the State”.

(5) **Immunity for Good Faith Conduct.**—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking “, and State officials” and inserting “and independent contractors acting at the direction of such agencies, and State officials”.

(6) **FBI Registration.**—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking “and ‘predatory’” and inserting the following: “‘predatory’, ‘employed, or carries on a vocation’, and ‘student’.”.
(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting “in a range of offenses specified by State law which is comparable to or exceeds that” before “described”;

(ii) by amending subparagraph (B) to read as follows:

“(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General;”; and

(iii) by amending subparagraph (C) to read as follows:

“(C) provides for verification of address at least annually;”.

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting “or pursuant to section 170101(b)(7)” after “subsection (g)”.

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identifi-
tion Act of 1996 is amended by inserting at the end the following:

“(d) **Effective Date.**—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.”

(8) **Federal Offenders and Military Personnel.**—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking “subsection (b)” and inserting “subsections (b) and (c)”;

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:
“(c) Notice of Sex Offender Release.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

“(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

“(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

“(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Ad-
ministrative Office of the United States Courts. Notice con-
cerning a subsequent change of residence by a person de-
scribed in paragraph (4) during any period of probation,
supervised release, or parole shall also be provided to the
agencies and officers specified in paragraph (1) by the pro-
bation officer responsible for the supervision of the person,
or in a manner specified by the Director of the Administra-
tive Office of the United States Courts.

“(3) The Director of the Bureau of Prisons shall in-
form a person described in paragraph (4) who is released
from prison that the person shall be subject to a registration
requirement as a sex offender in any State in which the
person resides, is employed, carries on a vocation, or is a
student (as such terms are defined for purposes of section
170101(a)(3) of the Violent Crime Control and Law En-
forcement Act of 1994), and the same information shall be
provided to a person described in paragraph (4) who is sen-
tenced to probation by the probation officer responsible for
supervision of the person or in a manner specified by the
Director of the Administrative Office of the United States
Courts.

“(4) A person is described in this paragraph if the per-
son was convicted of any of the following offenses (including
such an offense prosecuted pursuant to section 1152 or
1153):
“(A) An offense under section 1201 involving a minor victim.

“(B) An offense under chapter 109A.

“(C) An offense under chapter 110.

“(D) An offense under chapter 117.

“(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

“(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).”.

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with “The results of a drug test” and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking “The results of a drug test” and inserting the following:

“(e) RESULTS OF DRUG TESTING.—The results of a drug test”; and
(II) by striking “paragraph (4)” each place it appears and inserting “subsection (a)(5)”.

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking “and” at the end of paragraph (6);

(III) in paragraph (7), by striking “assessments.” and inserting “assessments; and”; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

“(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).”.

(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sen-
tence the following: “The court shall order, as an ex-

plicit condition of supervised release for a person de-
scribed in section 4042(c)(4), that the person report
the address where the person will reside and any sub-
sequent change of residence to the probation officer re-

sponsible for supervision, and that the person register
in any State where the person resides, is employed,
carries on a vocation, or is a student (as such terms
are defined under section 170101(a)(3) of the Violent
Crime Control and Law Enforcement Act of 1994).”.

(v) Section 4209(a) of title 18, United States
Code, insofar as such section remains in effect with
respect to certain individuals, is amended by insert-
ing after the first sentence the following: “In every

case, the Commission shall impose as a condition of
parole for a person described in section 4042(c)(4),
that the parolee report the address where the parolee
will reside and any subsequent change of residence to
the probation officer responsible for supervision, and
that the parolee register in any State where the pa-
rolee resides, is employed, carries on a vocation, or is
a student (as such terms are defined under section
170101(a)(3) of the Violent Crime Control and Law

Enforcement Act of 1994).”.
(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph shall, to the maximum extent practicable, be consistent with those
specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking “and” at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

“(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and”.
(b) Sense of Congress and Report Relating to Stalking Laws.—

(1) Sense of Congress.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) Report.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) Effective Date.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State
that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Depart-
ments of Commerce, Justice, and State, the Judiciary,
and Related Agencies Appropriations Act, 1993 (8 U.S.C.
1153; Public Law 102–395) is amended—

(1) by striking “300” and inserting “3,000”; and
(2) by striking “five years” and inserting “seven years”.

(b) EFFECTIVE DATE.—The amendment made by sub-
section (a)(2) shall be deemed to have become effective on
October 6, 1992.

SEC. 117. For fiscal year 1998, the Attorney General
shall provide a magnetometer and not less than one quali-
fied guard at each unsecured entrance to the real property
(including offices, buildings, and related grounds and fa-
cilities) that is leased to the United States as a place of
employment for Federal employees at 625 Silver, S.W., in
Albuquerque, New Mexico for the duration of time that De-
partment of Justice employees are occupants of this build-
ing, after which the General Services Administration shall
provide the same level of security equipment and personnel
at this location until the date on which the new Albuquer-
que federal building is occupied.
Sec. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by adding at the end the following new subparagraph:

“(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

“(I) law enforcement purposes, as determined by the Attorney General; or

“(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

“(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.”.

Sec. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

“(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.”.
SEC. 120. Section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting “except as provided in subparagraph (C),” after “(ii)”; and

(2) by adding at the end the following:

“(C) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.—Clause (ii) of subparagraph (A) shall not apply to a child who—

“(i) is 10 years of age or younger,

“(ii) is described in section 101(b)(1)(F), and

“(iii) is seeking an immigrant visa as an immediate relative under section 201(b), if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child’s admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.”.
Sec. 121. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking “1 year after the date of enactment of this Act” and inserting “October 1, 1999”.

Sec. 122. (a) DEFINITIONS.—In this section—

(1) the terms “criminal offense against a victim who is a minor”, “sexually violent offense”, and “sexually violent predator” have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term “DNA” means deoxyribonucleic acid; and

(3) the term “sex offender” means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that,
prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and
(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

SEC. 123. (a) Notwithstanding any other provision of law relating to position classification or employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and
the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director’s intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A–76, of contracting for any services
provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

Sec. 124. (a) In General.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking "permits" and inserting "requires"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "no prisoner release order shall be entered
unless” and inserting “no court shall enter a prisoner release order unless”; and

(ii) in subparagraph (F)—

(I) by inserting “including a legislator” after “local official”; and

(II) by striking “program” and inserting “prison”; (2) in subsection (b)(3), by striking “current or ongoing” and inserting “current and ongoing”; (3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: “Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.”;

(B) in paragraph (2), by striking “Any prospective relief subject to a pending motion shall be automatically stayed” and inserting “Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay”; and

(C) by adding at the end the following:

“(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall
be permissible because of general congestion of the
court’s calendar.

“(4) ORDER BLOCKING THE AUTOMATIC STAY.—

Any order staying, suspending, delaying, or barring
the operation of the automatic stay described in para-
graph (2) (other than an order to postpone the effec-
tive date of the automatic stay under paragraph (3))
shall be treated as an order refusing to dissolve or
modify an injunction and shall be appealable pursu-
ant to section 1292(a)(1) of title 28, United States
Code, regardless of how the order is styled or whether
the order is termed a preliminary or a final ruling.”.

(b) EFFECTIVE DATE.—The amendments made by this
Act shall take effect upon the date of the enactment of this
Act and shall apply to pending cases.

SEC. 125. Section 524(c)(8)(B) of title 28, United
States Code, is amended by deleting “1996, and 1997,” and
inserting “and 1996,” in place thereof.

This title may be cited as the “Department of Justice
Appropriations Act, 1998”.

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TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

Trade and Infrastructure Development RELATED AGENCIES

Office of the United States Trade Representative SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $23,450,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

International Trade Commission SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,200,000 to remain available until expended.
DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment;
$283,066,000, to remain available until expended: Provided, That of the $287,866,000 provided for in direct obligations (of which $283,066,000 is appropriated from the General Fund, and $4,800,000 is derived from unobligated balances and deobligations from prior years), $58,986,000 shall be for Trade Development, $17,340,000 shall be for the Market Access and Compliance, $28,770,000 shall be for the Import Administration, $171,070,000 shall be for the United States and Foreign Commercial Service, and $11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export
administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $43,900,000 to remain available until expended, of which $1,900,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost
of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys’ or consultants’ fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the
Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

**SALARIES AND EXPENSES**

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

**MINORITY BUSINESS DEVELOPMENT AGENCY**

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

**ECONOMIC AND INFORMATION INFRASTRUCTURE**

**ECONOMIC AND STATISTICAL ANALYSIS**

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department
of Commerce, $47,499,000, to remain available until Sep-
tember 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING
FUND

The Secretary of Commerce is authorized to dissemi-
nate economic and statistical data products as authorized
by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C.
1525–1527) and, notwithstanding section 5412 of the Om-
4912), charge fees necessary to recover the full costs incurred
in their production. Notwithstanding 31 U.S.C. 3302, re-
cceipts received from these data dissemination activities
shall be credited to this account, to be available for carrying
out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, ana-
lyzing, preparing, and publishing statistics, provided for by
law, $137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census,
$388,074,000, to remain available until expended.

In addition, for expenses to collect and publish statis-
tics for other periodic censuses and programs provided for
by law, $165,926,000, to remain available until expended.
For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned
functions under this paragraph, and such funds received
from other Government agencies shall remain available
until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

For grants authorized by section 392 of the Commu-
nications Act of 1934, as amended, $21,000,000, to remain
available until expended as authorized by section 391 of the
Act, as amended: Provided, That not to exceed $1,500,000
shall be available for program administration as authorized
by section 391 of the Act: Provided further, That notwith-
standing the provisions of section 391 of the Act, the prior
year unobligated balances may be made available for grants
for projects for which applications have been submitted and
approved during any fiscal year: Provided further, That,
notwithstanding any other provision of law, the Pan-Pa-
cific Education and Communication Experiments by Sat-
ettellite (PEACESAT) Program is eligible to compete for Pub-
lic Broadcasting Facilities, Planning and Construction
funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Commu-
nications Act of 1934, as amended, $20,000,000, to remain
available until expended as authorized by section 391 of the
Act, as amended: Provided, That not to exceed $3,000,000
shall be available for program administration and other
support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $691,000,000, to remain available until expended: Provided, That of this amount, $664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998 from the General Fund estimated at $0: Provided further, That during fiscal year 1998, should the total amount of
offsetting fee collections be less than $664,000,000, the total
amounts available to the Patent and Trademark Office shall
be reduced accordingly: Provided further, That any fees re-
ceived in excess of $664,000,000 in fiscal year 1998 shall
remain available until expended, but shall not be available
for obligation until October 1, 1998: Provided further, That
the remaining $27,000,000 shall be derived from deposits
in the Patent and Trademark Office Fee Surcharge Fund
as authorized by law and shall remain available until ex-
pended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF

TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for
Technology/Office of Technology Policy, $8,500,000, of
which not to exceed $1,600,000 shall remain available until
September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of
Standards and Technology, $276,852,000, to remain avail-
able until expended, of which not to exceed $3,800,000 shall
be used to fund a cooperative agreement with Texas Tech
University for wind research; and of which not to exceed
$5,000,000 of the amount above $268,000,000 shall be used
to fund a cooperative agreement with Montana State Uni-
versity for a research program on green buildings; and of
which not to exceed $1,625,000 may be transferred to the
“Working Capital Fund”.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Exten-
sion Partnership of the National Institute of Standards and
Technology, $113,500,000, to remain available until ex-
pended, of which not to exceed $300,000 may be transferred
to the “Working Capital Fund”: Provided, That notwith-
standing the time limitations imposed by 15 U.S.C. 278k(c)
(1) and (5) on the duration of Federal financial assistance
that may be awarded by the Secretary of Commerce to Re-
gional Centers for the transfer of Manufacturing Technology
(“Centers”), such Federal financial assistance for a Center
may continue beyond six years and may be renewed for
additional periods, not to exceed one year, at a rate not
to exceed one-third of the Center’s total annual costs, subject
before any such renewal to a positive evaluation of the Cen-
ter and to a finding by the Secretary of Commerce that
continuation of Federal funding to the Center is in the best
interest of the Regional Centers for the transfer of Manufac-
turing Technology Program: Provided further, That the
Center’s most recent performance evaluation is positive, and
the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $192,500,000, to remain available until expended, of which not to exceed $82,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the “Working Capital Fund”.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, $78,308,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not
to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,500,350,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,497,350,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $62,381,000 shall be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to
American Fisheries”: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That unexpended balances in the accounts “Construction” and “Fleet Modernization, Shipbuilding and Conversion” shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $489,609,000, to remain available until expended: Provided, That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $188,700,000: Provided further, That unexpended balances of amounts previously made available in the “Operations, Research, and Facilities” account and the “Construction”
account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN’S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.
FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,490,000.

OFFICE OF INSPECTOR GENERAL


NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.
UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Sec. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

Sec. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

Sec. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the
United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce or any portion thereof, the Secretary of Commerce, no later than 90
days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce or any portion thereof to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.
SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration of the population is conducted in a manner consistent with the Constitution and laws of the United States;
(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be “apportioned among the several States according to their respective numbers, counting the whole number of persons in each State”;

(4) article I, section 2, clause 3 of the Constitution clearly requires an “actual Enumeration” of the population, and section 195 of title 13, United States Code, clearly provides “Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as ‘sampling’ in carrying out the provisions of this title.”;

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;
(7) the use of statistical sampling or statistical
adjustment in conjunction with an actual enumera-
tion to carry out the census with respect to any seg-
ment of the population poses the risk of an inac-
curate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population
is a complex and vast undertaking, and if such enu-
eration is conducted in a manner that does not
comply with the requirements of the Constitution or
laws of the United States, it would be impracticable
for the States to obtain, and the courts of the United
States to provide, meaningful relief after such enum-
eration has been conducted; and

(9) Congress is committed to providing the level
of funding that is required to perform the entire
range of constitutional census activities, with a par-
ticular emphasis on accurately enumerating all indi-
viduals who have historically been undercounted, and
toward this end, Congress expects—

(A) aggressive and innovative promotion
and outreach campaigns in hard-to-count com-
munities;

(B) the hiring of enumerators from within
those communities;
(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105–18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 de-
cennial census, thus making the question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress;

and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and
efficient conduct of such actions. Any final order or injunc-
tion of a United States district court that is issued pursuant
to an action brought under this section shall be
reviewable by appeal directly to the Supreme Court of the
United States. Any such appeal shall be taken by a notice
of appeal filed within 10 days after such order is entered;
and the jurisdictional statement shall be filed within 30
days after such order is entered. No stay of an order issued
pursuant to an action brought under this section may be
issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court
hearing an action brought under this section and the Su-
preme Court of the United States to advance on the docket
and to expedite to the greatest possible extent the disposition
of any such matter.

(f) Any agency or entity within the executive branch
having authority with respect to the carrying out of a de-
cennial census may in a civil action obtain a declaratory
judgment respecting whether or not the use of a statistical
method, in connection with such census, to determine the
population for the purposes of the apportionment or redist-
cting of members in Congress is forbidden by the Con-
stitution and laws of the United States.

(g) The Speaker of the House of Representatives or the
Speaker's designee or designees may commence or join in
a civil action, for and on behalf of the House of Representa-
tives, under any applicable law, to prevent the use of any
statistical method, in connection with the decennial census,
to determine the population for purposes of the apportion-
ment or redistricting of members in Congress. It shall be
the duty of the Office of the General Counsel of the House
of Representatives to represent the House in such civil ac-
tion, according to the directions of the Speaker. The Office
of the General Counsel of the House of Representatives may
employ the services of outside counsel and other experts for
this purpose.

(h) For purposes of this section and section 210—

(1) the term “statistical method” means an ac-
tivity related to the design, planning, testing, or im-
plementation of the use of representative sampling, or
any other statistical procedure, including statistical
adjustment, to add or subtract counts to or from the
enumeration of the population as a result of statis-
tical inference; and

(2) the term “census” or “decennial census”
means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize
the use of any statistical method, in connection with a de-
cennial census, for the apportionment or redistricting of
members in Congress.
(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94-171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF-1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available
concurrently to the release of the original files to the same
recipients, on identical media, and at a comparable price.

They shall contain the number of persons enumerated with-
out using statistical methods and any additions or subtrac-
tions thereto. These files shall be based on data gathered
and generated by the Bureau of the Census in its official
capacity.

(k) This section shall apply in fiscal year 1998 and
succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be
known as the Census Monitoring Board (hereinafter in this
section referred to as the “Board”).

(b) The function of the Board shall be to observe and
monitor all aspects of the preparation and implementation
of the 2000 decennial census (including all dress rehearsals
and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as
follows:

(A) 2 individuals appointed by the majority
leader of the Senate.

(B) 2 individuals appointed by the Speaker of
the House of Representatives.

(C) 4 individuals appointed by the President, of
whom—
(i) 1 shall be on the recommendation of the minority leader of the Senate; and
(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives.
All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—
(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and
(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—
(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C), each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and...
subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.
(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical assistance to the
Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

   (A) interim reports, with the first such report due by April 1, 1998;

   (B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

   (C) a final report which shall be due by September 1, 2001; and
any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, espe-
cially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.
(g) There is authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by
striking “of this title—” and inserting “of this title or sec-
tion 210 of the Departments of Commerce, Justice, and
State, the Judiciary, and Related Agencies Appropriations
Act, 1998—”.

SEC. 211. (a) Section 401 of title 22, United States
Code, is amended—

(1) in subsection (a), by adding after the first
sentence the following: “The Secretary of Commerce
may seize and detain any commodity (other than
arms or munitions of war) or technology which is in-
tended to be or is being exported in violation of laws
governing such exports and may seize and detain any
vessel, vehicle, or aircraft containing the same or
which has been used or is being used in exporting or
attempting to export such articles.”; and

(2) in subsection (b), by adding the following
after “and not inconsistent with the provisions here-
of.”—

“However, with respect to seizures and forfeit-
ures of property under this section by the Secretary
of Commerce, such duties as are imposed upon the
customs officer or any other person with respect to the
seizure and forfeiture of property under the customs
law may be performed by such officers as are des-
ignated by the Secretary of Commerce or, upon the re-
quest of the Secretary of Commerce, by any other
agency that has authority to manage and dispose of
seized property.”

(b) Section 524(c)(11)(B) of title 28, United States
Code, is amended by adding at the end thereof “or pursuant
to the authority of the Secretary of Commerce”.

SEC. 212. Notwithstanding any other provision of law,
the Economic Development Administration is directed to
transfer funds obligated and awarded to the Butte-Silver
Bow Consolidated Local Government as Project Number
05–01–02822 to the Butte Local Development Corporation
Revolving Loan Fund to be administered by the Butte Local
Development Corporation, such funds to remain available
until expended, and, in accordance with section 1557 of title
31, United States Code, funds obligated and awarded in
fiscal year 1994 under the heading “Economic Development
Administration-Economic Development Assistance Pro-
grams” for Metropolitan Dade County, Florida, and subse-
quently transferred to Miami-Dade Community College for
Project No. 04–49–04021 shall be exempt from subchapter
IV of chapter 15 of such title and shall remain available
for expenditure without fiscal year limitation.

This title may be cited as the “Department of Com-
merce and Related Agencies Appropriations Act, 1998”.

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TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,400,000, of which $485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,575,000.
UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under
the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the Unit-
ed States has a treaty for the execution of penal sentences;
and the compensation of attorneys appointed to represent
jurors in civil actions for the protection of their employ-
ment, as authorized by 28 U.S.C. 1875(d); $329,529,000,
to remain available until expended as authorized by 18
U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28
U.S.C. 1871 and 1876; compensation of jury commissioners
as authorized by 28 U.S.C. 1863; and compensation of com-
missioners appointed in condemnation cases pursuant to
rule 71A(h) of the Federal Rules of Civil Procedure (28
U.S.C. Appendix Rule 71A(h)); $64,438,000, to remain
available until expended: Provided, That the compensation
of land commissioners shall not exceed the daily equivalent
of the highest rate payable under section 5332 of title 5,
United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, in-
cident to the procurement, installation, and maintenance
of security equipment and protective services for the United
States Courts in courtrooms and adjacent areas, including
building ingress-egress control, inspection of packages, di-
rected security patrols, and other similar activities as au-
thorized by section 1010 of the Judicial Improvement and
Access to Justice Act (Public Law 100–702); $167,214,000,
of which not to exceed $10,000,000 shall remain available
until expended for security systems, to be expended directly
or transferred to the United States Marshals Service which
shall be responsible for administering elements of the Judi-
cial Security Program consistent with standards or guide-
lines agreed to by the Director of the Administrative Office
of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES
COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of
the United States Courts as authorized by law, including
travel as authorized by 31 U.S.C. 1345, hire of a passenger
motor vehicle as authorized by 31 U.S.C. 1343(b), advertis-
ing and rent in the District of Columbia and elsewhere,
$52,000,000, of which not to exceed $7,500 is authorized
for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center,
as authorized by Public Law 90–219, $17,495,000; of which
$1,800,000 shall remain available through September 30,
1999, to provide education and training to Federal court
personnel; and of which not to exceed $1,000 is authorized
for official reception and representation expenses.
JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers’ Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,000,000; to the Judicial Survivors’ Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,400,000; and to the United States Court of Federal Claims Judges’ Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,800,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,240,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

Sec. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services, Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners”, shall
be increased by more than 10 percent by any such transfers:

Provided, That any transfer pursuant to this section shall
be treated as a reprogramming of funds under section 605
of this Act and shall not be available for obligation or ex-
penditure except in compliance with the procedures set forth
in that section.

SEC. 303. Notwithstanding any other provision of law,
the salaries and expenses appropriation for district courts,
courts of appeals, and other judicial services shall be avail-
able for official reception and representation expenses of the
Judicial Conference of the United States: Provided, That
such available funds shall not exceed $10,000 and shall be
administered by the Director of the Administrative Office
of the United States Courts in his capacity as Secretary
of the Judicial Conference.

SEC. 304. Section 612 of title 28, United States Code,
shall be amended by striking out subsection (l).

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTER-
NATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) Eestablishment and functions of com-
mision.—

(A) Eestablishment.—There is established
a Commission on Structural Alternatives for the
Federal Courts of Appeals (hereinafter referred to
as the “Commission”).
(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.
(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.
(4) Personnel.—

(A) Executive Director.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) Staff.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(C) Experts and Consultants.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not
to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) Services.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) Information.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) Report.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the
President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $5,000,000 is available for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

SEC. 307. Section 44(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: “In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each state in that circuit.”.

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) Disclosure of Fees.—
“(A) In general.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court’s approval of the payment.

“(B) Pre-trial or trial in progress.—If a trial is in pre-trial status or still in progress and after considering the defendant’s interests as set forth in subparagraph (D), the court shall—

“(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

“(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

“(I) Arraignment and or plea.
“(II) Bail and detention hearings.
“(III) Motions.
“(IV) Hearings.
“(V) Interviews and conferences.
“(VI) Obtaining and reviewing records.
“(VII) Legal research and brief writing.

“(VIII) Travel time.

“(IX) Investigative work.

“(X) Experts.

“(XI) Trial and appeals.

“(XII) Other.

“(C) TRIAL COMPLETED.—

“(i) In general.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant’s interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

“(ii) Protection of the rights of the defendant.—If the court determines that defendant’s interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

“(D) Considerations.—The interests referred to in subparagraphs (B) and (C) are—

“(i) to protect any person’s 5th amendment right against self-incrimination;
“(ii) to protect the defendant’s 6th amendment rights to effective assistance of counsel;

“(iii) the defendant’s attorney-client privilege;

“(iv) the work product privilege of the defendant’s counsel;

“(v) the safety of any person; and

“(vi) any other interest that justice may require.

“(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant’s interests
set forth in subparagraph (D) will be compromised.

“(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date.”.

This title may be cited as “The Judiciary Appropriations Act, 1998”.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general
administration; $1,705,600,000: Provided, That of the
amount made available under this heading, not to exceed
$4,000,000 may be transferred to, and merged with, funds
in the “Emergencies in the Diplomatic and Consular Serv-
ice” appropriations account, to be available only for emer-
gency evacuations and terrorism rewards: Provided further,
That notwithstanding section 140(a)(5), and the second sen-
tence of section 140(a)(3), of the Foreign Relations Author-
ization Act, Fiscal Years 1994 and 1995 (Public Law 103–
236), fees may be collected during fiscal years 1998 and
1999 under the authority of section 140(a)(1) of that Act:
Provided further, That all fees collected under the preceding
proviso shall be deposited in fiscal years 1998 and 1999
as an offsetting collection to appropriations made under
this heading to recover the costs as set forth under section
140(a)(2) of that Act and shall remain available until ex-
pended.

In addition to funds otherwise available, of the funds
provided under this heading, $24,856,000 shall be available
only for the Diplomatic Telecommunications Service for op-
eration of existing base services and $17,312,000 shall be
available only for the enhancement of the Diplomatic Tele-
communications Service and shall remain available until
expended.
In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts “Diplomatic and Consular Programs” and “Salaries and Expenses” under the heading “Administration of Foreign Affairs” may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and
shall not be available for obligation or expenditure except
in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,513,000.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $86,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.
EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.
PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,935,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $955,515,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the Unit-
States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and
Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $12,000,000 shall be transferred from funds made available under this heading to the “International Conferences and Contingencies” account for U.S. contributions to the Comprehensive Nuclear Test Ban
Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $256,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act described in the first proviso under the heading “Contributions to International Organizations” in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission.
unless, at least fifteen days in advance of voting for the
new or expanded mission in the United Nations Security
Council (or in an emergency, as far in advance as is prac-
ticable), (1) the Committees on Appropriations of the House
of Representatives and the Senate and other appropriate
Committees of the Congress are notified of the estimated cost
and length of the mission, the vital national interest that
will be served, and the planned exit strategy; and (2) a re-
programming of funds pursuant to section 605 of this Act
is submitted, and the procedures therein followed, setting
forth the source of funds that will be used to pay for the
cost of the new or expanded mission: Provided further, That
funds shall be available for peacekeeping expenses only upon
a certification by the Secretary of State to the appropriate
committees of the Congress that American manufacturers
and suppliers are being given opportunities to provide
equipment, services, and material for United Nations peace-
keeping activities equal to those being given to foreign man-
ufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to
meet obligations of the United States arising under treaties,
or specific Acts of Congress, as follows:
INTERNATIONAL BOUNDARY AND WATER COMMISSION,

UNITED STATES AND MEXICO

For necessary expenses for the United States Section
of the International Boundary and Water Commission,
United States and Mexico, and to comply with laws appli-
cable to the United States Section, including not to exceed
$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for,
$17,490,000.

CONSTRUCTION

For detailed plan preparation and construction of au-
thorized projects, $6,463,000, to remain available until ex-
pended, as authorized by section 24(c) of the State Depart-
ment Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the
International Joint Commission and the International
Boundary Commission, United States and Canada, as au-
thorized by treaties between the United States and Canada
or Great Britain, and for the Border Environment Coopera-
tion Commission as authorized by Public Law 103–182;
$5,490,000, of which not to exceed $9,000 shall be available
for representation expenses incurred by the International
Joint Commission.
INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: Provided, That the United States’ share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).
ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the unexpended balances previously appropriated under this heading, $700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $427,097,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905
of the Foreign Service Act of 1980 (22 U.S.C. 4085): Provided further, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services: Provided further, That not to exceed $920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.
EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the pay-
ment thereof, in excess of the rate authorized by 5 U.S.C.
5376; or for purposes which are not in accordance with
OMB Circulars A–110 (Uniform Administrative Require-
ments) and A–122 (Cost Principles for Non-profit Organi-
zations), including the restrictions on compensation for per-
sonal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship
Program as authorized by section 214 of the Foreign Rela-
tions Authorization Act, Fiscal Years 1992 and 1993 (22
U.S.C. 2452), all interest and earnings accruing to the Is-
raeli Arab Scholarship Fund on or before September 30,
1998, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States In-
formation Agency, as authorized by the United States Infor-
mation and Educational Exchange Act of 1948, as amend-
ed, the United States International Broadcasting Act of
1994, as amended, and Reorganization Plan No. 2 of 1977,
to carry out international communication activities,
$364,415,000, of which $12,100,000 shall remain available
until expended, not to exceed $16,000 may be used for offi-
cial receptions within the United States as authorized by
section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not
to exceed $35,000 may be used for representation abroad
as authorized by section 302 of such Act of 1948 (22 U.S.C.
422

1 1452) and section 905 of the Foreign Service Act of 1980
2 (22 U.S.C. 4085), and not to exceed $39,000 may be used
3 for official reception and representation expenses of Radio
4 Free Europe/Radio Liberty; and in addition, notwithstanding
5 any other provision of law, not to exceed $2,000,000
6 in receipts from advertising and revenue from business ven-
7 tures, not to exceed $500,000 in receipts from cooperating
8 international organizations, and not to exceed $1,000,000
9 in receipts from privatization efforts of the Voice of America
10 and the International Broadcasting Bureau, as authorized
11 by section 810 of such Act of 1948 (22 U.S.C. 1475c), to
12 remain available until expended for carrying out author-
13 ized purposes.
14

    BROADCASTING TO CUBA
15
    For expenses necessary to enable the United States In-
16 formation Agency to carry out the Radio Broadcasting to
17 Cuba Act, as amended, the Television Broadcasting to Cuba
18 Act, and the International Broadcasting Act of 1994, in-
19 cluding the purchase, rent, construction, and improvement
20 of facilities for radio and television transmission and recep-
21 tion, and purchase and installation of necessary equipment
22 for radio and television transmission and reception,
23 $22,095,000, to remain available until expended.
24

    RADIO CONSTRUCTION
25
    For the purchase, rent, construction, and improvement
26 of facilities for radio transmission and reception, and pur-
chase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,000,000:

Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,500,000, to remain available until expended.
NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Sec. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

Sec. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any
transfer pursuant to this section shall be treated as a re-
programming of funds under section 605 of this Act and
shall not be available for obligation or expenditure except
in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated by this Act for the
United States Information Agency, the Arms Control and
Disarmament Agency, and the Department of State may
be obligated and expended notwithstanding section 701 of
the United States Information and Educational Exchange
Act of 1948 and section 313 of the Foreign Relations Au-
thorization Act, Fiscal Years 1994 and 1995, section 53 of
the Arms Control and Disarmament Act, and section 15
of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the
International Cooperative Administrative Support Services
program in fiscal year 1998, the amounts referred to in
paragraph (2) shall be transferred in accordance with the
provisions of subsection (b).

(2) Paragraph (1) applies to amounts made available
by title IV of this Act under the heading “ADMINISTRATION
OF FOREIGN AFFAIRS” as follows:

(A) $108,932,000 of the amount made available
under the paragraph “DIPLOMATIC AND CONSULAR
PROGRAMS”.

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(B) $3,530,000 of the amount made available under the paragraph “SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS”.

(b) Funds transferred pursuant to subsection (a) shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—
   (A) for the Library of Congress, for salaries and expenses, $500,000; and
   (B) for the General Accounting Office, for salaries and expenses, $12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, $302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, $7,055,000.

(4) Appropriations for the Department of Justice—
   (A) for legal activities—
(i) for general legal activities, for salaries and expenses, $194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, $2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, $2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, $6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, $1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, $25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, $1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, $6,660,000;

(B) for the Economic Support Fund, $336,000;

(C) for the Agency for International Development—

(i) for operating expenses, $6,008,000;
(ii) for the Urban and Environmental Credit Program, $54,000;

(iii) for the Development Assistance Fund, $124,000;

(iv) for the Development Fund for Africa, $526,000;

(v) for assistance for the new independent states of the former Soviet Union, $818,000;

(vi) for assistance for Eastern Europe and the Baltic States, $283,000; and

(vii) for international disaster assistance, $306,000;

(D) for the Peace Corps, $3,672,000; and

(E) for the Department of State—

(i) for international narcotics control, $1,117,000; and,

(ii) for migration and refugee assistance, $394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance,

Army, $4,394,000;
(ii) for operation and maintenance,
Navy, $1,824,000;

(iii) for operation and maintenance,
Air Force, $1,603,000; and

(iv) for operation and maintenance,
Defense-Wide, $21,993,000; and

(B) for procurement, for other procurement,
Air Force, $4,211,000.

(9) Appropriations for the American Battle
Monuments Commission, for salaries and expenses,
$210,000.

(10) Appropriations for the Department of Agri-
culture—

(A) for the Animal and Plant Health In-
spection Service, for salaries and expenses,
$932,000;

(B) for the Foreign Agricultural Service
and General Sales Manager, $4,521,000; and

(C) for the Agricultural Research Service,
$16,000.

(11) Appropriations for the Department of
Treasury—

(A) for the United States Customs Service,
for salaries and expenses, $2,002,000;
(B) for departmental offices, for salaries and expenses, $804,000;

(C) for the Internal Revenue Service, for tax law enforcement, $662,000;

(D) for the Bureau of Alcohol, Tobacco, and Firearms, for salaries and expenses, $17,000;

(E) for the United States Secret Service, for salaries and expenses, $617,000; and

(F) for the Comptroller of the Currency, for assessment funds, $29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, $1,594,000; and

(B) for the Coast Guard, for operating expenses, $65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, $58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, $42,000;

(B) for the Office of the Secretary, for general departmental management, $71,000; and
(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, $522,000.

(15) Appropriations for the Social Security Administration, for administrative expenses, $370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, $12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, $80,000; and

(C) for the Bureau of Reclamation, for water and related resources, $101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, $453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, $183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, $39,000.
(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, $4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, $150,000; and
(B) for atomic energy defense activities, for other defense activities, $54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, $26,000.

(c)(1) The amount in subsection (a)(2)(A) is reduced by $2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as $2,800,000 bears to $112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee’s official duty station.
(b) For purposes of this section, the term “employee” shall mean a person who—

(1) is an “employee” as defined under section 2105 of title V, United States Code, and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96–465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

This title may be cited as the “Department of State and Related Agencies Appropriations Act, 1998”.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the “Federal Ship Financing Fund” for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $32,000,000, to remain available until expended: Provided, That such costs, including
the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which other-
wise would be deposited to the credit of said fund shall be
covered into the Treasury as miscellaneous receipts.

Commission for the Preservation of America’s
Heritage Abroad

Salaries and Expenses

For expenses for the Commission for the Preservation
of America’s Heritage Abroad, $250,000, as authorized by
Public Law 99–83, section 1303.

Commission on Civil Rights

Salaries and Expenses

For necessary expenses of the Commission on Civil
Rights, including hire of passenger motor vehicles,
$8,740,000: Provided, That not to exceed $50,000 may be
used to employ consultants: Provided further, That none of
the funds appropriated in this paragraph shall be used to
employ in excess of four full-time individuals under Sched-
ule C of the Excepted Service exclusive of one special assis-
tant for each Commissioner: Provided further, That none of
the funds appropriated in this paragraph shall be used to
reimburse Commissioners for more than 75 billable days,
with the exception of the Chairperson who is permitted 125
billable days.
Commission on Immigration Reform

Salaries and Expenses

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $459,000 to remain available until expended.

Commission on Security and Cooperation in Europe

Salaries and Expenses

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

Equal Employment Opportunity Commission

Salaries and Expenses

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $27,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Dis-
crimination in Employment Act, the Americans with Dis-
obilities Act of 1990, and the Civil Rights Act of 1991;
$242,000,000: Provided, That the Commission is authorized
to make available for official reception and representation
expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications
Commission, as authorized by law, including uniforms and
allowances therefor, as authorized by 5 U.S.C. 5901–02; not
to exceed $600,000 for land and structure; not to exceed
$500,000 for improvement and care of grounds and repair
to buildings; not to exceed $4,000 for official reception and
representation expenses; purchase (not to exceed 16) and
hire of motor vehicles; special counsel fees; and services as
authorized by 5 U.S.C. 3109; $186,514,000, of which not
to exceed $300,000 shall remain available until September
30, 1999, for research and policy studies: Provided, That
$162,523,000 of offsetting collections shall be assessed and
collected pursuant to section 9 of title I of the Communica-
tions Act of 1934, as amended, and shall be retained and
used for necessary expenses in this appropriation, and shall
remain available until expended: Provided further, That the
sum herein appropriated shall be reduced as such offsetting
collections are received during fiscal year 1998 so as to re-
sult in a final fiscal year 1998 appropriation estimated at $23,991,000: Provided further, That any offsetting collections received in excess of $162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

**Federal Maritime Commission**

**Salaries and Expenses**

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $14,000,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

**Federal Trade Commission**

**Salaries and Expenses**

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,500,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or per-
sons for collection services in accordance with the terms of
31 U.S.C. 3718, as amended: Provided further, That not-
withstanding any other provision of law, not to exceed
$70,000,000 of offsetting collections derived from fees col-
lected for premerger notification filings under the Hart-
Scott-Rodino Antitrust Improvements Act of 1976 (15
U.S.C. 18(a)) shall be retained and used for necessary ex-
penses in this appropriation, and shall remain available
until expended: Provided further, That the sum herein ap-
propriated from the General Fund shall be reduced as such
offsetting collections are received during fiscal year 1998,
so as to result in a final fiscal year 1998 appropriation
from the General Fund estimated at not more than
$18,500,000, to remain available until expended: Provided
further, That any fees received in excess of $70,000,000 in
fiscal year 1998 shall remain available until expended, but
shall not be available for obligation until October 1, 1998:
Provided further, That none of the funds made available
to the Federal Trade Commission shall be available for obli-
gation for expenses authorized by section 151 of the Federal
Deposit Insurance Corporation Improvement Act of 1991
LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $283,000,000, of which $274,400,000 is for basic field programs and required independent audits; $1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104-134 (110 Stat. 1321-52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination
of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient’s grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (110 Stat. 1321–51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all
references in such sections to 1995 and 1996 shall be
deemed to refer instead to 1997 and 1998, respect-
ively; and

(2) section 504 of Public Law 104–134 (110
Stat. 1321–53 et seq.), and all funds appropriated in
this Act to the Legal Services Corporation shall be
subject to the same terms and conditions set forth in
such section, except that—

(A) subsection (c) of such section 504 shall
not apply;

(B) paragraph (3) of section 508(b) of Pub-
llic Law 104–134 (110 Stat. 1321–58) shall
apply with respect to the requirements of sub-
section (a)(13) of such section 504, except that
all references in such section 508(b) to the date
of enactment shall be deemed to refer to April 26,
1996; and

(C) subsection (a)(11) of such section 504
shall not be construed to prohibit a recipient
from using funds derived from a source other
than the Corporation to provide related legal as-
sistance to—

(i) an alien who has been battered or
subjected to extreme cruelty in the United
States by a spouse or a parent, or by a
member of the spouse’s or parent’s family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse’s or parent’s family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term “battered or subjected to extreme cruelty” has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1953).

(2) The term “related legal assistance” means legal assistance directly related to the prevention of,
or obtaining of relief from, the battery or cruelty described in such subsection.

Sec. 503. (a) Continuation of Audit Requirements.—The requirements of section 509 of Public Law 104–134 (110 Stat. 1321–58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) Requirement of Annual Audit.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

Sec. 504. (a) Debarment.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) Regulations.—The Legal Services Corporation shall promulgate regulations to implement this section.

(c) Good Cause.—In this section, the term “good cause”, used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);
(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104–134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of Public Law 104–208 (110 Stat. 3009–59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.
Sec. 505. (a) Not later than January 1, 1998, the
Legal Services Corporation shall implement a system of
case information disclosure which shall apply to all basic
field programs which receive funds from the Legal Services
Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal
funds from the Legal Services Corporation from funds ap-
propriated in this Act must disclose to the public in written
form, upon request, and to the Legal Services Corporation
in semiannual reports, the following information about
each case filed by its attorneys in any court:

(1) The name and full address of each party to
the legal action unless such information is protected
by an order or rule of a court or by State or Federal
law or revealing such information would put the cli-
ent of the recipient of such Federal funds at risk of
physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which
the case was filed and the case number assigned to the
legal action.

(c) The case information disclosed in semi-annual re-
ports to the Legal Services Corporation shall be subject to
disclosure under section 552 of title 5, United States Code.
Sec. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

Marine Mammal Commission

Salaries and Expenses

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,185,000.

Securities and Exchange Commission

Salaries and Expenses

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $283,000,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials,
members of their delegations, appropriate representatives
and staff to exchange views concerning developments relating
to securities matters, development and implementation
of cooperation agreements concerning securities matters and
provision of technical assistance for the development of for-
eign securities markets, such expenses to include necessary
logistic and administrative expenses and the expenses of
Commission staff and foreign invitees in attendance at such
consultations and meetings including: (1) such incidental
test as meals taken in the course of such attendance,
(2) any travel and transportation to or from such meetings,
and (3) any other related lodging or subsistance: Provided,
That fees and charges authorized by sections 6(b)(4) of the
Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of
shall be credited to this account as offsetting collections:
Provided further, That not to exceed $249,523,000 of such
offsetting collections shall be available until expended for
necessary expenses of this account: Provided further, That
the total amount appropriated from the General Fund for
fiscal year 1998 under this heading shall be reduced as all
such offsetting fees are deposited to this appropriation so
as to result in a final total fiscal year 1998 appropriation
from the General Fund estimated at not more than
$33,477,000.
SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $254,200,000, of which: $3,000,000 shall be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; $3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and $500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees
to cover the cost of publications developed by the Small
Business Administration, and certain loan servicing activi-
ties: Provided further, That notwithstanding 31 U.S.C.
3302, revenues received from all such activities shall be
credited to this account, to be available for carrying out
these purposes without further appropriations: Provided
further, That $75,800,000 shall be available to fund grants
for performance in fiscal year 1998 or fiscal year 1999 as
authorized by section 21 of the Small Business Act, as
amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector Gen-
eral in carrying out the provisions of the Inspector General
Act of 1978, as amended (5 U.S.C. App. 1–11, as amended
by Public Law 100–504), $10,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $181,232,000, as au-
thorized by 15 U.S.C. 631 note, of which $45,000,000 shall
remain available until September 30, 1999: Provided, That
such costs, including the cost of modifying such loans, shall
be as defined in section 502 of the Congressional Budget
Act of 1974: Provided further, That during fiscal year 1998,
commitments to guarantee loans under section 503 of the
Small Business Investment Act of 1958, as amended, shall
not exceed the amount of financings authorized under sec-
tion 20(n)(2)(B) of the Small Business Act, as amended:
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Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

**DISASTER LOANS PROGRAM ACCOUNT**

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $150,000,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of the Inspector General.
SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the “Surety Bond Guarantees Revolving Fund”, authorized by the Small Business Investment Act, as amended, $3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.
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 1998, 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 1998, 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.

Sec. 607. (a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) Prohibition of Contracts With Persons Falsey Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a
“Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or sub-contract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic
or consular posts in the Socialist Republic of Vietnam above
the levels existing on July 11, 1995, unless the President
certifies within 60 days the following:

(A) Based upon all information available to the
United States Government, the Government of the So-
cialist Republic of Vietnam is fully cooperating in
good faith with the United States in the following:

(i) Resolving discrepancy cases, live
sightings, and field activities.

(ii) Recovering and repatriating American
remains.

(iii) Accelerating efforts to provide docu-
ments that will help lead to fullest possible ac-
counting of prisoners of war and missing in ac-
tion.

(iv) Providing further assistance in imple-
menting trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts,
archival material, and other evidence associated with
prisoners of war and missing in action recovered
from crash sites, military actions, and other locations
in Southeast Asia are being thoroughly analyzed by
the appropriate laboratories with the intent of provid-
ing surviving relatives with scientifically defensible,
legal determinations of death or other accountability
that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President’s military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, ka-
rate, or other martial art, or any bodybuilding or
weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or
heating elements; or

(5) the use or possession of any electric or elec-
tronic musical instrument.

SEC. 612. None of the funds made available in title
II for the National Oceanic and Atmospheric Administra-
tion (NOAA) under the headings “Operations, Research,
and Facilities” and “Procurement, Acquisition and Con-
struction” may be used to implement sections 603, 604, and
605 of Public Law 102–567: Provided, That NOAA may
develop a modernization plan for its fisheries research ves-
sels that takes fully into account opportunities for contract-
ing for fisheries surveys.

SEC. 613. Any costs incurred by a Department or
agency funded under this Act resulting from personnel ac-
tions taken in response to funding reductions included in
this Act shall be absorbed within the total budgetary re-
sources available to such Department or agency: Provided,
That the authority to transfer funds between appropriations
accounts as may be necessary to carry out this section is
provided in addition to authorities included elsewhere in
this Act: Provided further, That use of funds to carry out
this section shall be treated as a reprogramming of funds
under section 605 of this Act and shall not be available for
obligation or expenditure except in compliance with the
procedures set forth in that section.

SEC. 614. None of the funds made available in this
Act to the Federal Bureau of Prisons may be used to distrib-
ute or make available any commercially published informa-
tion or material to a prisoner when it is made known to
the Federal official having authority to obligate or expend
such funds that such information or material is sexually
explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under
the heading “Office of Justice Programs—State and
Local Law Enforcement Assistance”, not more than 90
percent of the amount to be awarded to an entity under
the Local Law Enforcement Block Grant shall be made
available to such an entity when it is made known to the
Federal official having authority to obligate or expend such
funds that the entity that employs a public safety officer
(as such term is defined in section 1204 of title I of the
Omnibus Crime Control and Safe Streets Act of 1968) does
not provide such a public safety officer who retires or is
separated from service due to injury suffered as the direct
and proximate result of a personal injury sustained in the
line of duty while responding to an emergency situation
or a hot pursuit (as such terms are defined by State law)
with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective
on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

Sec. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney’s fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but
not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.
Sec. 620. The second proviso of the second paragraph under the heading “OFFICE OF THE CHIEF SIGNAL OFFICER.” in the Act entitled “An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one”, approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

Sec. 621. None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;
(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) Exemption.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the
entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) Reporting Requirement.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and politi-
cal killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) **DEFINITION.**—In this section, the term “appropriate congressional committees” means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

**SEC. 622.** Section 3006 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

**SEC. 623.** (a) **REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.**—The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104–104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are consistent with the plain language of the
Communications Act of 1934 (47 U.S.C. 151 et seq.), as
amended by the Telecommunications Act of 1996, and shall
include a review of—

(1) the definitions of “information service,”
“local exchange carrier,” “telecommunications,” “tele-
communications service,” “telecommunications car-
rier,” and “telephone exchange service” that were
added to section 3 of the Communications Act of 1934
(47 U.S.C. 153) by the Telecommunications Act of
1996 and the impact of the Commission’s interpreta-
tion of those definitions on the current and future
provision of universal service to consumers in all
areas of the nation, including high cost and rural
areas;

(2) the application of those definitions to mixed
or hybrid services and the impact of such application
on universal service definitions and support, and the
consistency of the Commission’s application of those
definitions, including with respect to Internet access
under section 254(h) of the Communications Act of
1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal
service under section 254(d) of the Communications
Act of 1934 (47 U.S.C. 254(d)) and related existing
federal universal service support mechanisms, and of
any exemption of providers or exclusion of any service
that includes telecommunications from such require-
ment or support mechanisms;

(4) who is eligible under sections 254(e),
254(h)(1), and 254(h)(2) of the Communications Act
of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2))
to receive specific federal universal service support for
the provision of universal service, and the consistency
with which the Commission has interpreted each of
those provisions of section 254; and

(5) the Commission’s decisions regarding the
percentage of universal service support provided by
federal mechanisms and the revenue base from which
such support is derived.

Sec. 624. Section 6(d)(1) of the National Foundation
on the Arts and the Humanities Act of 1965 (20 U.S.C.
955(d)(1)) is amended by striking the word “fourteen” and
inserting in lieu thereof “eight”.

Sec. 625. (a) Section 814(g)(1) of the Foreign Rela-
tions Authorization Act, Fiscal Years 1986 and 1987 (22
U.S.C. 2291 note) is amended by striking “$325,000” and
inserting “$370,000”.

(b) Section 814(i) of such section is amended by strik-
ing “September 30, 1997” and inserting “September 30,
1999”.

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SEC. 626. In addition to amounts otherwise made available for payment of obligations in carrying out U.S.C. 5338(a), $50,000,000 shall remain available until expended and to be derived from the Highway Trust Fund:

Provided, That $50,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: Provided further, That subsection (c) of section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998 is amended by inserting after “House and Senate Committees on Appropriations”, the following: “and the Senate Committee on Commerce, Science, and Transportation”.

SEC. 627. (a) Section 501(c)(4) of the District of Columbia Police and Firemen’s Act of 1958, (District of Columbia Code, section 4-416(c)(4)), is amended by striking “locality pay” and inserting “longevity pay”.

(b) The amendment made by section (a) is effective on the date of enactment of Public Law 105-61.

SEC. 628. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

“(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year
thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a).”.

Sec. 629. (a) In General.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the “County”), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the “Pueblo”), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) Preliminary Identification of Parcels of Land for Conveyance or Transfer.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.
(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) Review of Title.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.
(d) Environmental Restoration.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) Agreement for Allocation of Parcels.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection
(d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of
the Department, the Secretary shall convey or transfer the
parcel, as the case may be, when the parcel is no longer
required for that purpose.

(3)(A) In the case of a parcel allocated under the agree-
ment that is not available for conveyance or transfer in ac-
cordance with such requirement by reason of requirements
for environmental restoration or remediation, the Secretary
shall convey or transfer the parcel, as the case may be, upon
the completion of the environmental restoration or remedi-
ation that is required with respect to the parcel.

(B) If the Secretary determines that environmental
restoration or remediation cannot reasonably be expected
to be completed with respect to a parcel by the end of the
10-year period beginning on the date of enactment of this
Act, the Secretary shall not convey or transfer the parcel
under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The
parcels of land conveyed or transferred under this section
shall be used for historic, cultural, or environmental preser-
vation purposes, economic diversification purposes, or com-
munity self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—
(1) The purpose of the conveyances and transfers under this
section is to fulfill the obligations of the United States with
respect to Los Alamos National Laboratory, New Mexico,

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) Repeal of Superceded Provision.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

Sec. 630. (a) Section 6906 of title 31, United States Code, is amended—

(1) by inserting “(a) In General.—” before “Necessary”; and

(2) by adding at the end the following:

“(b) Local Exemptions From User Fees Due to Insufficient Appropriations.—

“(1) In General.—Unless sufficient funds are appropriated for a fiscal year to provide full payments under this chapter to each unit of general local government that lies in whole or in part within the
White Mountain National Forest and is eligible for the payments, persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

“(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from requirements to pay user fees under paragraph (1).”.

SEC. 631. Section 512(b) of Public Law 105–61 is amended by adding before the period: “unless the President announced his intent to nominate the individual prior to November 30, 1997”.

SEC. 632. Transfers of Unobligated Highway Apportionments. (a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, granted to the State for any program under section 410 of that title, or allocated to the State for any program under chapter 311 of title 49, United States Code, that are subject to any limi-
tion on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to the surface transportation program under section 133 of title 23, United States Code, other than paragraphs (1) and (2) of section 133(d) of that title, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary of Transportation (referred to in this section as the “Secretary”) shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are no longer author-
ized may be restored to the Federal-aid highway program.

(d) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—The Secretary shall allocate to a State an amount of obligation authority made available under the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105–66; 111 Stat. 1425), that is not greater than 75 percent of the State’s total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program until the earlier of—

(A) such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted; or

(B) July 1, 1998.

(2) CONTRACT AUTHORITY.—No contract authority made available to the States before July 1, 1998, shall be obligated after that date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(e) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 633. ADMINISTRATIVE EXPENSES FOR FEDERAL-AID HIGHWAY PROGRAM AND BUREAU OF TRANSPORTATION STATISTICS. (a) AUTHORITY TO BORROW.—
(1) From unobligated funds available for discretionary allocations.—If unobligated balances of funds deducted by the Secretary of Transportation (referred to in this section as the “Secretary”) under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses and the amounts necessary for operation of the Bureau of Transportation Statistics for fiscal year 1998, the Secretary may borrow to pay those expenses and amounts not to exceed $211,000,000 from unobligated funds available to the Secretary for discretionary allocations.

(2) From certain unobligated balances.—If unobligated funds available to the Secretary for discretionary allocations are insufficient for the purposes described in paragraph (1), the Secretary may borrow for those purposes not to exceed $211,000,000 from the unobligated balances of funds apportioned or allocated to the States for the Federal-aid highway program.

(b) Requirement To Reimburse.—Funds borrowed under subsection (a) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date
of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

**SEC. 634. EXTENSION OF FEDERAL TRANSIT PROGRAMS. (a) Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:


“(a) Allocating Amounts.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ‘, and for the period of October 1, 1997, through March 31, 1998’ after ‘1997’.

“(b) Apportionment of Appropriations for Fixed Guideway Modernization.—Section 5337 of title 49, United States Code, is amended—

“(1) in subsection (a), by inserting ‘and for the period of October 1, 1997, through March 31, 1998,’ after ‘1997’; and

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

“(e) Special Rule for October 1, 1997, Through March 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro
rata basis to reflect the partial fiscal year 1998 funding
made available by section 5338(b)(1)(F).

“(c) AUTHORIZATIONS.—Section 5338 of title 49,
United States Code, is amended—

“(1) in subsection (a)—

“(A) in paragraph (1), by adding at the
end the following:

“(F) $1,349,395,000 for the period of October 1,
1997, through March 31, 1998.; and

“(B) in paragraph (2), by adding at the
end the following:

“(F) $369,000,000 for the period of October 1,
1997, through March 31, 1998.;

“(2) in subsection (b)(1), by adding at the end
the following:

“(F) $1,110,605,000 for the period of October 1,
1997, through March 31, 1998.;

“(3) in subsection (c), by inserting ‘and not
more than $1,500,000 for the period of October 1,
1997, through March 31, 1998,’ after ‘1997;’;

“(4) in subsection (e), by inserting ‘and not
more than $3,000,000 is available from the Fund (ex-
cept the Account) for the Secretary for the period of
October 1, 1997, through March 31, 1998,’ after
‘1997;’;

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“(5) in subsection (h)(3), by inserting ‘and
$3,000,000 is available for section 5317 for the period
of October 1, 1997, through March 31, 1998’ after
‘1997’;

“(6) in subsection (j)(5)—

“(A) in subparagraph (B), by striking ‘and’
at the end;

“(B) in subparagraph (C), by striking the
period at the end and inserting ‘; and’; and

“(C) by adding at the end the following:

‘(D) the lesser of $1,500,000 or an amount
that the Secretary determines is necessary is
available to carry out section 5318 for the period
of October 1, 1997, through March 31, 1998.’;

“(7) in subsection (k), by striking ‘or (e)’ and
inserting ‘(e), or (m)’; and

“(8) by adding at the end the following:

“(m) SECTION 5316 FOR THE PERIOD OF OCTOBER
1, 1997, THROUGH MARCH 31, 1998.—Not more than the
following amounts may be appropriated to the Secretary
from the Fund (except the Account) for the period of October
1, 1997, through March 31, 1998:

“(1) $125,000 to carry out section 5316(a).

“(2) $1,500,000 to carry out section 5316(b).

“(3) $500,000 to carry out section 5316(c).
“(4) $500,000 to carry out section 5316(d).

“(5) $500,000 to carry out section 5316(e).’’.”.

(b) Budget Scorekeeping.—For purposes of the Congressional Budget Act of 1974, as amended, the Balanced Budget and Emergency Deficit Control Act, as amended, and the Budget Enforcement Act of 1997, as amounts provided or otherwise made available in this section shall be treated as “direct spending” in an authorization Act.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISION)

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

DIVISION C—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, to be effective as if it had been enacted into law as the regular appropriations Act, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such con-
tracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation:

Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $683,000,000 to remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for...
tied-aid grant purposes: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $48,614,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or
appraisal of any property, or the evaluation of the legal
or technical aspects of any transaction for which an appli-
cation for a loan, guarantee or insurance commitment has
been made, shall be considered nonadministrative expenses
for the purposes of this heading: Provided further, That,
notwithstanding subsection (b) of section 117 of the Export
Enhancement Act of 1992, subsection (a) thereof shall re-
main in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is au-
thorized to make, without regard to fiscal year limitations,
as provided by 31 U.S.C. 9104, such expenditures and com-
mitments within the limits of funds available to it and in
accordance with law as may be necessary: Provided, That
the amount available for administrative expenses to carry
out the credit and insurance programs (including an
amount for official reception and representation expenses
which shall not exceed $35,000) shall not exceed
$32,000,000: Provided further, That project-specific trans-
action costs, including direct and indirect costs incurred
in claims settlements, and other direct costs associated with
services provided to specific investors or potential investors
pursuant to section 234 of the Foreign Assistance Act of
1961, shall not be considered administrative expenses for
the purposes of this heading.
PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: Provided further, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

Funds Appropriated to the President

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961,
Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydra-
tion programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; (7) up to $98,000,000 for basic education programs for children; and (8) a contribution on a grant basis to the United Nations Children’s Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,210,000,000, to remain available until September 30, 1999: Provided, That of the amount appropriated under this heading, up to $22,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $14,000,000 may be made avail-
able for the African Development Foundation and shall be apportioned directly to that agency. Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant’s religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and
related programs, the term “motivate”, as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 shall be transferred to “International Organizations and Programs” for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That none of the funds made available under this heading may be used for any activity which is in contravention to the
None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from
the public and are deemed to be among the most cost-effective and successful providers of development assistance.

CYPRUS

Of the funds appropriated under the headings “Development Assistance” and “Economic Support Fund”, not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings “Development Assistance” and “Economic Support Fund”, not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated in this Act may be made available for the Government of Cambodia: Provided,
That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That 30 days after enactment of this Act, the President shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional loans extended to least developed countries,
as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $27,000,000, to remain available until expended: Provided, That not to exceed $1,500,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States government.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for admin-
istrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 1999.

**URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT**

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $3,000,000, to remain available until September 30, 1999: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadva-
targeted by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the “Foreign Service Retirement and Disability Fund”, as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator’s designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.
For necessary expenses to carry out the provisions of chapter 4 of part II, $2,400,000,000, to remain available until September 30, 1999: Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: Provided further, That of the funds made available under this heading in previous Acts making appropriations for foreign operations, export fi-
nancing, and related programs, notwithstanding any provi-
sion in any such heading in such previous Acts, up to $116,000,000 may be allocated or made available for pro-
grams and activities under this heading including the Mid-
dle East Peace and Stability Fund: Provided further, That
in carrying out the previous proviso, the President should
seek to ensure to the extent feasible that not more than 1
percent of the amount specified in section 586 of this Act
should be derived from funds that would otherwise be made
available for any single country: Provided further, That
funds provided for the Middle East Peace and Stability
Fund by a country in the region under the authority of
section 635(d) of the Foreign Assistance Act of 1961, and
funds made available for Jordan following the date of enact-
ment of this Act from previous Acts making appropriations
for foreign operations, export financing, and related pro-
grams, shall count toward meeting the earmark contained
in the fourth proviso under this heading: Provided further,
That up to $10,000,000 of funds under this heading in pre-
vious foreign operations, export financing, and related pro-
grams appropriations Acts that were reprogrammed for
Jordan during fiscal year 1997 shall also count toward such
earmark: Provided further, That, in order to facilitate the
implementation of the fourth proviso under this heading,
the requirement of section 515 of this Act or any similar
provision of law shall not apply to the making available of funds appropriated for a fiscal year for programs, projects, or activities that were justified for another fiscal year: Provided further, That for fiscal year 1998 such portions of the notification required under section 653 of the Foreign Assistance Act of 1961 that relate to the Middle East may be submitted to the Congress as soon as practicable, but no later than March 1, 1998: Provided further, That during fiscal year 1998, of the local currencies generated from funds made available under this heading for Guatemala by this Act and prior Appropriations Acts, the United States and Guatemala may jointly program the Guatemala quetzales equivalent of a total of up to $10,000,000 for the purpose of retiring the debt owed by universities in Guatemala to the Inter-American Development Bank.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That
funds made available under this heading shall remain available until September 30, 1999.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund’s disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the
administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he
determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(g) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina exclusive of assistance for police training.

(h) Not to exceed $7,000,000 of the funds made available for Bosnia and Herzegovina may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees for said country.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $770,000,000, to remain available until September 30, 1999: Provided, That the provisions of such
chapter shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be made available to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures; and

(3) funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if
the President determines that to do so is in the national security interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining, or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Funds appropriated under title II of this Act, including funds appropriated under this heading, may be made available for assistance for Mongolia: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utiliz-
ing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(i) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program proposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.
(j)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available (A) is vital to the national security interest of the United States, and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(k) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine, which sum shall be provided with the understanding that Ukraine will undertake significant economic reforms which are additional to those which were undertaken in the previous fiscal year: Provided, That 50 percent of the amount
made available in this subsection, exclusive of funds made available for election related initiatives and nuclear reactor safety activities, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies no later than April 30, 1998, that the Government of Ukraine has made significant progress toward resolving complaints made by United States investors to the United States embassy prior to April 30, 1997: Provided further, That funds made available under this subsection, and funds appropriated for Ukraine in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 as contained in Public Law 104–208 shall be made available to complete the preparation of safety analysis reports at each nuclear reactor in Ukraine over the next three years.

(l) Of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds provided under this subsection 37 percent shall be made available for Georgia and 35 percent shall be made available for Armenia: Provided further, That of the funds made available for the Southern Caucasus region, 28 percent should be used for reconstruction and remedial activities relating to the consequences of conflicts within the region, especially those in the vicinity of Abkhazia and
Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1998, determines and reports to the relevant Committees of Congress that the full amount of reconstruction and remedial funds that may be made available under the previous proviso cannot be effectively utilized, up to 62.5 percent of the amount provided under the previous proviso for reconstruction and remediation may be used for other purposes under this heading.

(m) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in the vicinity of Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(n) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades against Armenia and Nagorno-Karabakh: Provided, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;
(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(o) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: Provided,
That during fiscal year 1998, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not later than sixty days after the date of enactment of this Act, the Secretary of State in consultation with the Director of the Office of National Drug Control Policy shall submit a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of United States personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each United States agency in each country: Provided further, That of the amount made available under this heading not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy: Provided further, That 10 percent of the funds appropriated under this heading shall not be available for obligation until the Secretary of State submits a report to the Committees on Appropriations providing a financial plan for the funds appropriated
under this heading and under the heading “Narcotics Inter-
diction”.

NARCOTICS INTERDICTION

For necessary expenses to carry out the provisions of
section 481 of the Foreign Assistance Act of 1961, $15,000,000, to remain available until expended, in addi-
tion to amounts otherwise available for such purposes,
which shall be available for assistance, including procure-
ment, for support of air drug interdiction and eradication
and other related purposes: Provided, That funds appro-
priated under this heading shall be made available subject
to the regular notification procedures of the Committees on
Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to
enable the Secretary of State to provide, as authorized by
law, a contribution to the International Committee of the
Red Cross, assistance to refugees, including contributions
to the International Organization for Migration and the
United Nations High Commissioner for Refugees, and other
activities to meet refugee and migration needs; salaries and
expenses of personnel and dependents as authorized by the
Foreign Service Act of 1980; allowances as authorized by
sections 5921 through 5925 of title 5, United States Code;
purchase and hire of passenger motor vehicles; and services
as authorized by section 3109 of title 5, United States Code,
$650,000,000: Provided, That not more than $12,000,000 shall be available for administrative expenses: Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.
For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $133,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through non-governmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): Provided, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organi-
zations when it is in the national security interest of the
United States to do so: Provided further, That such funds
shall be subject to the regular notification procedures of the
Committees on Appropriations: Provided further, That
funds appropriated under this heading may be made avail-
able for the International Atomic Energy Agency only if
the Secretary of State determines (and so reports to the
Congress) that Israel is not being denied its right to partici-
pate in the activities of that Agency: Provided further, That
not to exceed $30,000,000 may be made available to the Ko-
rean Peninsula Energy Development Organization
(KEDO) only for the administrative expenses and heavy
fuel oil costs associated with the Agreed Framework: Pro-
vided further, That such funds may be obligated to KEDO
only if, thirty days prior to such obligation of funds, the
President certifies and so reports to Congress that: (1)(A)
the parties to the Agreed Framework are taking steps to
assure that progress is made on the implementation of the
January 1, 1992, Joint Declaration on the
Denuclearization of the Korean Peninsula and the imple-
mentation of the North-South dialogue, and (B) North
Korea is complying with the other provisions of the Agreed
Framework between North Korea and the United States and
with the Confidential Minute; (2) North Korea is cooperat-
ing fully in the cannning and safe storage of all spent fuel
from its graphite-moderated nuclear reactors and that such

canning and safe storage is scheduled to be completed by

April 1, 1998; and (3) North Korea has not significantly
diverted assistance provided by the United States for pur-
poses for which it was not intended: Provided further, That
the President may waive the certification requirements of
the preceding proviso if the President determines that it is
vital to the national security interests of the United States:

Provided further, That no funds may be obligated for
KEDO until thirty calendar days after submission to Con-
gress of the waiver permitted under the preceding proviso:

Provided further, That the obligation of any funds for
KEDO shall be subject to the regular notification procedures
of the Committees on Appropriations: Provided further,
That the Secretary of State shall submit to the appropriate
congressional committees an annual report (to be submitted
with the annual presentation for appropriations) providing
a full and detailed accounting of the fiscal year request for
the United States contribution to KEDO, the expected oper-
ating budget of the Korean Peninsula Energy Development
Organization, to include unpaid debt, proposed annual
costs associated with heavy fuel oil purchases, and the
amount of funds pledged by other donor nations and orga-
nizations to support KEDO activities on a per country
basis, and other related activities: Provided further, That
of the funds made available under this heading, up to
$10,000,000 may be made available to the Korean Penin-
sula Energy Development Organization (KEDO), in addi-
tion to funds otherwise made available under this heading
for KEDO, if the Secretary of State certifies and reports
to the Committees on Appropriations that, except for the
funds made available under this proviso, funds sufficient
to cover all outstanding debts owed by KEDO for heavy
fuel oil have been provided to KEDO by donors other than
the United States.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of
section 541 of the Foreign Assistance Act of 1961,
$50,000,000: Provided, That the civilian personnel for
whom military education and training may be provided
under this heading may include civilians who are not mem-
bers of a government whose participation would contribute
to improved civil-military relations, civilian control of the
military, or respect for human rights: Provided further,
That funds appropriated under this heading for grant fi-
nanced military education and training for Indonesia and
Guatemala may only be available for expanded inter-
national military education and training and funds made
available for Guatemala may only be provided through the
regular notification procedures of the Committees on Approp-
riations: Provided further, That none of the funds appro-
priated under this heading may be made available to sup-
port grant financed military education and training at the
School of the Americas unless: (1) the Secretary of Defense
certifies that the instruction and training provided by the
School of the Americas is fully consistent with training and
document, particularly with respect to the observance of
human rights, provided by the Department of Defense to
United States military students at Department of Defense
institutions whose primary purpose is to train United
States military personnel; (2) the Secretary of Defense cer-
tifies that the Secretary of State, in consultation with the
Secretary of Defense, has developed and issued specific
guidelines governing the selection and screening of can-
didates for instruction at the School of the Americas; and
(3) the Secretary of Defense submits to the Committees on
Appropriations a report detailing the training activities of
the School of the Americas and a general assessment regard-
ing the performance of its graduates during 1996.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the Presi-
dent to carry out the provisions of section 23 of the Arms
Export Control Act, $3,296,550,000: Provided, That of the
funds appropriated under this heading, not less than
$1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That during fiscal year 1998 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961, and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of
1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown:

Provided further, That of the funds appropriated by this paragraph, a total of $18,300,000 should be available for assistance for Estonia, Latvia, and Lithuania: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That $50,000,000 of the funds appropriated or otherwise made available under this heading should be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $60,000,000: Provided, That these funds are
available to subsidize gross obligations for the principal
amount of direct loans of not to exceed $657,000,000: Pro-
vided further, That the rate of interest charged on such
loans shall be not less than the current average market yield
on outstanding marketable obligations of the United States
of comparable maturities: Provided further, That funds ap-
propriated under this paragraph shall be made available
for Greece and Turkey only on a loan basis, and the prin-
cipal amount of direct loans for each country shall not ex-
ceed the following: $105,000,000 only for Greece and
$150,000,000 only for Turkey.

None of the funds made available under this heading
shall be available to finance the procurement of defense arti-
cles, defense services, or design and construction services
that are not sold by the United States Government under
the Arms Export Control Act unless the foreign country pro-
posing to make such procurements has first signed an agree-
ment with the United States Government specifying the
conditions under which such procurements may be financed
with such funds: Provided, That all country and funding
level increases in allocations shall be submitted through the
regular notification procedures of section 515 of this Act:
Provided further, That none of the funds appropriated
under this heading shall be available for Sudan and Libe-
ria: Provided further, That funds made available under this
heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for re-
placement only for use outside of the United States, for the
general costs of administering military assistance and sales:
Provided further, That none of the funds under this heading
shall be available for Guatemala: Provided further, That not
more than $350,000,000 of funds realized pursuant to sec-
tion 21(e)(1)(A) of the Arms Export Control Act may be
obligated for expenses incurred by the Department of De-
fense during fiscal year 1998 pursuant to section 43(b) of
the Arms Export Control Act, except that this limitation
may be exceeded only through the regular notification pro-
cedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of
section 551 of the Foreign Assistance Act of 1961,
$77,500,000: Provided, That none of the funds appropriated
under this heading shall be obligated or expended except as
provided through the regular notification procedures of the
Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC

ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR

RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Recon-
struction and Development by the Secretary of the Treas-
for the United States contribution to the Global Environment Facility (GEF), $47,500,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,503,100, to remain available until expended, of which $234,503,100 shall be available to pay for the tenth replenishment: Provided, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that procurement restrictions applicable to United States firms under the terms of the Interim Trust Fund have been lifted from all funds which Interim Trust Fund donors proposed to set aside for review of procurement restrictions at the conclusion of the February 1997 IDA Deputies Meeting in Paris.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.
LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.
CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $45,000,000, to remain available until expended and which shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the
United States share of such capital stock in an amount not
to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development
Bank by the Secretary of the Treasury, for the United
States share of the paid-in portion of the capital stock,
$56,500,000, to remain available until expended of which
$250,000 shall be available for contributions previously due:

Provided, That none of the funds appropriated under this
heading that are made available for the Community Adjust-
ment and Investment Program shall be used for purposes
other than those set out in the binational agreement estab-
lishing the Bank: Provided further, That of the amount ap-
propriated under this heading, not more than $41,250,000
may be expended for the purchase of such capital shares
in fiscal year 1998.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American De-
velopment Bank may subscribe without fiscal year limita-
tion to the callable capital portion of the United States
share of the capital stock of the North American Develop-
ment Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of
section 301 of the Foreign Assistance Act of 1961, and of
section 2 of the United Nations Environment Program Par-
ticipation Act of 1973, $192,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People’s Republic of China: Provided further, That not more than $25,000,000 of the funds appropriated under this heading may be made available to UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1998, and that no later than February 15, 1998, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People’s Republic of China in 1998: Provided further, That any amount UNFPA plans to spend in the People’s Republic of China in 1998 shall be deducted from the amount of funds provided to UNFPA after March 1, 1998, pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Penin-
sula Energy Development Organization (KEDO) or the
International Atomic Energy Agency (IAEA): Provided
further, That not less than $4,000,000 should be made avail-
able to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

Sec. 501. Except for the appropriations entitled
“International Disaster Assistance”, and “United States
Emergency Refugee and Migration Assistance Fund”, not
more than 15 percent of any appropriation item made
available by this Act shall be obligated during the last
month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL
FINANCIAL INSTITUTIONS

Sec. 502. Notwithstanding section 614 of the Foreign
Assistance Act of 1961, as amended, none of the funds con-
tained in title II of this Act may be used to carry out the
provisions of section 209(d) of the Foreign Assistance Act
of 1961.

LIMITATION ON RESIDENCE EXPENSES

Sec. 503. Of the funds appropriated or made available
pursuant to this Act, not to exceed $126,500 shall be for
official residence expenses of the Agency for International
Development during the current fiscal year: Provided, That
appropriate steps shall be taken to assure that, to the maxi-
mum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading “Foreign Military Financing Program”, not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading “International Military Education and Training”, not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed
$2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading “Trade and Development Agency”, not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for “Nonproliferation, Anti-terrorism, Demining and Related Programs”) pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.
MILITARY COUPS

Sec. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

Sec. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

Sec. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore
made under the authority of the Foreign Assistance Act of
1961 for the same general purpose as any of the headings
under title II of this Act are, if deobligated, hereby contin-
ued available for the same period as the respective appro-
priations under such headings or until September 30, 1998,
whichever is later, and for the same general purpose, and
for countries within the same region as originally obligated:
Provided, That the Appropriations Committees of both
Houses of the Congress are notified fifteen days in advance
of the reobligation of such funds in accordance with regular
notification procedures of the Committees on Appropria-
tions.

(b) Obligated balances of funds appropriated to carry
out section 23 of the Arms Export Control Act as of the
end of the fiscal year immediately preceding the current
fiscal year are, if deobligated, hereby continued available
during the current fiscal year for the same purpose under
any authority applicable to such appropriations under this
Act: Provided, That the authority of this subsection may
not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

Sec. 511. No part of any appropriation contained in
this Act shall remain available for obligation after the expi-
rative of the current fiscal year unless expressly so provided
in this Act: Provided, That funds appropriated for the pur-
poses of chapters 1, 8, and 11 of part I, section 667, and
chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading “Assistance for Eastern Europe and the Baltic States”, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

Sec. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section
620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.
(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development
Bank, and the African Development Fund to use the voice
and vote of the United States to oppose any assistance by
these institutions, using funds appropriated or made avail-
able pursuant to this Act, for the production or extraction
of any commodity or mineral for export, if it is in surplus
on world markets and if the assistance will cause substan-
tial injury to United States producers of the same, similar,
or competing commodity.

NOTIFICATION REQUIREMENTS

Sec. 515. For the purposes of providing the Executive
Branch with the necessary administrative flexibility, none
of the funds made available under this Act for “Child Sur-
vival and Disease Programs Fund”, “Development Assist-
ance”, “International organizations and programs”, “Trade and Development Agency”, “International narcotics
control”, “Narcotics interdiction”, “Assistance for Eastern
Europe and the Baltic States”, “Assistance for the New
Independent States of the Former Soviet Union”, “Eco-

nomic Support Fund”, “Peacekeeping operations”, “Oper-
ating expenses of the Agency for International Develop-
ment”, “Operating expenses of the Agency for International
Development Office of Inspector General”, “Nonprolifera-
tion, anti-terrorism, demining and related programs”, “Foreign Military Financing Program”, “International
military education and training”, “Peace Corps”, “Migra-
tion and refugee assistance”, shall be available for obliga-
tion for activities, programs, projects, type of materiel as-
sistance, countries, or other operations not justified or in
excess of the amount justified to the Appropriations Com-
mittees for obligation under any of these specific headings
unless the Appropriations Committees of both Houses of
Congress are previously notified fifteen days in advance:
Provided, That the President shall not enter into any com-
mitment of funds appropriated for the purposes of section
23 of the Arms Export Control Act for the provision of
major defense equipment, other than conventional ammuni-
tion, or other major defense items defined to be aircraft,
ships, missiles, or combat vehicles, not previously justified
to Congress or 20 percent in excess of the quantities justified
to Congress unless the Committees on Appropriations are
notified fifteen days in advance of such commitment: Pro-
vided further, That this section shall not apply to any re-
programming for an activity, program, or project under
chapter 1 of part I of the Foreign Assistance Act of 1961
of less than 10 percent of the amount previously justified
to the Congress for obligation for such activity, program,
or project for the current fiscal year: Provided further, That
the requirements of this section or any similar provision
of this Act or any other Act, including any prior Act requir-
ing notification in accordance with the regular notification
procedures of the Committees on Appropriations, may be
waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Sec. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for “International Organizations and Programs” shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds
appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States.
Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none
of the funds made available under this Act may be used
to lobby for or against abortion.

REPORTING REQUIREMENT
SEC. 519. Section 25 of the Arms Export Control Act
is amended—

(1) in subsection (a), by striking “Congress” and
inserting in lieu thereof “appropriate congressional
committees”;

(2) in subsection (b), by striking “the Committee
on Foreign Relations of the Senate or the Committee
on Foreign Affairs of the House of Representatives”
and inserting in lieu thereof “any of the congressional
committees described in subsection (e)”; and

(3) by adding the following subsection:
“(e) As used in this section, the term ‘appropriate con-
gressional committees’ means the Committee on Foreign Re-
lations and the Committee on Appropriations of the Senate
and the Committee on International Relations and the
Committee on Appropriations of the House of Representa-
tives.”.

SPECIAL NOTIFICATION REQUIREMENTS
SEC. 520. None of the funds appropriated in this Act
shall be obligated or expended for Colombia, Haiti, Liberia,
Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic
Republic of Congo except as provided through the regular
notification procedures of the Committees on Appropriations.

**DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY**

Sec. 521. For the purpose of this Act, “program, project, and activity” shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development “program, project, and activity” shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

**CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES**

Sec. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and pri-
vate and voluntary organizations for the full cost of indi-
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viduals (including for the personal services of such individ-
uals) detailed or assigned to, or contracted by, as the case
may be, the Agency for International Development for the
purpose of carrying out family planning activities, child
survival, and basic education activities, and activities re-
lating to research on, and the treatment and control of ac-
quired immune deficiency syndrome in developing coun-
tries: Provided, That funds appropriated by this Act that
are made available for child survival activities or activities
relating to research on, and the treatment and control of,
acquired immune deficiency syndrome may be made avail-
able notwithstanding any provision of law that restricts as-
sistance to foreign countries: Provided further, That funds
appropriated by this Act that are made available for family
planning activities may be made available notwithstanding
section 512 of this Act and section 620(q) of the Foreign

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN
COUNTRIES

SEC. 523. None of the funds appropriated or otherwise
made available pursuant to this Act shall be obligated to
finance indirectly any assistance or reparations to Cuba,
Iraq, Libya, Iran, Syria, North Korea, or the People’s Re-
public of China, unless the President of the United States
certifies that the withholding of these funds is contrary to
the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control
Act is amended by striking out “1997” and inserting in
lieu thereof “1998”.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of De-
fense articles in accordance with section 516(a) of the For-
eign Assistance Act of 1961, the Department of Defense shall
notify the Committees on Appropriations to the same extent
and under the same conditions as are other committees pur-
suant to subsection (c) of that section: Provided, That before
issuing a letter of offer to sell excess defense articles under
the Arms Export Control Act, the Department of Defense
shall notify the Committees on Appropriations in accord-
ance with the regular notification procedures of such Com-
mittees: Provided further, That such Committees shall also
be informed of the original acquisition cost of such defense
articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obli-
gated and expended notwithstanding section 10 of Public
Law 91–672 and section 15 of the State Department Basic
Authorities Act of 1956.
PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to pro-
vide financing to Israel, Egypt and NATO and major non-
NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from
United States commercial suppliers, not including Major
Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the
President determines that there are compelling foreign pol-
icy or national security reasons for those defense articles being provided by commercial lease rather than by govern-
ment-to-government sale under such Act.

COMPETITIVE INSURANCE

Sec. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

Sec. 530. Except as provided in section 581 of the For-
eign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.
DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—
(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to
ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) Termination of Assistance Programs.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) Conforming Amendments.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading “Sub-Saharan Africa, Development Assistance” as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) Reporting Requirement.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection
(a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) Separate Accounts for Cash Transfers.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) Applicability of Other Provisions of Law.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) Notification.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a de-
scription of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, “international financial institutions” are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African
Development Fund, the International Monetary Fund, the
North American Development Bank, and the European
Bank for Reconstruction and Development.

**COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ**

**SEC. 534.** None of the funds appropriated or otherwise
made available pursuant to this Act to carry out the For-
eign Assistance Act of 1961 (including title IV of chapter
2 of part I, relating to the Overseas Private Investment Cor-
poration) or the Arms Export Control Act may be used to
provide assistance to any country that is not in compliance
with the United Nations Security Council sanctions against
Iraq unless the President determines and so certifies to the
Congress that—

(1) such assistance is in the national interest of
the United States;

(2) such assistance will directly benefit the needy
people in that country; or

(3) the assistance to be provided will be humani-
tarian assistance for foreign nationals who have fled
Iraq and Kuwait.

**COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES**

**SEC. 535.** Direct costs associated with meeting a for-

eign customer’s additional or unique requirements will con-
tinue to be allowable under contracts under section 22(d)
of the Arms Export Control Act. Loadings applicable to
such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 536. Title III of Public Law 103–306 is amended under the heading “Special Defense Acquisition Fund” by striking “1998” and inserting “2000”.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—
(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country. Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not
preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 539. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the Presi-
dent determines and certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that it is important to the national security interests of the United States.

(2) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

**POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL**

**SEC. 540.** It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing; and

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the
secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 541. (a) Of the funds appropriated or otherwise made available by this Act for “Economic Support Fund”, assistance may be provided to strengthen the administration of justice in countries in Latin America and the Carib-
bean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia, and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

Sec. 542. (a) Assistance Through Nongovernmental Organizations.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national
interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) Public Law 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) Exception.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or
(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 543. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is repro-
grammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability:

Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 544. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 545. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of
enactment of this Act by the Congress: Provided, That not
to exceed $500,000 may be made available to carry out the
provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND
PRODUCTS

Sec. 546. (a) To the maximum extent possible, assistance
provided under this Act should make full use of Ameri-
can resources, including commodities, products, and serv-
ices.

(b) It is the Sense of the Congress that, to the greatest
extent practicable, all equipment and products purchased
with funds made available in this Act should be American-
made.

(c) In providing financial assistance to, or entering
into any contract with, any entity using funds made avail-
able in this Act, the head of each Federal agency, to the
greatest extent practicable, shall provide to such entity a
notice describing the statement made in subsection (b) by
the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

Sec. 547. None of the funds appropriated or made
available pursuant to this Act for carrying out the Foreign
Assistance Act of 1961, may be used to pay in whole or
in part any assessments, arrearages, or dues of any member
of the United Nations.
CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, 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 pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign gov-
ernment shall terminate 12 months after that government
ceases to provide such military equipment. This section ap-
plies with respect to lethal military equipment provided
under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other
similar provision of law, may be furnished if the President
determines that furnishing such assistance is important to
the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised,
the President shall submit to the appropriate congressional
committees a report with respect to the furnishing of such
assistance. Any such report shall include a detailed expla-
nation of the assistance estimated to be provided, including
the estimated dollar amount of such assistance, and an ex-
planation of how the assistance furthers United States na-
tional interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED
BY FOREIGN COUNTRIES

SEC. 551. (a) In General.—Of the funds made avail-
able for a foreign country under part I of the Foreign As-
sistance Act of 1961, an amount equivalent to 110 percent
of the total unpaid fully adjudicated parking fines and pen-
alties owed to the District of Columbia by such country as
of the date of enactment of this Act shall be withheld from
obligation for such country until the Secretary of State cer-
ifies and reports in writing to the appropriate congres-
sional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) **DEFINITION.**—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

**LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA**

**SEC. 552.** None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.
WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 553. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.
LANDMINES

SEC. 554. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That not later than 90 days after the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Committees on Appropriations describing potential alternative technologies or tactics and a plan for the development of such alternatives to protect anti-tank mines from tampering in a manner consistent with the “Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction”.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 555. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall
not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

Sec. 556. None of the funds appropriated or otherwise made available by this Act under the heading “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or
(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

Sec. 557. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

Sec. 558. (a) Authority To Reduce Debt.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act;

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export
credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as “Paris Club Agreed Minutes”.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.
(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt restructuring”.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by sub-
section (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

Sec. 559. (a) Loans Eligible for Sale, Reduction, or Cancellation.—

(1) Authority to sell, reduce, or cancel certain loans.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link con-
ervation and sustainable use of natural re-
resources with local community development, and
child survival and other child development, in a
manner consistent with sections 707 through 710
of the Foreign Assistance Act of 1961, if the sale,
reduction, or cancellation would not contravene
any term or condition of any prior agreement
relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding
any other provision of law, the President shall, in ac-
cordance with this section, establish the terms and
conditions under which loans may be sold, reduced, or
canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined
in section 702(8) of the Foreign Assistance Act of
1961, shall notify the administrator of the agency
primarily responsible for administering part I of the
Foreign Assistance Act of 1961 of purchasers that the
President has determined to be eligible, and shall di-
rect such agency to carry out the sale, reduction, or
cancellation of a loan pursuant to this section. Such
agency shall make an adjustment in its accounts to
reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this sub-
section shall be available only to the extent that ap-
appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) Deposit of Proceeds.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) Eligible Purchasers.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) Debtor Consultations.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) Availability of Funds.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt restructuring”.
INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 560. (a) Authorizations.—The Secretary of the Treasury may, to fulfill commitments of the United States:

(1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.
(b) Consideration of Environmental Impact of International Finance Corporation Loans.—Section 1307 of the International Financial Institutions Act (Public Law 95–118) is amended as follows:

(1) in subsection (a)(1)(A) strike “borrowing country” and insert in lieu thereof “borrower”; 
(2) in subsection (a)(2)(A) strike “country”; and
(3) at the end of Section 1307, add a new subsection as follows:

“(g) For purposes of this section, the term ‘multilateral development bank’ means any of the institutions named in Section 1303(b) of this Act, and the International Finance Corporation.”.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and
(2) systematically consult with local communities on the potential impact of loans as part of the
normal lending process, and expand the participation
of affected peoples and nongovernmental organizations
in decisions on the selection, design and implementa-
tion of policies and projects.

SANCTIONS AGAINST COUNTRIES HARBORING WAR
CRIMINALS

SEC. 561. (a) BILATERAL ASSISTANCE.—The Presi-
dent is authorized to withhold funds appropriated by this
Act under the Foreign Assistance Act of 1961 or the Arms
Export Control Act for any country described in subsection
(c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of
the Treasury should instruct the United States executive di-
rectors of the international financial institutions to work
in opposition to, and vote against, any extension by such
institutions of financing or financial or technical assistance
to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in
this subsection is a country the government of which know-
ingly grants sanctuary to persons in its territory for the
purpose of evading prosecution, where such persons—

(1) have been indicted by the International
Criminal Tribunal for Rwanda, or any other inter-
national tribunal with similar standing under inter-
national law; or
(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

Sec. 562. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has substantially completed privatization of (or placed under long-term private management or
(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter-narcotics, or law enforcement assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term “parastatal” means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 563. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization
Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries’ overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1997.

(b) **UNITED STATES ASSISTANCE.**—For purposes of this section, the term “United States assistance” has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

**RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES**

SEC. 564. (a) **PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.**—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) **CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.**—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not
engaged in any effort to implement or impose any taxation
on United States persons in order to raise revenue for the
United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term
“United States person” refers to—

(1) a natural person who is a citizen or national
of the United States; or

(2) a corporation, partnership, or other legal en-
tity organized under the United States or any State,
territory, possession, or district of the United States.

ASSISTANCE TO TURKEY

Sec. 565. (a) Not more than $40,000,000 of the funds
appropriated in this Act under the heading “Economic
Support Fund” may be made available for Turkey.

(b) Of the funds made available under the heading
“Economic Support Fund” for Turkey, not less than fifty
percent of these funds shall be made available for the pur-
pose of supporting private nongovernmental organizations
engaged in strengthening democratic institutions in Tur-
key, providing economic assistance for individuals and
communities affected by civil unrest, and supporting and
promoting peaceful solutions and economic development
which will contribute to the settlement of regional problems
in Turkey.
LIMITATION ON ASSISTANCE TO THE PALESTINIAN

AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.
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BURMA LABOR REPORT

SEC. 568. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor in consultation with the Secretary of State shall provide to the Committees on Appropriations a report addressing labor practices in Burma.

HAITI

SEC. 569. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 570. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly al-
leged to be involved in gross violations of human rights:

Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia’s inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

“(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts
and expenditures that fund activities of the armed forces and security forces.”

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

“(2) has not provided to the institution information about the audit process requested by the institution.”.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

Sec. 573. (a) Bilateral Assistance.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) Multilateral Assistance.—

(1) Prohibition.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) Notification.—Not less than 15 days before any vote in an international financial institution re-
garding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the U.S. position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) Definition.—The term “international financial institution” includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) Exceptions.—

(1) In general.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;
(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by U.S. armed forces that promote good relations between such forces and the officials and citizens of the areas in the U.S. SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.
(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as de-
terminated by the Secretary of State, to take necessary and
significant steps to apprehend and transfer to the Tribunal
all persons who have been publicly indicted by the Tribunal.

(e) **WAIVER.**—

(1) **IN GENERAL.**—The Secretary of State may
waive the application of subsection (a) or subsection
(b) with respect to specified bilateral programs or
international financial institution projects or pro-
grams in a sanctioned country, entity, or canton
upon providing a written determination to the Com-
mittee on Appropriations and the Committee on For-

(e)(1), the Secretary of State shall submit a report to
the Committee on Appropriations and the Committee
on Foreign Relations of the Senate and the Committee
on Appropriations and the Committee on Inter-
national Relations of the House of Representatives re-
garding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(g) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term “country” means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term “entity” refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.
(3) CANTON.—The term “canton” means the administrative units in Bosnia and Herzegovina.


(5) TRIBUNAL.—The term “Tribunal” means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

Sec. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—
(A) in subsection (b)(3), by striking “and 1997” and inserting “1997, and 1998”; and
(B) in subsection (e), by striking “October 1, 1997” each place it appears and inserting “October 1, 1998”; and

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 575. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: “and $60,000,000 for fiscal year 1998”.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: “Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.”.
DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

SEC. 576. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: “, including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the
drawdown in question if the cost to acquire such commer-
cial transportation and related services is less than the cost
to the United States Government of providing such services
from existing agency assets.”.

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT
OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH
WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS
FAITHS IN THE RUSSIAN FEDERATION

Sec. 577. (a) None of the funds appropriated under
this Act may be made available for the Government of the
Russian Federation unless within 30 days of the date this
section becomes effective the President determines and cer-
tifies in writing to the Committees on Appropriations and
the Committee on Foreign Relations of the Senate and the
Committee on International Relations of the House of Rep-
resentatives that the Government of the Russian Federation
has implemented no statute, executive order, regulation or
similar government action that would discriminate, or
would have as its principal effect discrimination, against
religious groups or religious communities in the Russian
Federation in violation of accepted international agree-
ments on human rights and religious freedoms to which the
Russian Federation is a party.

(b) This section shall become effective one hundred fifty
days after the enactment of this Act.
U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE
SOUTH CAUCASUS AND CENTRAL ASIA

SEC. 578. (a) FINDINGS.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment,
increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) GENERAL.—The policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation;
(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term “countries of the South Caucasus and Central Asia” means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PAKISTAN

SEC. 579. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting “, or Pakistan” after “China”.

(b) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.
REQUIREMENTS FOR THE REPORTING TO CONGRESS OF

THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE
GREENHOUSE GAS EMISSIONS

SEC. 580. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

SEC. 581. (a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

“(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.”;
(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking “September 30, 1997” and inserting “September 30, 1999”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking “(a) and (b)” and inserting “(a), (b), and (c)”.

(c) EXTENSION OF AUTHORITY.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “October 23, 1997” and inserting “September 30, 1998”.

(d) TIED AID CREDIT FUND AUTHORITY.—

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(c)(2)) is amended by striking “through” and all that follows through “1997”.

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(3)) is amended by striking the first sentence and inserting the following: “There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.”.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 582. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President deter-
mines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) Exception.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) Waiver.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

WAR CRIMES PROSECUTION

Sec. 583. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking “grave breach of the Geneva Conventions” and inserting “war crime”;

(2) in subsection (b), by striking “breach” each place it appears and inserting “war crime”; and
(3) so that subsection (c) reads as follows:

“(c) DEFINITION.—As used in this section the term ‘war crime’ means any conduct—

“(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

“(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

“(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

“(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.”.
INTERNATIONAL MILITARY EDUCATION AND TRAINING

PROGRAMS FOR LATIN AMERICA

SEC. 584. (a) EXPANDED IMET.—The Secretary of Defense, in consultation with the Secretary of State, should make every effort to ensure that approximately 30 percent of the funds appropriated in this Act for “International Military Education and Training” for the cost of Latin American participants in IMET programs will be disbursed for the purpose of supporting enrollment of such participants in expanded IMET courses.

(b) CIVILIAN PARTICIPATION.—The Secretary of State, in consultation with the Secretary of Defense, should identify sufficient numbers of qualified, non-military personnel from countries in Latin America so that approximately 25 percent of the total number of individuals from Latin American countries attending United States supported IMET programs and the Center for Hemispheric Defense Studies at the National Defense University are civilians.

(c) REPORT.—Not later than twelve months after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall report in writing to the appropriate committees of the Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include
in the report plans for implementing additional expanded
IMET programs for Latin America during the next three
fiscal years.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC
OF CONGO

Sec. 585. None of the funds appropriated or otherwise
made available by this Act may be provided to the central
Government of the Democratic Republic of Congo until such
time as the President reports in writing to the Congress
that the central Government of the Democratic Republic of
Congo is cooperating fully with investigators from the United
Nations in accounting for human rights violations com-
mited in the Democratic Republic of Congo or adjacent
countries.

ASSISTANCE FOR THE MIDDLE EAST

Sec. 586. Of the funds appropriated by this Act under
the headings “Economic Support Fund”, “Foreign Military
Financing”, “International Military Education and Train-
ing”, “Peacekeeping Operations”, for refugees resettling in
Israel under the heading “Migration and Refugee Assist-
ance”, and for assistance for Israel to carry out provisions
of chapter 8 of part II of the Foreign Assistance Act of 1961
under the heading “Nonproliferation, Anti-Terrorism,
Demining, and Related Programs”, not more than a total
of $5,402,850,000 may be made available for Israel, Egypt,
Jordan, Lebanon, the West Bank and Gaza, the Israel-Leb-
anon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1998 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

AGRICULTURE

Sec. 587. The first proviso of subsection (k) under the heading “Assistance for the New Independent States of the Former Soviet Union” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended by striking “not less than” and inserting in lieu thereof “up to”.

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ENTERPRISE FUND RESTRICTIONS

SEC. 588. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

“(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

“(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

“(2) An Enterprise Fund shall not pay compensation for services to—

“(A) any board member of the Enterprise Fund, except for services as a board member; or

“(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

“(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection nor for arrangements approved by the grantor and notified in writing to the Committees on Appropriations.”.

CAMBODIA

SEC. 589. The Secretary of the Treasury should instruct the United States Executive Directors of the inter-
national financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 590. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

SEC. 591. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $7,500,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading “Assistance for Eastern Europe and the Baltic States”, to remain available until expended: Provided, That up to $500,000 of the funds appropriated by
this Act under the heading “Operating Expenses of the Agency for International Development” may be made available for administrative expenses to carry out such programs: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: Provided further, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS

Sec. 592. (a) Performance of Abortions.—

(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law,
no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) of this subsection may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—(1) Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, no funds appropriated to the Agency for International Development for population planning activities or other population assistance for fiscal years 1998 and 1999 may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which
abortion is permitted, regulated, or prohibited, or engage
in any activity or effort to alter the laws or governmental
policies of any foreign country concerning the cir-
cumstances under which abortion is permitted, regulated,
or prohibited.

(2) Paragraph (1) of this subsection shall not apply
to activities in opposition to coercive abortion or involun-
tary sterilization.

(c) APPLICATION TO FOREIGN ORGANIZATIONS.—The
restrictions in this section apply to funds made available
to a foreign organization either directly or as a subcontrac-
tor or subgrantee, and the certifications required in sub-
sections (a) and (b) apply to activities in which the organi-
zation engages either directly or through a subcontractor
or subgrantee.

(d) For each of fiscal years 1998 and 1999, the Presi-
dent may waive the restrictions in subsections (a) and (b):
Provided, That if the President waives the restriction in
either subsection (a) or (b), not to exceed $410,000,000 may
be made available for population planning activities or
other population assistance: Provide further, That if the
President waives the restrictions in both subsections (a) and
(b), not to exceed $385,000,000 may be made available for
population planning activities or other population assist-
ance.
INTERNATIONAL MONETARY PROGRAMS

LOANS TO INTERNATIONAL MONETARY FUND

Sec. 593. For loans to the International Monetary Fund under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

Section 17 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286e–2 et seq.) is amended as follows—

(1) Section 17(a) is amended by striking “and February 24, 1983” and inserting instead “February 24, 1983, and January 27, 1997”; and by striking “4,250,000,000” and inserting instead “6,712,000,000”.

(2) Section 17(b) is amended by striking “4,250,000,000” and inserting instead “6,712,000,000”.

(3) Section 17(d) is amended by inserting “or the Decision of January 27, 1997,” after “February 24, 1983,”; and by inserting “or the New Arrangements to Borrow, as applicable” before the period at the end.
This division may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998”.

DIVISION D—FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

SEC. 1001. SHORT TITLE.

This division may be cited as the “Foreign Affairs Reform and Restructuring Act of 1997”.

SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVISIONS; TABLE OF CONTENTS.

(a) SUBDIVISIONS.—This division is organized into three subdivisions as follows:

   (1) SUBDIVISION 1.—Foreign Affairs Agencies Consolidation Act of 1997.
   


(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1001. Short title.
Sec. 1002. Organization of division into subdivisions; table of contents.

SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Short title.
Sec. 1102. Purposes.
Sec. 1103. Definitions.
Sec. 1104. Report on budgetary cost savings resulting from reorganization.

**TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**

**CHAPTER 1—GENERAL PROVISIONS**

Sec. 1201. Effective date.

**CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS**

Sec. 1211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 1212. Transfer of functions to Secretary of State.
Sec. 1213. Under Secretary for Arms Control and International Security.

**CHAPTER 3—CONFORMING AMENDMENTS**

Sec. 1221. References.
Sec. 1222. Repeals.
Sec. 1223. Amendments to the Arms Control and Disarmament Act.
Sec. 1224. Compensation of officers.
Sec. 1225. Additional conforming amendments.

**TITLE XIII—UNITED STATES INFORMATION AGENCY**

**CHAPTER 1—GENERAL PROVISIONS**

Sec. 1301. Effective date.

**CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS**

Sec. 1311. Abolition of United States Information Agency.
Sec. 1312. Transfer of functions.
Sec. 1313. Under Secretary of State for Public Diplomacy.
Sec. 1314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

**CHAPTER 3—INTERNATIONAL BROADCASTING**

Sec. 1321. Congressional findings and declaration of purpose.
Sec. 1322. Continued existence of Broadcasting Board of Governors.
Sec. 1324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 1325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 1326. Transfer of broadcasting related funds, property, and personnel.
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Sec. 2221. Use of certain passport processing fees for enhanced passport services.
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Sec. 2416. United States-Japan Commission.
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TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

Sec. 2501. International conferences and contingencies.
Sec. 2502. Restriction relating to United States accession to any new international criminal tribunal.
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Sec. 2702. Statement of policy.
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**SUBCHAPTER B—United States Sovereignty**

Sec. 3311. Certification requirements.

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Sec. 3331. Certification requirements.

**Chapter 2—Miscellaneous Provisions**

Sec. 3341. Statutory construction on relation to existing laws.
Sec. 3342. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

**SUBDIVISION 1—Consolidation of Foreign Affairs Agencies**

**TITLE XI—GENERAL PROVISIONS**

Sec. 1101. Short Title.

This subdivision may be cited as the “Foreign Affairs Agencies Consolidation Act of 1997”.

Sec. 1102. Purposes.

The purposes of this subdivision are—

(1) to strengthen—
(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;
(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 1103. DEFINITIONS.

In this subdivision:

(1) ACDA.—The term “ACDA” means the United States Arms Control and Disarmament Agency.

(2) AID.—The term “AID” means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term “agency” or “Federal agency” means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on International Relations...
and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) **Covered agency.**—The term “covered agency” means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) **Department.**—The term “Department” means the Department of State.

(7) **Function.**—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) **IDCA.**—The term “IDCA” means the United States International Development Cooperation Agency.

(9) **Office.**—The term “office” includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) **Secretary.**—The term “Secretary” means the Secretary of State.

(11) **USIA.**—The term “USIA” means the United States Information Agency.
SEC. 1104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this subdivision, including cost savings by each of the following categories:

1. Reductions in personnel.
2. Administrative consolidation, including procurement.
3. Program consolidation.
4. Consolidation of real properties and leases.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

1. October 1, 1998; or
2. the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 1601.
CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 1212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 1213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking “There” and inserting the following:

“(1) IN GENERAL.—There”; and

(2) by adding at the end the following:

“(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in
the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.”.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1221. REFERENCES.

Except as otherwise provided in section 1223 or 1225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disar-
mament Agency shall be deemed to refer to the Department of State.

**SEC. 1222. REPEALS.**


**SEC. 1223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.**

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking “creating a new agency of peace to deal with” and inserting “addressing”;

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking “This organization” and inserting “The Secretary of State”;

(ii) by striking “It shall have” and inserting “The Secretary shall have”;
(iii) by striking “and the Secretary of State”; 

(iv) by inserting “nonproliferation,” after “arms control” in paragraph (1); 

(v) by striking paragraph (2); 

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and 

(vii) by striking “as appropriate,” in paragraph (3) (as redesignated); 

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c); 

(3) in the heading for title II, by striking “ORGANIZATION” and inserting “SPECIAL REPRESENTATIVES AND VISITING SCHOLARS”; 

(4) in section 27 (22 U.S.C. 2567)— 

(A) by striking the third sentence; 

(B) in the fourth sentence, by striking “acting through the Director”; and 

(C) in the fifth sentence, by striking “Agency” and inserting “Department of State”; 

(5) in section 28 (22 U.S.C. 2568)— 

(A) by striking “Director” each place it appears and inserting “Secretary of State”;
(B) in the second sentence—

   (i) by striking “Agency” each place it appears and inserting “Department of State”; and

   (ii) by striking “Agency’s” and inserting “Department of State’s”; and

   (C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

   (A) by inserting “this title in” after “powers in”;

   (B) by striking “Director” each place it appears and inserting “Secretary of State”;

   (C) by striking “insure” each place it appears and inserting “ensure”;

   (D) in the second sentence, by striking “in accordance with procedures established under section 35 of this Act”;

   (E) in the fourth sentence by striking “The authority” and all that follows through “disarmament.” and inserting the following: “The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:”; and
(F) in subsection (l), by inserting “and” at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking “Director” and inserting “Secretary of State”; and

(B) by striking “subsection” and inserting “section”;

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking “the Secretary of State,”;

and

(B) by striking “Director” and inserting “Secretary of State”;

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking “Director” and inserting “Secretary of State”;

(ii) in the first sentence, by striking “and the Secretary of State”;

(iii) in the first sentence, by inserting “, nonproliferation,” after “in the fields of arms control”;

(iv) in the first sentence, by striking “and shall have primary responsibility, whenever directed by the President, for the
preparation, conduct, and management of
the United States participation in inter-
national negotiations and implementation
fora in the field of nonproliferation’’;

(v) in the second sentence, by striking
“section 27” and inserting “section 201’’;
and

(vi) in the second sentence, by striking
“the” after “serve as’’;

(B) by striking subsection (b);

(C) by redesignating subsection (c) as sub-
section (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by
striking “Director” and inserting “Sec-
retary of State’’;

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2)
and (3) as paragraphs (1) and (2), respec-
tively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking “Director” each place it ap-
ppears and inserting “Secretary of State”’’; and
(B) by striking “, in accordance with the procedures established pursuant to section 35 of this Act,”;

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking “Director” and “Agency” each place it appears and inserting “Secretary of State” or “Department of State”, respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking “Director” each place it appears and inserting “Secretary of State”; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking “In the performance of his functions, the Director” and inserting “In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act”;

(B) by striking “Agency”, “Agency’s”, “Director”, and “Director’s” each place they appear and inserting “Department of State”, “Department of State’s”, “Secretary of State”, or “Secretary of State’s”, as appropriate;
(C) in subsection (a), by striking the sentence that begins “It is the intent’’;

(D) in subsection (b)—

(i) by striking “appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,”;

(ii) in paragraph (1), by striking “exception” and inserting “subsection”; and

(iii) in paragraph (2)—

(I) by striking “exception” and inserting “subsection”; and

(II) by striking “ceiling” and inserting “positions allocated to carry out the purpose of this Act”;  

(E) by striking subsection (g);
(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

“(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, non-proliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;”; and

(H) in subsection (h) (as redesignated), by striking “Deputy Director” and inserting “Under Secretary for Arms Control and International Security”;
(A) by striking “CONFLICT-OF-INTEREST AND”;

(B) by striking “The members” and all that follows through “(5 U.S.C. 2263), or any other” and inserting “Members of advisory boards and consultants may serve as such without regard to any”; and

(C) by inserting at the end the following new sentence: “This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.”;

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting “, nonproliferation,” after “arms control” each place it appears;

(ii) by striking “Director, in consultation with the Secretary of State,” and inserting “Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with”; and

(iii) by striking “the Chairman of the Joint Chiefs of Staff, and the Director of
Central Intelligence” and inserting “and
the Chairman of the Joint Chiefs of Staff”; (iv) by striking paragraphs (2) and (4); and
(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and
(B) by adding at the end of subsection (b) the following: “The portions of this report de-
described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classi-
fied annexes, the information, analysis, and con-
clusions relevant to possible noncompliance by
other nations that are provided by United States intelligence agencies.”;
(16) in section 52 (22 U.S.C. 2593b), by striking “Director” and inserting “Secretary of State”;
(17) in section 61 (22 U.S.C. 2593a)—
(A) in paragraph (1), by striking “United States Arms Control and Disarmament Agency” and inserting “Department of State”; (B) by striking paragraph (2); (C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), re-
spectively;
(D) in paragraph (4) (as redesignated), by striking “paragraph (4)” and inserting “paragraph (3)”;

(E) in paragraph (6) (as redesignated), by striking “United States Arms Control and Disarmament Agency and the”;

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking “DIRECTOR” and inserting “SECRETARY OF STATE”; and

(ii) by striking “2(d), 22, and 34(c)” and inserting “102(3) and 304(b)”; and

(B) by striking “Director” and inserting “Secretary of State”;,

(19) in section 64 (22 U.S.C. 2595b–1)—

(A) by striking the section title and inserting “SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.”;

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking “(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—”;

and
(ii) by striking “Foreign Affairs” and inserting “International Relations”;

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting “of America” after “United States”; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 1224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking “Director of the United States Arms Control and Disarmament Agency.”;

(2) in section 5314, by striking “Deputy Director of the United States Arms Control and Disarmament Agency.”;

(3) in section 5315—

(A) by striking “Assistant Directors, United States Arms Control and Disarmament Agency (4).”; and

(B) by striking “Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms
Control and Disarmament Agency”, and inserting “Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State”; and

(4) in section 5316, by striking “General Counsel of the United States Arms Control and Disarmament Agency.”.

SEC. 1225. ADDITIONAL CONFORMING AMENDMENTS.

(a) Arms Export Control Act.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking “Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense” and inserting “Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence”;

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking “be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director’s assessment as to” and inserting “take into account”;

and

(B) by striking the second sentence;
(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking “the assessment of the Director of the United States Arms Control and Disarmament Agency as to”;

(B) by striking “(1)” after “(a)”; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking “, the Director of the Arms Control and Disarmament Agency,”;

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking “and the Director of the United States Arms Control and Disarmament Agency”;

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking “, the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency” and inserting “and the Secretary of Commerce”; and

(B) by striking “or the Director”;

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking “with the Director of the United States Arms Control and Disarmament Agency,”; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking “, the Secretary of Commerce, and the Director of the United States Arms Control and Disar-
mament Agency” and inserting “and the Secretary of Commerce”.

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking “be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to” and inserting “take into account”.

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking “Eleven” and inserting “Twelve”.

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking “, Director of the Arms Control and Disarmament Agency”.

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking “the Arms Control and Disarmament Agency,”; and
(B) in the second sentence, by striking “the Director of the Arms Control and Disarmament Agency,”;

(2) in section 109b. (42 U.S.C. 2129(b)), by striking “and the Director”;

(3) in section 111b. (42 U.S.C. 2131(b)) by striking “the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission,” and inserting “the Nuclear Regulatory Commission”;

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking “and in consultation with the Director of the Arms Control and Disarmament Agency (‘the Director’)”;

(ii) by inserting “and” after “Energy,”;

(iii) by striking “Commission, and the Director, who” and inserting “Commission. The Secretary of State”; and

(iv) after “nuclear explosive purpose.”,

by inserting the following new sentence:

“Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director
of Central Intelligence, summarizing relevant classified information.”;

(B) in subsection d., in the first proviso—

(i) by striking “Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency,” and inserting “Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,”; and

(ii) by striking “has been” and inserting “have been”; and

(C) in the first undesignated paragraph following subsection d., by striking “the Arms Control and Disarmament Agency,”;

(5) in section 126a.(1), by striking “the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission” and inserting “and the Nuclear Regulatory Commission,”;

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking “the Director,”;

(ii) in the third sentence, by striking “the Director declares that he intends” and
inserting “the Secretary of State is required”; and

(iii) in the third sentence, by striking “the Director’s declaration” and inserting “the requirement to prepare a Nuclear Proliferation Assessment Statement”;

(B) in paragraph (2)—

(i) by striking “Director’s view” and inserting “view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission”; and

(ii) by striking “he may prepare” and inserting “the Secretary of State, in consultation with such Secretary or the Commission, shall prepare”; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking “the Director of the Arms Control and Disarmament Agency,”;

(B) in the sixth and seventh sentences, by striking “Director” each place it appears and inserting “Secretary of State”; and

(C) in the seventh sentence, by striking “Director’s” and inserting “Secretary of State’s”.
(e) **Nuclear Non-Proliferation Act of 1978.**—

The Nuclear Non-Proliferation Act of 1978 is amended—

1. in section 4 (22 U.S.C. 3203)—
   
   (A) by striking paragraph (2); and
   
   (B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

2. in section 102 (22 U.S.C. 3222), by striking “the Secretary of State, and the Director of the Arms Control and Disarmament Agency” and inserting “and the Secretary of State”;

3. in section 304(d) (42 U.S.C. 2156a), by striking “the Secretary of Defense, and the Director,” and inserting “and the Secretary of Defense,”;

4. in section 309 (42 U.S.C. 2139a)—
   
   (A) in subsection (b), by striking “the Department of Commerce, and the Arms Control and Disarmament Agency” and inserting “and the Department of Commerce”; and
   
   (B) in subsection (c), by striking “the Arms Control and Disarmament Agency,”;

5. in section 406 (42 U.S.C. 2160a), by inserting “, or any annexes thereto,” after “Statement”; and

6. in section 602 (22 U.S.C. 3282)—
(A) in subsection (c), by striking “the Arms Control and Disarmament Agency,”; and

(B) in subsection (e), by striking “and the Director”.

(f) State Department Basic Authorities Act of 1956.—Section 23(a) of the State Department basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking “the Agency for International Development, and the Arms Control and Disarmament Agency” and inserting “and the Agency for International Development”.


(h) Title 49.—Section 40118(d) of title 49, United States Code, is amended by striking “, or the Director of the Arms Control and Disarmament Agency”.

Title XIII—United States Information Agency

Chapter 1—General Provisions

Sec. 1301. Effective Date.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or
(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 1312. TRANSFER OF FUNCTIONS.

(a) In General.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) Exception.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.
SEC. 1313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this division, is further amended by adding at the end the following new paragraph:

“(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.”.

SEC. 1314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—
(1) in paragraph (1), by striking “the Office of Personnel Management, the United States Information Agency” and inserting “or the Office of Personnel Management”; and

(2) in paragraph (2), by striking “the United States Information Agency,”.

(c) Executive Schedule.—Section 5315 of title 5, United States Code, is amended by striking the following:

“Inspector General, United States Information Agency.”.

(d) Amendments to Public Law 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking “Inspector General of the United States Information Agency” each place it appears and inserting “Inspector General of the Department of State and the Foreign Service”; and

(2) by striking “, the Director of the United States Information Agency,”.

(e) Transfer of Functions.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including
all related functions of the Inspector General of the United States Information Agency.

**CHAPTER 3—INTERNATIONAL BROADCASTING**

**SEC. 1321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.**

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom “to seek, receive, and impart information and ideas through any media and regardless of frontiers”, in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.
SEC. 1322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

“(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

“(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

“(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date may serve the remainder of their terms of office without reappointment.

“(3) INSPECTOR GENERAL AUTHORITIES.—

“(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspect-
tor General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

“(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.”.

SEC. 1323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF SECRETARY OF STATE.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking “Director of the United States Information Agency” each place it appears and inserting “Secretary of State”.

(c) SUBSTITUTION OF ACTING SECRETARY OF STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by
striking “acting Director of the agency” and inserting “Acting Secretary of State”.

(d) Standards and Principles of International Broadcasting.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting “, including editorials, broadcast by the Voice of America, which present the views of the United States Government” after “policies”;

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;”;

(e) Authorities of the Board.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking “direct and”; and

(B) by striking “and the Television Broadcasting to Cuba Act” and inserting “, the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)”;

(2) in paragraph (4), by inserting “, after consultation with the Secretary of State,” after “annually,”; 

(3) in paragraph (9)—

(A) by striking “, through the Director of the United States Information Agency,”; and 

(B) by adding at the end the following new sentence: “Each annual report shall place special emphasis on the assessment described in paragraph (2).”;

(4) in paragraph (12)—

(A) by striking “1994 and 1995” and inserting “1998 and 1999”; and 

(B) by striking “to the Board for International Broadcasting for such purposes for fiscal year 1993” and inserting “to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997”; and

(5) by adding at the end the following new paragraphs:

“(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the Gen-
eral Schedule under section 5108 of title 5, United States Code.

“(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

“(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the ‘Economy Act’), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

“(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1997, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.
“(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1997 for carrying out the broadcasting activities covered by this title.”

(f) Delegation of Authority.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) Delegation of Authority.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).”.

(g) Broadcasting Budgets.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking “(1)” before “The Director”; and
(2) by striking “the Director of the United States Information Agency for the consideration of the Director as a part of the Agency’s budget submission to”.

(h) **REPEAL.**—Section 305(c)(2) (as redesignated) is repealed.

(i) **IMPLEMENTATION.**—Section 305(d) (as redesignated) is amended to read as follows:

“(d) **PROFESSIONAL INDEPENDENCE OF BROADCASTERS.**—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.”.

(j) **FOREIGN POLICY GUIDANCE.**—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking “FOREIGN POLICY GUIDANCE” and inserting “ROLE OF THE SECRETARY OF STATE”;

(2) by inserting “(a) FOREIGN POLICY GUIDANCE.—” immediately before “To”;

(3) by striking “State, acting through the Director of the United States Information Agency,” and inserting “State”;
(4) by inserting before the period at the end the following: “; as the Secretary may deem appropriate”; and

(5) by adding at the end the following:

“(b) CERTAIN WORLNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.”.

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking “within the United States Information Agency” and inserting “under the Board”;

(2) in subsection (b)(1), by striking “Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board” and inserting “President, by and with the advice and consent of the Senate”;

(3) by redesignating subsection (b)(1) as subsection (b);
(4) by striking subsection (b)(2); and

(5) by adding at the end the following new subsection:

“(c) Responsibilities of the Director.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.”.

(l) Repeals.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 1324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—
(1) by striking “United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”; 

(2) by striking “Agency” each place it appears and inserting “Board”; 

(3) by striking “the Director of the United States Information Agency” each place it appears and inserting “the Broadcasting Board of Governors”; 

(4) in section 4 (22 U.S.C. 1465b), by striking “the Voice of America” and inserting “the International Broadcasting Bureau”; 

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking “Board” each place it appears and inserting “Advisory Board”; and 

(B) in subsection (a), by striking the first sentence and inserting “There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the ‘Advisory Board’).”; and 

(6) by striking any other reference to “Director” not amended by paragraph (3) each place it appears and inserting “Board”. 
SEC. 1325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking “United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”;

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

(A) in the subsection heading, by striking “USIA”; and

(B) by striking “‘USIA Television” and inserting “the ‘Television”;

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking “Agency” each place it appears and inserting “Board”;

(4) in section 244 (22 U.S.C. 1465cc)—

(A) in the section heading, by striking “OF THE UNITED STATES INFORMATION AGENCY”;

(B) in subsection (a)—

(i) in the first sentence, by striking “The Director of the United States Information Agency shall establish” and inserting “There is”; and

(ii) in the second sentence—
(I) by striking “Director of the United States Information Agency” and inserting “Broadcasting Board of Governors”; and

(II) by striking “the Director of the Voice of America” and inserting “the International Broadcasting Bureau”;

(C) in subsection (b)—

(i) by striking “Agency facilities” and inserting “Board facilities”; and

(ii) by striking “Information Agency” and inserting “International”; and

(D) in the heading of subsection (c), by striking “USIA”; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking “Board” and inserting “Advisory Board”.

SEC. 1326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) Transfer and Allocation of Property and Appropriations.—

(1) In general.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1327(d)), contracts, property, records, and unex-
pended balance of appropriations, authorizations, allo-
locations, and other funds employed, held, used, aris-
ing from, available to, or to be made available in con-
nection with the functions and offices of USIA trans-
ferred to the Broadcasting Board of Governors by this
chapter shall be transferred to the Broadcasting
Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the
transfers made under paragraph (1), there shall be
transferred to the Chairman of the Broadcasting
Board of Governors the assets, contracts, property,
records, and unexpended balance of appropriations,
authorizations, allocations, and other funds, as deter-
mined by the Secretary, in concurrence with the
Broadcasting Board of Governors, to support the
functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any
other provision of law—

(1) except as provided in subsection (c), all per-
sonnel and positions of USIA employed or main-
tained to carry out the functions transferred by this
chapter to the Broadcasting Board of Governors shall
be transferred to the Broadcasting Board of Governors
at the same grade or class and the same rate of basic
pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) Transfer and Allocation of Property, Appropriations, and Personnel Associated With Worldnet.—USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title XVI of this subdivision.

(d) Incidental Transfers.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities,
grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 1327. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board
of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Pending Proceedings.—

(1) In General.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rule-making, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) Orders, Appeals, and Payments.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Statutory Construction.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under
the same terms and conditions and to the same extent
that such proceeding could have been discontinued or
modified if this chapter had not been enacted.

(c) Nonabatement of Proceedings.—No suit, ac-
tion, or other proceeding commenced by or against any offi-
cer in the official capacity of such individual as an officer
of the Broadcasting Board of Governors, or any commission
or component thereof, shall abate by reason of the enactment
of this chapter. No cause of action by or against the Broad-
casting Board of Governors, or any commission or compo-
nent thereof, or by or against any officer thereof in the offi-
cial capacity of such officer, shall abate by reason of the
enactment of this chapter.

(d) Continuation of Proceedings With Substi-
tution of Parties.—

(1) Substitution of parties.—If, before the
effective date of this title, USIA or the Broadcasting
Board of Governors, or any officer thereof in the official
capacity of such officer, is a party to a suit
which is related to the functions transferred by this
chapter, then effective on such date such suit shall be
continued with the Broadcasting Board of Governors
or other appropriate official of the Board substituted
or added as a party.
(2) LIABILITY OF THE BOARD.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.
SEC. 1328. REPORT ON THE PRIVATIZATION OF RFE/RL,
INCORPORATED.

Not later than March 1 of each year, the Broadcasting
Board of Governors shall submit to the appropriate congres-
sional committees a report on the progress of the Board and
of RFE/RL, Incorporated, on any steps taken to further the
policy declared in section 312(a) of the Foreign Relations
under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to termi-
nate individual language services.

(2) A detailed description of steps taken with re-
gard to section 312(a) of that Act.

(3) An analysis of prospects for privatization
over the coming year.

(4) An assessment of the extent to which United
States Government funding may be appropriate in
the year 2000 and subsequent years for surrogate
broadcasting to the countries to which RFE/RL, In-
corporated, broadcast during the year. This assess-
ment shall include an analysis of the environment for
independent media in those countries, noting the ex-
tent of government control of the media, the ability of
independent journalists and news organizations to
operate, relevant domestic legislation, level of govern-
ment harassment and efforts to censor, and other in-
indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 1331. REFERENCES.

(a) In General.—Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) Continuing References to USIA or Director.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 1332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking “Director of the United States Information Agency.”;
(2) in section 5315—
   (A) by striking “Deputy Director of the United States Information Agency.”; and
   (B) by striking “Director of the International Broadcasting Bureau, the United States Information Agency.” and inserting “Director of the International Broadcasting Bureau.”; and
(3) in section 5316—
   (A) by striking “Deputy Director, Policy and Plans, United States Information Agency.”;
and
   (B) by striking “Associate Director (Policy and Plans), United States Information Agency.”.

SEC. 1333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this sub-division.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426
(22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs, personnel and support of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this subdivision to the same extent that such programs were covered by these provisions prior to such transfer.

(c) Limitation on Use of Funds.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) Reporting Requirements.—The report submitted pursuant to section 1601(f) of this subdivision shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this subdivision shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fis-
cal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The Department of State’s Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.
SEC. 1334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 1335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking “Director of the United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”;

(B) by striking “United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”;

(C) in subsection (b)—

(i) by striking “Agency’s” and all that follows through “USIA-TV)” and inserting “television broadcasts of the United States International Television Service”; and
(ii) in paragraphs (1), (2), and (3), by striking “USIA-TV” each place it appears and inserting “The United States International Television Service”; and

(D) in subsections (d) and (e), by striking “USIA-TV” each place it appears and inserting “the United States International Television Service”;

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking “Director of the United States Information Agency” and inserting “Broadcasting Board of Governors”;

(B) by striking “Agency” and inserting “Board”; and

(C) by striking “Director” and inserting “Board”.

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking “(b) In addition, the United State Information Agency” and inserting “The Department of State”; and

(ii) by striking “program grants” and inserting “grants for overseas public diplomacy programs”;
(4) in section 801(7) (22 U.S.C. 1471(7))—
   (A) by striking “Agency” and inserting
   “overseas public diplomacy”; and
   (B) by inserting “other” after “together
   with”; and

(5) in section 812 (22 U.S.C. 1475g)—
   (A) by striking “United States Information
   Agency post” each place it appears and inserting
   “overseas public diplomacy post”;
   (B) in subsection (a), by striking “United
   States Information Agency” the first place it ap-
   pears and inserting “Department of State”;
   (C) in subsection (b), by striking “Director
   of the United States Information Agency” and
   inserting “Secretary of State”; and
   (D) in the section heading, by striking
   “USIA” and inserting “OVERSEAS PUBLIC DI-
   PLOMACY”.

(b) Section 212 of the Foreign Relations Authorization
Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is
amended—
   (1) by striking “United States Information
   Agency” each place it appears and inserting “Department
   of State”;

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(2) in subsection (a), by inserting “for carrying out its overseas public diplomacy functions” after “grants”;

(3) in subsection (b)—

(A) by striking “a grant” the first time it appears and inserting “an overseas public diplomacy grant”; and

(B) in paragraph (1), by inserting “such” before “a grant” the first place it appears;

(4) in subsection (c)(1), by inserting “overseas public diplomacy” before “grants”; 

(5) in subsection (c)(3), by inserting “such” before “grant”; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking “United States Information Agency” and inserting “Department of State”; and

(2) in subsection (b)—

(A) by striking “appropriations account of the United States Information Agency” and inserting “appropriate appropriations account of the Department of State”; and
(B) by striking “and the United States Information Agency”.

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking “, after consultation with the Director of the United States Information Agency,”.

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking “of the Director of the United States Information Agency and with” and inserting “and”.

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking “9 members” and inserting “7 members”;

(2) in paragraph (4), by striking “Six” and inserting “Five”;

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and
(2) in subsection (c), by striking “subsection (b)(7)” and inserting “subsection (b)(6)”.

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking “15 members” and inserting “14 members”;

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking “paragraph (1)(J)” each place it appears and inserting “paragraph (1)(I)”; and

(3) in subsection (d)(3) and subsection (e), by striking “the Administrator and the Director of the United States Information Agency” each place it appears and inserting “and the Administrator”.

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking “19 members” and inserting “17 members”;

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(B) by striking paragraph (7);

(C) by striking “10” in paragraph (10) and inserting “9”; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking “(9)” and inserting “(8)”.

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking “the United States Information Agency,”.

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking “Director of the United States Information Agency” and inserting “Broadcasting Board of Governors”;

(2) in section 210 (22 U.S.C. 3930), by striking “United States Information Agency” and inserting “Broadcasting Board of Governors”; and

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking “United States Information Agency” and inserting “Broadcasting Board of Governors”; and
(4) in section 1101(c) (22 U.S.C. 4131(c)), by
striking “the United States Information Agency,” and
inserting “Broadcasting Board of Governors.”

(l) The Department of State Basic Authorities Act of
1956, as amended by this division, is further amended—
(1) in section 23(a) (22 U.S.C. 2695(a)), by
striking “United States Information Agency” and in-
serting “Broadcasting Board of Governors”;
(2) in section 25(f) (22 U.S.C. 2697(f))—
   (A) by striking “Director of the United
   States Information Agency” and inserting
   “Broadcasting Board of Governors”; and
   (B) by striking “with respect to their re-
spective agencies” and inserting “with respect to
   the Board and the Agency”;
(3) in section 26(b) (22 U.S.C. 2698(b)), as
amended by this division—
   (A) by striking “Director of the United
States Information Agency, the chairman of the
Board for International Broadcasting,” and in-
serting “Broadcasting Board of Governors,”; and
   (B) by striking “with respect to their re-
spective agencies” and inserting “with respect to
the Board and the Agency”; and
(4) in section 32 (22 U.S.C. 2704), as amended by this division, by striking “the Director of the United States Information Agency” and inserting “the Broadcasting Board of Governors”.

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking “, the United States Information Agency,”.

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking “the United States Information Agency,”.

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking “Director of the United States Information Agency,”; and

(2) in subsection (b), by striking “the Director of the United States Information Agency” and inserting “the Under Secretary of State for Public Diplomacy”.

(p) Section 40118(d) of title 49, United States Code, is amended by striking “, the Director of the United States Information Agency,”.

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before “Department of Commerce” and inserting “and”; and

(2) by striking “, and the United States Information Agency”.

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(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking “Director of the United States Information Agency” each place it appears and inserting “Director of the International Broadcasting Bureau”.

SEC. 1336. REPEALS.

The following provisions are repealed:


(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.


TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 1412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) ALLOCATION OF FUNDS.—
(1) Allocation to the Secretary of State.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) Procedures for reallocations or transfers.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) With respect to the Overseas Private Investment Corporation.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) Other activities.—The authorities and functions transferred to the United States International Devel-
opment Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 1413. STATUS OF AID.

(a) In General.—Unless abolished pursuant to the reorganization plan submitted under section 1601, and except as provided in section 1412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) Retention of Officers.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1421. REFERENCES.

Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other offi-
cial document or proceeding to the United States Inter-
national Development Cooperation Agency (IDCA) or to the
Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any func-
tion or authority transferred under section 1412(a),
shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any func-
tion or authority transferred under section 1412(b),
shall be deemed to refer to the Administrator of the
Agency for International Development;

(3) insofar as such reference relates to any func-
tion or authority transferred under section 1412(c),
shall be deemed to refer to the head of the agency to
which such function or authority is transferred under
such section; and

(4) insofar as such reference relates to any func-
tion or authority not transferred by this title, shall be
deemed to refer to the President or such agency or
agencies as may be specified by Executive order.

SEC. 1422. CONFORMING AMENDMENTS.

(a) TERMINATION OF REORGANIZATION PLANS AND
DELEGATIONS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5
U.S.C. App.).
(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.


(b) OTHER STATUTORY AMENDMENTS AND REPEAL.—

(1) Title 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking “United States International Development Cooperation Agency” and inserting “Agency for International Development”.

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(A) in subsection (a)—

(i) by striking “Development” through “(1) shall” and inserting “Development shall”;

(ii) by striking “; and” at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) State Department Basic Authorities Act of 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this division, by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the Agency for International Development”;
(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division, by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the Agency for International Development”; and

(C) in section 32 (22 U.S.C. 2704), by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the Agency for International Development”.

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the Agency for International Development”;

(B) in section 210 (22 U.S.C. 3930), by striking “United States International Development Cooperation Agency” and inserting “Agency for International Development”; 

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking “United States International Devel-
opment Cooperation Agency’’ and inserting

“Agency for International Development’’; and

(D) in section 1101(c) (22 U.S.C. 4131(c)),

by striking “United States International Devel-

opment Cooperation Agency” and inserting

“Agency for International Development’’.

(5) REPEAL.—Section 413 of Public Law 96–53

(22 U.S.C. 3512) is repealed.

(6) TITLE 49.—Section 40118(d) of title 49,

United States Code, is amended by striking “the Di-

rector of the United States International Develop-

ment Cooperation Agency” and inserting “or the Adminis-

trator of the Agency for International Development’’.

(7) EXPORT ADMINISTRATION ACT OF 1979.—Sec-

tion 2405(g) of the Export Administration Act of

1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking “Director of the United

States International Development Cooperation

Agency” each place it appears and inserting

“Administrator of the Agency for International

Development’’; and

(B) in the fourth sentence, by striking “Di-

rector’’ and inserting “Administrator’’.
**TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT**

**CHAPTER 1—GENERAL PROVISIONS**

**SEC. 1501. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 1601.

**CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS**

**SEC. 1511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) In General.—The Agency for International Development shall be reorganized in accordance with this subdivision and the reorganization plan transmitted pursuant to section 1601.

(b) Functions To Be Transferred.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.
CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 1521. DEFINITION OF UNITED STATES ASSISTANCE.  

In this chapter, the term “United States assistance” means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).


(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 1522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall re-
port to and be under the direct authority and foreign policy
guidance of the Secretary of State.

SEC. 1523. ASSISTANCE PROGRAMS COORDINATION AND
OVERSIGHT.

(a) Authority of the Secretary of State.—

(1) In general.—Under the direction of the
President, the Secretary of State shall coordinate all
United States assistance in accordance with this sec-
tion, except as provided in paragraphs (2) and (3).

(2) Export promotion activities.—Coordina-
tion of activities relating to promotion of exports of
United States goods and services shall continue to be
primarily the responsibility of the Secretary of Com-
merce.

(3) International economic activities.—Co-
ordination of activities relating to United States par-
ticipation in international financial institutions and
relating to organization of multilateral efforts aimed
at currency stabilization, currency convertibility, debt
reduction, and comprehensive economic reform pro-
grams shall continue to be primarily the responsibil-
ity of the Secretary of the Treasury.

(4) Authorities and powers of the Sec-
retary of State.—The powers and authorities of
the Secretary provided in this chapter are in addition
to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Ad-
ministrator of the Agency for International Development is
authorized to detail to the Department of State on a non-
reimbursable basis such personnel employed by the Agency
as the Secretary of State may require to carry out this sec-
tion.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 1601. REORGANIZATION PLAN AND REPORT.

(a) Submission of Plan and Report.—Not later
than 60 days after the date of the enactment of this Act,
the President shall transmit to the appropriate congress-
ional committees a reorganization plan and report regard-
ing—

(1) the abolition of the United States Arms Con-
trol and Disarmament Agency, the United States In-
formation Agency, and the United States Inter-
national Development Cooperation Agency in accord-
ance with this subdivision;

(2) with respect to the Agency for International
Development, the consolidation and streamlining of
the Agency and the transfer of certain functions of the
Agency to the Department in accordance with section
1511;

(3) the termination of functions of each covered
agency as may be necessary to effectuate the reorga-
nization under this subdivision, and the termination
of the affairs of each agency abolished under this sub-
division;

(4) the transfer to the Department of the func-
tions and personnel of each covered agency consistent
with the provisions of this subdivision; and

(5) the consolidation, reorganization, and
streamlining of the Department in connection with
the transfer of such functions and personnel in order
to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this
section are the following:

(1) The United States Arms Control and Disar-
mament Agency.

(2) The United States Information Agency.

(3) The United States International Develop-
ment Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under
subsection (a) shall contain, consistent with this subdivi-
sion, such elements as the President deems appropriate, in-
cluding elements that—

(1) identify the functions of each covered agency
that will be transferred to the Department under the
plan;
(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) Reorganization Plan of Agency for International Development.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—
(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 1511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(c) Modification of Plan.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan
transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, For-
eign Service personnel, and detailees) that are ex-
pected to be transferred within the Department, sepa-
rated from service with the Department, or eliminated
under the plan, and a projected schedule for such
transfers, separations, and terminations;

(4) a projected schedule for completion of the im-
plementation process; and

(5) recommendations, if any, for legislation nec-
essary to carry out changes made by this subdivision
relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan de-
scribed in this section, including any modifications or
revisions of the plan under subsection (e), shall be-
come effective on the earlier of the date for the respec-
tive covered agency specified in paragraph (2) or the
date announced by the President under paragraph
(3).

(2) STATUTORY EFFECTIVE DATES.—The effective
dates under this paragraph for the reorganization
plan described in this section are the following:

(A) October 1, 1998, with respect to func-
tions of the Agency for International Develop-
ment described in section 1511.
(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.
CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 1611. REORGANIZATION AUTHORITY.

(a) In General.—The Secretary is authorized, subject to the requirements of this subdivision, to allocate or reallocate any function transferred to the Department under any title of this subdivision, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) Requirements and Limitations on Reorganization Plan.—The reorganization plan transmitted under section 1601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;
(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 1612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) In General.—Except as otherwise provided in this subdivision, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this subdivision shall be transferred to the Secretary for appropriate allocation.

(b) Limitation on Use of Transferred Funds.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this sub-
division shall be used only for the purposes for which the
funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds
transferred pursuant to subsection (a) may be avail-
able for the purposes of reorganization subject to noti-
fication of the appropriate congressional committees
in accordance with the procedures applicable to a re-
programming of funds under section 34 of the State
Department Basic Authorities Act of 1956 (22 U.S.C.
2706).

(2) TRANSFER AUTHORITY.—Funds in any ac-
count appropriated to the Department of State may
be transferred to another such account for the pur-
poses of reorganization, subject to notification of the
appropriate congressional committees in accordance
with the procedures applicable to a reprogramming of
funds under section 34 of the State Department Basic
Authorities Act of 1956 (22 U.S.C. 2706). The author-
ity in this paragraph is in addition to any other
transfer authority available to the Secretary of State
and shall expire September 30, 2000.
SEC. 1613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) Transfer of Personnel From ACDA and USIA.—Except as otherwise provided in title XIII—

(1) not later than the date of abolition of ACDA,
all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA,
all personnel and positions of USIA,
shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) Transfer of Personnel From AID.—Except as otherwise provided in title XIII, not later than the date of transfer of any function of AID to the Department of State under this subdivision, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) Assignment Authority.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the De-
partment of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) **SUPERSEDING OTHER PROVISIONS OF LAW.**—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

**SEC. 1614. INCIDENTAL TRANSFERS.**

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this subdivision. The Director of the Office of Management and
Budget, in consultation with the Secretary, shall provide
for the termination of the affairs of all entities terminated
by this subdivision and for such further measures and dis-
positions as may be necessary to effectuate the purposes of
any title of this subdivision.

SEC. 1615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All or-
ders, determinations, rules, regulations, permits, agree-
ments, grants, contracts, certificates, licenses, registrations,
privileges, and other administrative actions—

(1) that have been issued, made, granted, or al-
lowed to become effective by the President, any Fed-
eral agency or official thereof, or by a court of com-
petent jurisdiction, in the performance of functions
that are transferred under any title of this subdivi-

(2) that are in effect as of the effective date of
such title, or were final before the effective date of
such title and are to become effective on or after the
effective date of such title,

shall continue in effect according to their terms until modi-
ified, terminated, superseded, set aside, or revoked in accord-
ance with law by the President, the Secretary, or other au-
thorized official, a court of competent jurisdiction, or by
operation of law.
(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this subdivision shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this subdivision before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this subdivision. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subdivision had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subdivision shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discon-
continued or modified if this subdivision had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 1327(d)—

(1) the provisions of this subdivision shall not affect suits commenced prior to the effective dates of the respective titles of this subdivision; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this subdivision had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, shall abate by reason of the enactment of this subdivision. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivi-
(e) **Continuation of Proceeding With Substitution of Parties.**—If, before the effective date of any title of this subdivision, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this subdivision any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) **Reviewability of Orders and Actions Under Transferred Functions.**—Orders and actions of the Secretary in the exercise of functions transferred under any title of this subdivision shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this subdivision shall apply to the exercise of such function by the Secretary.
SEC. 1616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this subdivision, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this subdivision, may transfer the whole or part of such functions prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions.

SEC. 1617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this subdivision.

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This subdivision may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1998 and 1999”.
SEC. 2002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subdivision, the term “appropriate congressional committees” means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

For “Diplomatic and Consular Programs”, of the Department of State $1,746,977,000 for the fiscal year 1998.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “Salaries and Expenses”, of the Department of State $363,513,000 for the fiscal year 1998.
(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For “Capital Investment Fund”, of the Department of State $86,000,000 for the fiscal year 1998.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—(A) For “Security and Maintenance of Buildings Abroad”, $404,000,000 for the fiscal year 1998.

(B) Of the amounts authorized to be appropriated for the period ending September 30, 1999, by subparagraph (A), up to $90,000,000 are authorized to be appropriated for the renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing, and the United States Consulate in Shanghai, the People’s Republic of China.

(5) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, $4,300,000 for the fiscal year 1998.
(6) **Emergencies in the Diplomatic and Consular Service.**—For “Emergencies in the Diplomatic and Consular Service”, $5,500,000 for the fiscal year 1998.


(8) **Payment to the American Institute in Taiwan.**—For “Payment to the American Institute in Taiwan”, $14,490,000 for the fiscal year 1998.

(9) **Protection of Foreign Missions and Officials.**—(A) For “Protection of Foreign Missions and Officials”, $7,900,000 for the fiscal year 1998.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) **Repatriation Loans.**—For “Repatriation Loans”, $1,200,000 for the fiscal year 1998.

**SEC. 2102. INTERNATIONAL COMMISSIONS.**

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:
(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—

(A) for “Salaries and Expenses” $18,200,000 for the fiscal year 1998; and

(B) for “Construction” $6,463,000 for the fiscal year 1998.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, $785,000 for the fiscal year 1998.

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, $3,225,000 for the fiscal year 1998.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, $14,549,000 for the fiscal year 1998.

SEC. 2103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

“Sec. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for the fiscal year 1998 for grants to The Asia Foundation pursuant to this title.”.
TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 2201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: “Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.”.

SEC. 2202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

“(a) Establishment.—
“(1) In general.—There is established a program for the payment of rewards to carry out the purposes of this section.

“(2) Purpose.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

“(3) Implementation.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

“(b) Rewards Authorized.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

“(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

“(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;
“(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

“(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

“(B) the killing or kidnapping of—

“(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual’s official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(ii) a member of the immediate family of any such individual on account of that individual’s official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);
“(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

“(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

“(c) COORDINATION.—

“(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

“(B) the publication of rewards;

“(C) the offering of joint rewards with foreign governments;

“(D) the receipt and analysis of data; and

“(E) the payment and approval of payment,
shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

“(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

“(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

“(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the pur-
pose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

“(4) Period of Availability.—Amounts appropriated under paragraph (1) shall remain available until expended.

“(e) Limitations and Certification.—

“(1) Maximum Amount.—No reward paid under this section may exceed $2,000,000.

“(2) Approval.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

“(3) Certification for Payment.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

“(4) Nondelegation of Authority.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

“(5) Protection Measures.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient’s immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.
“(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

“(g) REPORTS.—

“(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

“(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including
amounts expended to publicize the availability of rewards.

“(h) PUBLICATION REGARDING REWARDS OFFERED
BY FOREIGN GOVERNMENTS.—Notwithstanding any other
provision of this section, in the sole discretion of the Sec-
retary, the resources of the rewards program shall be avail-
able for the publication of rewards offered by foreign govern-
ments regarding acts of international terrorism which do
not involve United States persons or property or a violation
of the narcotics laws of the United States.

“(i) DETERMINATIONS OF THE SECRETARY.—A deter-
mination made by the Secretary under this section shall
be final and conclusive and shall not be subject to judicial
review.

“(j) DEFINITIONS.—As used in this section:

“(1) ACT OF INTERNATIONAL TERRORISM.—The
term ‘act of international terrorism’ includes—

“(A) any act substantially contributing to
the acquisition of unsafeguarded special nuclear
material (as defined in paragraph (8) of section
830 of the Nuclear Proliferation Prevention Act
of 1994 (22 U.S.C. 3201 note)) or any nuclear
explosive device (as defined in paragraph (4) of
that section) by an individual, group, or non-nu-
clear-weapon state (as defined in paragraph (5) of that section); and

“(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“(3) MEMBER OF THE IMMEDIATE FAMILY.—The term ‘member of the immediate family’, with respect to an individual, includes—

“(A) a spouse, parent, brother, sister, or child of the individual;

“(B) a person with respect to whom the individual stands in loco parentis; and
“(C) any person not covered by subparagraph (A) or (B) who is living in the individual’s household and is related to the individual by blood or marriage.

“(4) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1).

“(5) UNITED STATES NARCOTICS LAWS.—The term ‘United States narcotics laws’ means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a citizen or national of the United States; and

“(B) an alien lawfully present in the United States.”.

**SEC. 2203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.**

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking “$700,000 of the” and inserting “all”;
(2) at the end of paragraph (1), by striking “and”;

(3) in paragraph (2)—

(A) by striking “functions” and inserting “functions, including compliance and enforcement activities,”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.”.

SEC. 2204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: “Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.”.
SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REMBURSEMENT.

(a) FOREIGN AFFAIRS REMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

“(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

“(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

“(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.
“(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution’s primary mission of training employees of the Department and of other agencies in the field of foreign relations.

“(5) In this subsection, the term ‘United States person’ means—

“(A) any individual who is a citizen or national of the United States; or

“(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

“(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

“(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

“(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

“(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution’s
primary mission of training employees of the Department and of other agencies in the field of foreign relations.”.

(2) Effective Date.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) Termination of Pilot Program.—Effective October 1, 2001, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) Fees for Use of National Foreign Affairs Training Center.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

“SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

“The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.”.
(c) Reporting on Pilot Program.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 2206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

“SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

“The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of
State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.”.

SEC. 2207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

“SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

“The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.”.

SEC. 2208. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:
“(4) The Inspector General shall develop and provide to employees—

“(A) information detailing their rights to counsel; and

“(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.”.

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

“(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.”.

(c) REPORT.—
(1) IN GENERAL.—Not later than April 30, 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Con-

SEC. 2209. CAPITAL INVESTMENT FUND.


(1) in subsection (a), by inserting “and enhancement” after “procurement”;

(2) in subsection (c), by striking “are authorized to” and inserting “shall”;

(3) in subsection (d), by striking “for expenditure to procure capital equipment and information technology” and inserting “for purposes of subsection (a)”;

and

(4) by amending subsection (e) to read as follows:

“(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).”.
SEC. 2210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

“(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;”;

(2) by inserting “and” at the end of paragraph (5);

(3) by striking “; and” at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 2211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
(2) in the first sentence, by striking “(a) The” and all that follows through the period and inserting the following:

“(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

“(A) included within the terms of the Yugoslav Claims Agreement of 1948;

“(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

“(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State.”; and
(3) by redesignating the second sentence as paragraph (2).

SEC. 2212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) Recovery of Certain Expenses.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled “INTERNATIONAL FISHERIES COMMISSION” by inserting “(including such expenses as salaries and other personnel expenses)” after “extraordinary expenses”.

(b) Procurement of Services.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting “personal and” before “other support services”.

SEC. 2213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

“(e) Grant Authority.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accom-
plishing its responsibilities under the Convention and this
Act.”.

SEC. 2214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF
THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRAT-
EGY.—

(1) REQUIREMENT.—Not later than 180 days
after the date of enactment of this Act, the Secretary
of State shall establish, implement, and submit to
Congress a comprehensive, long-term strategy to carry
out the counterdrug responsibilities of the Department
of State in a manner consistent with the National
Drug Control Strategy. The strategy shall involve all
elements of the Department in the United States and
abroad.

(2) OBJECTIVES.—In establishing the strategy,
the Secretary shall—

(A) coordinate with the Office of National
Drug Control Policy in the development of clear,
specific, and measurable counterdrug objectives
for the Department that support the goals and
objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum
extent practicable, quantifiable measures of per-
formance relating to the objectives, including an-
annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to
achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—
(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—
(A) In general.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) Reports.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) Report to Congress.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Inter-
national Relations of the House of Representatives a
report on the status of any proposals for action or on
action undertaken to improve staffing and personnel
management at diplomatic missions of the United
States in order to carry out the responsibility set
forth in paragraph (1).

SEC. 2215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.
The Foreign Service Buildings Act, 1926 (22 U.S.C.
292 et seq.) is amended by adding at the end the following
new section:

“Sec. 12. Not later than March 1 of each year, the
Secretary of State shall submit to Congress a report listing
overseas United States surplus properties that are adminis-
tered under this Act and that have been identified for sale.”

SEC. 2216. HUMAN RIGHTS REPORTS.
Section 116(d) of the Foreign Assistance Act of 1961
(22 U.S.C. 2151n(d)) is amended—

(1) by striking “January 31” and inserting
“February 25”;

(2) redesignating paragraphs (3), (4), and (5) as
paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the follow-
ing new paragraph:
“(3) the status of child labor practices in each
country, including—

“(A) whether such country has adopted poli-
cies to protect children from exploitation in the
workplace, including a prohibition of forced and
bonded labor and policies regarding acceptable
working conditions; and

“(B) the extent to which each country en-
forces such policies, including the adequacy of
the resources and oversight dedicated to such
policies;”.

SEC. 2217. REPORTS AND POLICY CONCERNING DIPLO-
MATIC IMMUNITY.

Title I of the State Department Basic Authorities Act
of 1956 (22 U.S.C. 2651a et seq.), as amended by this divi-
sion, is further amended by adding at the end the following
new section:

“SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

“(a) Annual Report Concerning Diplomatic Im-
munity.—

“(1) Report to Congress.—The Secretary of
State shall prepare and submit to the Congress, annu-
ally, a report concerning diplomatic immunity enti-
tled “Report on Cases Involving Diplomatic Immu-
nity”.
“(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

“(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

“(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecu-
tion or which would directly compromise law enforcement or intelligence sources or methods.

“(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

“(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

“(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

“(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

“(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term ‘serious criminal offense’ means—
“(A) any felony under Federal, State, or local law;

“(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

“(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

“(D)(i) driving under the influence of alcohol or drugs;

“(ii) reckless driving; or

“(iii) driving while intoxicated.

“(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

“(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

“(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving
state under laws extending diplomatic privileges and
immunities committed a serious crime, the sending
state will waive such immunity or the sending state
will prosecute such individual.

“(c) Notification of Diplomatic Corps.—The Sec-
retary should periodically notify each foreign mission of
United States policies relating to criminal offenses commit-
ted by individuals with immunity from the criminal juris-
diction of the United States under laws extending diplo-
matic privileges and immunities.”.

SEC. 2218. REAFFIRMING UNITED STATES INTERNATIONAL
TELECOMMUNICATIONS POLICY.

(a) Procurement Policy.—It is the policy of the
United States to foster and support procurement of goods
and services from private, commercial companies.

(b) Implementation.—In order to achieve the policy
set forth in subsection (a), the Diplomatic Telecommuni-
cations Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the proc-
curement of telecommunications services, including
satellite space segment, for the Department of State
and each other Federal entity represented at United
States diplomatic missions and consular posts over-
seas;
(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

**SEC. 2219. REDUCTION OF REPORTING.**

(a) **Repeals.**—The following provisions of law are repealed:


(2) **Actions of the Government of Haiti.**—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(4) Military assistance for Haiti.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) International sugar agreement, 1977.—
Section 5 of the Act entitled “An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes” (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) Audience survey of WorldNet Program.—Section 209(c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).


(b) Progress toward regional nonproliferation.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking “Not later than April 1, 1993 and every six months thereafter,” and inserting “Not later than April 1 of each year.”

(c) Report on participation by United States military personnel abroad in United States Elec-
TIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking “of voter participation” and inserting “of uniformed services voter participation, a general assessment of overseas nonmilitary participation, 

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 2221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For the fiscal year 1998, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.
SEC. 2222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2), by striking “providing consular services” and inserting “the Department of State’s border security program, including the costs of the installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence’’;

(2) by striking the first sentence of paragraph (3) and inserting “For the fiscal year 1998, any amount collected under paragraph (1) that exceeds $140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.’’; and

(3) by striking paragraphs (4) and (5).

SEC. 2223. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department
Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: “For purposes of this paragraph, the term ‘consular officer’ includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.”.

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting “and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe” after “such officers”.

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: “At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States
Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.”.

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: “For purposes of this section and sections 3493 through 3496 of this title, the term ‘consular officers’ includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).”.

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: “For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).”.

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting “or employee” after “officer” the second place it appears; and
(2) inserting before the period at the end of the sentence “or, when used in title III, for the purpose of adjudicating nationality”.

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end of the following new subsection:

“(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

“(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

“(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

“(2) As used in this subsection, the term ‘consular function’ includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.”.
SEC. 2224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 2225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting “and” at the end of paragraph (1);
(2) by striking paragraph (2); and
(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 2226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114),
and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa
and an explanation as to why each such visa was issued.

SEC. 2227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

“(ii) Aliens supporting abductors and relatives of abductors.—Any alien who—

“(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

“(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

“(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the
Secretary of State at the Secretary’s sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person’s place of residence.

“(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

“(I) to a government official of the United States who is acting within the scope of his or her official duties;

“(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary’s sole and unreviewable discretion; or

“(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.”.
(b) EFFECTIVE DATE.—The amendment made by sub-
section (a) shall apply to aliens seeking admission to the
United States on or after the date of enactment of this Act.

SEC. 2228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORT-
ING REQUIREMENTS.

(a) GROUNDS FOR EXCLUSION.—Except as provided
in subsection (c), a consular officer shall not issue a visa
to, and the Attorney General shall exclude from the United
States, any alien who the Secretary of State, in the Sec-

retary’s sole and unreviewable discretion, has reason to be-
lieve is a person who—

(1) has been credibly alleged to have ordered,
carried out, or materially assisted, in the
extrajudicial and political killings of Antoine Izmery,
Guy Malary, Father Jean-Marie Vincent, Pastor
Antoine Leroy, Jacques Fleurival, Mireille Durocher
Bertin, Eugene Baillergeau, Michelange Hermann,
Max Mayard, Romulus Dumarsais, Claude Yves
Marie, Mario Beaubrun, Leslie Grimar, Joseph
Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) was included in the list presented to former
president Jean-Bertrand Aristide by former National
Security Council Advisor Anthony Lake in December
1995, and acted upon by President Rene Preval;
(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would
otherwise be excluded under subsection (a) is necessary for medical reasons, or such person has cooperated fully with the investigation of the political murders or acts of violence described in subsection (a). If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(c) Reporting Requirement on Exclusion of Certain Haitian Aliens.—

(1) Preparation of List.—The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings referred to in paragraph (1) of subsection (a).

(2) Submission of List to Congress.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) Lists of Visa Denials and Exclusions.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a list of aliens de-
nied visas, and the Attorney General shall submit to
the appropriate congressional committees a list of
aliens refused entry to the United States, as a result
of subsection (a).

(4) Duration for Submission of Lists.—The
Secretary shall submit the list under paragraph (3)
not later than six months after the date of enactment
of this Act and not later than March 1 of each year
thereafter as long as the Government of Haiti has not
completed the investigation of the extrajudicial and
political killings and has not prosecuted those impli-
cated for the killings specified in paragraph (1) of
subsection (a).

(d) Report on the Cost of United States Activi-
ties in Haiti.—(1) Not later than January 1, 1998, and
every 6 months thereafter, the President shall submit a re-
port to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States
Armed Forces or Coast Guard and of the police and
military units of other nations participating in opera-
tions in and around Haiti;

(B) incidents of the use of force in Haiti involv-
ing hostile acts against United States Armed Forces
or Coast Guard personnel during the period covered
by the report;
(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

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

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and
(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term “period covered by the report” means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 2231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and
$1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) Refugees resettling in Israel.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) Humanitarian assistance for displaced Burmese.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) Availability of Funds.—Funds appropriated pursuant to this section are authorized to remain available until expended.
Subchapter B—Authorities

SEC. 2241. UNITED STATES POLICY REGARDING THE INVO-LUNTARY RETURN OF REFUGEES.

(a) In General.—None of the funds made available by this subdivision shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) Migration and Refugee Assistance.—None of the funds made available by section 2231 of this division or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.
(c) INVoluntary RETURN DEFINED.—As used in this section, the term “to effect the involuntary return” means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 2242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORMURE.

(a) Policy.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) Regulations.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations,
and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) Exclusion of Certain Aliens.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) Review and Construction.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) Authority to Detain.—Nothing in this section shall be construed as limiting the authority of the Attorney
General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) Definitions.—

(1) Convention defined.—In this section, the term “Convention” means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) Same terms as in the Convention.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 2243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking “Foreign Affairs” and inserting “International Relations and the Committee on Appropriations”; and
(B) by inserting “and the Committee on Appropriations” after “Foreign Relations”; and
(2) by adding at the end the following new subsection:

“(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.”.

SEC. 2244. ELIGIBILITY FOR REFUGEE STATUS.

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

(1) in subsection (a)—

(A) by striking “For purposes” and inserting “Notwithstanding any other provision of law, for purposes”; and
(B) by striking “fiscal year 1997” and inserting “fiscal years 1997 and 1998”; and

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

“(b) ALIENS COVERED.—

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

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

“(B) is 21 years of age or older; and

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

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

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

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

“(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and
“(ii) on or after April 1, 1995, is or has been accepted—

“(I) for resettlement as a refugee; or

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

SEC. 2245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled “Update on Monitoring of Cuban Migrant Returnees” with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.
TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE;
DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.

(a) Establishment.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

“(f) COORDINATOR FOR COUNTERTERRORISM.—

“(1) In general.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the ‘Coordinator’) who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) Duties.—

“(A) In general.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

“(B) Duties described.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activi-
ties. The Coordinator shall be the principal ad-
viser to the Secretary of State on international
counterterrorism matters. The Coordinator shall
be the principal counterterrorism official within
the senior management of the Department of
State and shall report directly to the Secretary
of State.

“(3) RANK AND STATUS OF AMBASSADOR.—The
Coordinator shall have the rank and status of Ambas-
sador at Large.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
Section 161 of the Foreign Relations Authorization Act,
Fiscal Years 1994 and 1995 (Public Law 103–236) is
amended by striking subsection (e).

SEC. 2302. ELIMINATION OF DEPUTY ASSISTANT
SECRETARY OF STATE FOR BURDENSHARING.
Section 161 of the Foreign Relations Authorization
is amended by striking subsection (f).

SEC. 2303. PERSONNEL MANAGEMENT.
Section 1 of the State Department Basic Authorities
Act of 1956 (22 U.S.C. 2651a), as amended by this division,
is further amended by adding at the end the following new
subsection:
“(g) Qualifications of Officer Having Primary Responsibility for Personnel Management.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer’s principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.”.

SEC. 2304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

“(h) Qualifications of Officer Having Primary Responsibility for Diplomatic Security.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.”.

SEC. 2305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) Under Secretaries.—
(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking “5” and inserting “6”.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking “Under Secretaries of State (5)” and inserting “Under Secretaries of State (6)”.

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking “20” and inserting “24”.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of State (20)” and inserting “Assistant Secretaries of State (24)”.

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.
SEC. 2306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) Under Secretaries of State.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

“(4) Nomination of Under Secretaries.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.”.

(b) Assistant Secretaries of State.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

“(3) Nomination of Assistant Secretaries.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.”.
CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking “Members” and inserting “Subject to subsection (e), members”; and

(2) by adding at the end the following new subsection:

“(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.”.

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or
her class for 2 or more of the 5 years preceding the
date of enactment of this Act (in this subsection re-
ferred to as the “years of lowest ranking”) if the rat-
ing official for such member was not the same indi-
vidual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case
where the member was evaluated by the same rating
official in any 2 of the years of lowest ranking, an
internal review of the member’s file shall be conducted
to determine whether the member should be considered
for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall
develop procedures for the internal reviews required
under paragraph (2).

SEC. 2312. RETIREMENT BENEFITS FOR INVOLUNTARY
SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act
of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting “or any
other applicable provision of chapter 84 of title 5,
United States Code,” after “section 811”;

(2) in subsection (a), by inserting “or section
855, as appropriate” after “section 806”; and

(3) in subsection (b)(2)—
(A) by striking “(2)” and inserting “(2)(A) for those participants in the Foreign Service Retirement and Disability System”; and

(B) by inserting before the period at the end “; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851”; and

(4) in subsection (b) in the matter following paragraph (2), by inserting “(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)” after “age 60”.

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting “611,” after “608,”;

(B) by inserting “or for participants in the Foreign Service Pension System,” after “for participants in the Foreign Service Retirement and Disability System”; and

(C) by striking “Service shall” and inserting “Service, shall”; and

(2) in paragraph (3), by striking “or 610” and inserting “610, or 611”.

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(c) **Effective Dates.**—

(1) *In General.*—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) *Exceptions.*—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

**SEC. 2313. Authority of Secretary to Separate Convicted Felons from the Foreign Service.**

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking “A member” and inserting “Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member”.

**SEC. 2314. Career Counseling.**

(a) *In General.*—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: “Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists pri-
marily of paid time to conduct a job search and without
other substantive duties for more than one month.”.

(b) Effective Date.—The amendment made by sub-
section (a) shall be effective 180 days after the date of the
enactment of this Act.

SEC. 2315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980
(22 U.S.C. 4117(e)(2)) is amended to read as follows:
“(2) For the purposes of paragraph (1)(A)(ii)
and paragraph (1)(B), the term ‘management official’
does not include—
“(A) any chief of mission;
“(B) any principal officer or deputy prin-
cipal officer;
“(C) any administrative or personnel officer
abroad; or
“(D) any individual described in section
1002(12) (B), (C), or (D) who is not involved in
the administration of this chapter or in the for-
mulation of the personnel policies and programs
of the Department.”.
SEC. 2316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) In General.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

“(k)(1) For purposes of this section, the term ‘criminal investigator’ includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

“(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

“(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

“(2) In applying subsection (h) with respect to a special agent under this subsection—

“(A) any reference in such subsection to ‘basic pay’ shall be considered to include amounts designated as ‘salary’;

“(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

“(C) paragraph (2)(B) of such subsection shall be applied by substituting for ‘Office of Personnel
Management’ the following: ‘Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)’.”.

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking “Public Law 99–399)” and inserting “Public Law 99–399, subject to subsection (k))”.

(2) Section 5542(e) of such title is amended by striking “title 18, United States Code,” and inserting “title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,”.
(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 2317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: “For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.”; and

(2) at the end of section 5546(a), by adding the following new sentence: “For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the
Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.”.

SEC. 2318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.
(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 2401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National
Endowment for Democracy Act, and to carry out other au-

thorities in law consistent with such purposes:

(1) INTERNATIONAL INFORMATION PROGRAM.—
For “International Information Program”,
$431,000,000 for the fiscal year 1998.

(2) TECHNOLOGY FUND.—For the “Technology
Fund” for the United States Information Agency,
$6,350,000 for the fiscal year 1998.

(3) EDUCATIONAL AND CULTURAL EXCHANGE
PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PRO-
GRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE
PROGRAMS.—There are authorized to be ap-
propriated for the “Fulbright Academic Ex-
change Programs” (other than programs de-
scribed in subparagraph (B)), $99,236,000
for the fiscal year 1998.

(ii) VIETNAM FULBRIGHT ACADEMIC
EXCHANGE PROGRAMS.—Of the amounts
authorized to be appropriated under clause
(i), $5,000,000 for the fiscal year 1998 is
authorized to be available for the Vietnam
scholarship program established by section
229 of the Foreign Relations Authorization

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $103,495,000 for the fiscal year 1998.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for “South Pacific Exchanges”.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for “East Timorese Scholarships”.

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 is authorized to be available for “Educational and Cultural Exchanges with Tibet” under section 236 of the Foreign Re-

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “International Broadcasting Operations”, $364,415,000 for the fiscal year 1998.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For “Radio Construction”, $40,000,000 for the fiscal year 1998.

(6) RADIO FREE ASIA.—For “Radio Free Asia”, $22,000,000 for the fiscal year 1998 and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, $22,095,000 for the fiscal year 1998.
(8) Center for Cultural and Technical Interchange between East and West.—For the “Center for Cultural and Technical Interchange between East and West”, $12,000,000 for the fiscal year 1998.

(9) National Endowment for Democracy.—For the “National Endowment for Democracy”, $30,000,000 for the fiscal year 1998.

(10) Center for Cultural and Technical Interchange between North and South.—For “Center for Cultural and Technical Interchange between North and South” $1,500,000 for the fiscal year 1998.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 2411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.
SEC. 2412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

“USE OF ENGLISH-TEACHING PROGRAM FEES

“Sec. 810. (a) In General.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

“(b) Fees and Receipts Described.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

“(1) English-teaching and library services,

“(2) educational advising and counseling,

“(3) Exchange Visitor Program Services,

“(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,

“(5) cooperating international organizations,

and

“(6) Agency-produced publications,
“(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.”.

SEC. 2413. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting “journalism and communications, education administration, public policy, library and information science,” after “business administration,” each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking “Soviet Union” each place it appears and inserting “independent states of the former Soviet Union”;

(2) in subsection (c)(11), by striking “Soviet republics” and inserting “independent states of the former Soviet Union”; and

(3) in the section heading, by inserting “INDEPENDENT STATES OF THE FORMER” after “FROM THE”.

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SEC. 2414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

“(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the ‘Working Group’).

“(2) For purposes of this subsection, the term ‘Government-sponsored international exchanges and training’ means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

“(3) The Working Group shall be composed as follows:
“(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

“(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

“(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

“(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

“(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

“(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

“(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

“(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.
“(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

“(6) The Working Group shall have the following purposes and responsibilities:

“(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

“(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

“(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored
international exchange and training program promotes United States foreign policy, and to report thereon.

“(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

“(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

“(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

“(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommenda-
ations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

“(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

“(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

“(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.
“(8) The Working Group shall meet at least on a quarterly basis.

“(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

“(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member’s department or agency.

“(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.”.

SEC. 2415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) In General.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking “for fiscal year 1997” and inserting “for each of the fiscal years 1998 and 1999”; and

(2) by inserting after “who are outside Tibet” the following: “(if practicable, including individuals
active in the preservation of Tibet’s unique culture, religion, and language”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1997.

SEC. 2416. UNITED STATES-JAPAN COMMISSION.

(a) Relief From Restriction of Interchangeability of Funds.—

(1) Elimination of restriction.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking “needed, except” and all that follows through “United States” and inserting “needed”.

(2) Authorized Investments.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: “Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.”.

(b) Redesignation of Commission.—

(1) Redesignation.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the
“United States-Japan Commission”. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

“UNITED STATES-JAPAN COMMISSION”.

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking “Japan-United States Friendship Commission” each place such term appears and inserting “United States-Japan Commission”.

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the “United States-Japan Trust Fund”. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.
(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking “Japan-United States Friendship Trust Fund” and inserting “United States-Japan Trust Fund”.

SEC. 2417. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 2418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $4,000,000 of the funds made available under section 2401(4) of this division for the fiscal year 1998 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as “Radio Free Iran”.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agen-
cy shall submit a detailed report to Congress describing the
costs, implementation, and plans for creation of the surro-
gate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made
available under subsection (a) may be made available until
submission of the report required under subsection (b).

SEC. 2419. AUTHORITY TO ADMINISTER SUMMER TRAVEL
AND WORK PROGRAMS.

The Director of the United States Information Agency
is authorized to administer summer travel and work pro-
grams without regard to preplacement requirements.

SEC. 2420. PERMANENT ADMINISTRATIVE AUTHORITIES RE-
GARDING APPROPRIATIONS.

Section 701(f) of the United States Information and
Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is
amended by striking paragraph (4).

SEC. 2421. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote
programming each day to broadcasting information on the
individual States of the United States. The broadcasts shall
include—

(1) information on the products, tourism, and
cultural and educational facilities of each State;

(2) information on the potential for trade with
each State; and
(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term “State” means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 2501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for “International Conferences and Contingencies”, $12,000,000 for the fiscal year 1998 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.
SEC. 2502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) Prohibition.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) Jurisdiction Described.—The jurisdiction described in this subsection is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) Statutory Construction.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) Definition.—The term “new international criminal tribunal” means any permanent international criminal
tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 2503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1998, then effective October 1, 1998, the authority for further participation by
the United States in the Bureau shall terminate in accord-
ance with subsection (d).

(b) Elimination of Authority To Pay Expenses
of the American Group.—Section 1 of the Act entitled
“An Act to authorize participation by the United States
in the Interparliamentary Union”, approved June 28, 1935
(22 U.S.C. 276) is amended—

(1) in the first sentence—
(A) by striking “fiscal year” and all that
follows through “(1) for” and inserting “fiscal
year for”;
(B) by striking “; and”;
(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) Elimination of Permanent Appropriation.—
Section 303 of the Departments of Commerce, Justice, and
State, the Judiciary, and Related Agencies Appropriations
Act, 1988 (as contained in section 101(a) of the Continuing
Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C.
276 note)) is amended—

(1) by striking “$440,000” and inserting
“$350,000”; and

(2) by striking “paragraph (2) of the first sec-
tion of Public Law 74–170,”.
(d) **Conditional Termination of Authority.**—Unless Congress receives the certification described in subsection (a) before October 1, 1998, effective on that date the Act entitled “An Act to authorize participation by the United States in the Interparliamentary Union”, approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) **Transfer of Funds to the Treasury.**—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

**SEC. 2504. Service in International Organizations.**

(a) **In General.**—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: “On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by
the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.

(a) Prohibition.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this division may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) Preliminary Reports.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to

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proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) Final Reports.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) Reports to Congress.—The Director shall submit a report no later than October 1 and April 1 of each year to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in sub-
section (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

(1) the President or the Vice President; or

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Office of International Conferences of the Department of State.
(2) **Executive branch agency.**—The terms “Executive branch agency” and “Executive branch agencies” mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) **International conference.**—The term “international conference” means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) **Report.**—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.
TITLE XXVI—UNITED STATES

ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 2601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1998.

SEC. 2602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this division, is amended by adding at the end the following new subsection:

“(c) Statutory Construction.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.”.

TITLE XXVII—EUROPEAN SECURITY ACT OF 1997

SEC. 2701. SHORT TITLE.

This title may be cited as the “European Security Act of 1997”.
SEC. 2702. STATEMENT OF POLICY.

(a) Policy With Respect to NATO Enlargement.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doc-
trine, that are not subject to review or discussion in
the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that
countries invited to join the Alliance are provided an
immediate seat in NATO discussions; and

(7) the United States already pays more than a
proportionate share of the costs of the common defense
of Europe and should obtain, in advance, agreement
on an equitable distribution of the cost of NATO en-
largement to ensure that the United States does not
continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH
RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement
should be carried out in such a manner as to under-
score the Alliance’s defensive nature and demonstrate
to Russia that NATO enlargement will enhance the
security of all countries in Europe, including Russia.
Accordingly, the United States and its NATO allies
should make this intention clear in negotiations with
Russia, including negotiations regarding adaptation
of the Conventional Armed Forces in Europe (CFE)

(2) LIMITATIONS ON COMMITMENTS TO RUS-
sia.—In seeking to demonstrate to Russia NATO’s
defensive and security-enhancing intentions, it is es-

tential that neither fundamental United States secu-

rity interests in Europe nor the effectiveness and

flexibility of NATO as a defensive alliance be jeopard-

ized. In particular, no commitments should be made
to Russia that would have the effect of—

(A) extending rights or imposing respons-

sibilities on new NATO members different from

those applicable to current NATO members, in-

cluding rights or responsibilities with respect to

the deployment of nuclear weapons and the sta-

tioning of troops and equipment from other

NATO members;

(B) limiting the ability of NATO to defend

the territory of new NATO members by, for ex-

ample, restricting the construction of defense in-

frastructure or limiting the ability of NATO to

deploy necessary reinforcements;

(C) providing any international organiza-

tion, or any country that is not a member of

NATO, with authority to delay, veto, or other-

wise impede deliberations and decisions of the

North Atlantic Council or the implementation of

such decisions, including deliberations and deci-

sions with respect to the deployment of NATO
forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;
(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibil-
ity of deploying a ballistic missile defense capable of protecting NATO’s southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 2703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established
under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) Sense of Congress.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and
(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) **Regional Airspace Initiative and Partnership for Peace Information Management System.—**

(1) **In general.—** Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) **Funds described.—** Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(e) **Conforming Amendments to the NATO Participation Act of 1994.**—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking “, without regard to the restrictions” and all that follows through “section);

(2) by striking paragraph (2);

(3) in paragraph (6), by striking “appropriated under the ‘Nonproliferation and Disarmament Fund’ account” and inserting “made available for the ‘Nonproliferation and Disarmament Fund’”; and

(4) in paragraph (8)—

(A) by striking “any restrictions in sections 516 and 519” and inserting “section 516(e)”;

(B) by striking “as amended,”; and

(C) by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”;

and (5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 2704. **SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.**

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be ap-
proved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or
(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) Policy of Section.—This section is enacted in order to implement the policy set forth in section 2702(c).

(b) Restriction on Entry Into Force of ABM/TMD Demarcation Agreements.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) Sense of Congress With Respect to Demarcation Agreements.—

(1) Relationship to Multilateralization of ABM Treaty.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Sen-
ate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term “national territory” as used in Article VI and Article IX of the ABM Treaty.

(2) Preservation of United States Theater Ballistic Missile Defense Potential.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) Report on Cooperative Projects With Russia.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects
with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) **Cooperative Projects.**—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) **Funding.**—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) **Status of Dialogue or Discussions.**—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

**(e) Definitions.**—In this section:
(1) ABM/TMD DEMARCATION AGREEMENT.—The term “ABM/TMD demarcation agreement” means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term “ABM Treaty” means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XXVIII—MISCELLANEOUS PROVISIONS

SEC. 2801. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in
providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former
United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) Reports Required.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of
State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) Protection of Identity of Concerned Entities.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SUBDIVISION 3—UNITED NATIONS REFORM

TITLE XXX—GENERAL PROVISIONS

SEC. 3001. SHORT TITLE.

This subdivision may be cited as the “United Nations Reform Act of 1997”.
SEC. 3002. DEFINITIONS.

In this subdivision:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) Designated specialized agency defined.—The term “designated specialized agency” means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) General Assembly.—The term “General Assembly” means the General Assembly of the United Nations.

(4) Secretary General.—The term “Secretary General” means the Secretary General of the United Nations.


(6) United Nations member.—The term “United Nations member” means any country that is a member of the United Nations.
(7) **UNITED NATIONS PEACEKEEPING OPERATION.**—The term “United Nations peacekeeping operation” means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

**SEC. 3003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.**

The Secretary of State may not delegate the authority in this subdivision to make any certification.

**TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS**

**SEC. 3101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated under the heading “Contributions to International Organizations” $938,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to inter-
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national organizations and to carry out other authorities
in law consistent with such purposes.

(b) No Growth Budget.—

(1) Fiscal Year 1998.—Of the funds made avail-
able for fiscal year 1998 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1997 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget of $2,603,290,900 for the biennium 1996–97 adopted in December 1996.

(2) Fiscal Year 1999.—Of the funds made avail-
able for fiscal year 1999 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed that budget.

(c) Inspector General of the United Nations.—

(1) Withholding of Funds.—Twenty percent of the funds made available in each fiscal year under
subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office’s resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.
(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—
Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

“(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals.”; and

(B) by striking “Inspector General” each place it appears and inserting “Office of Internal Oversight Service”.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States con-
tribution to pay for any expenses related to the holding of
a United Nations Global Conference.

(c) Reduction in Number of Posts.—

(1) Fiscal Year 1998.—Of the funds authorized
to be appropriated for fiscal year 1998 for the United
Nations by subsection (a), $50,000,000 shall be with-
held from obligation and expenditure until the Sec-
retary of State certifies to Congress that the number
of posts authorized under the 1998–99 regular budget
of the United Nations, and authorized by the General
Assembly, has resulted in a net reduction of at least
1,000 posts from the 10,012 posts authorized under
the 1996–97 United Nations biennium budget, as a
result of a suppression of that number of posts.

(2) Fiscal Year 1999.—Not later than October
1, 1998, the Secretary of State shall submit a report
to the appropriate congressional committees specify-
ing—

(A) the budget savings associated with the
reduction of the 1,000 posts specified in para-
graph (1), including any reduction in the United
States assessed contribution for the United Na-
tions regular budget resulting from those savings;

(B) the vacancy rates for United Nations
professional and general service staff contained
in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) Prohibition on Funding Other Framework Treaty-Based Organizations.—None of the funds made available for the 1998-1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Desertification Convention.

(g) Limitations for Fiscal Years 1999 and 2000.—

(1) In general.—The total amount of funds made available for all United States memberships in international organizations under the heading “Contributions to International Organizations” may not
exceed $900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate
share of the amount by which the total contributions to the
agency exceed the expenditures of the regular assessed budg-
ets of these agencies.

SEC. 3102. CONTRIBUTIONS FOR INTERNATIONAL PEACE-
KEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are
authorized to be appropriated under the heading “Contribu-
tions for International Peacekeeping Activities”
$220,000,000 for the fiscal year 1998 and $220,000,000 for
the fiscal year 1999 for the Department of State to carry
out the authorities, functions, duties, and responsibilities
in the conduct of the foreign affairs of the United States
with respect to international peacekeeping activities and to
carry out other authorities in law consistent with such pur-
poses.

(b) CODIFICATION OF REQUIRED NOTICE OF PRO-
POSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Na-
tions Participation Act of 1945 (22 U.S.C. 287b) is
amended—

(A) in subsection (a), by striking the second
sentence; and

(B) by striking subsection (e) and inserting
the following:
“(e) Consultations and Reports on United Nations Peacekeeping Operations.—

“(1) Consultations.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

“(2) Information to be provided.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

“(A) With respect to ongoing United Nations peacekeeping operations, the following:

“(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

“(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

“(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and
an estimate of the amount of that cost that will be assessed to the United States.

“(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

“(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

“(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

“(ii) An estimate of the total cost to the United Nations of the operation, and an
estimate of the amount of that cost that will be assessed to the United States.

“(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

“(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

“(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in
accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

“(3) FORM AND TIMING OF INFORMATION.—

“(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

“(B) TIMING.—

“(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

“(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that excep-
tional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

“(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term ‘new United Nations peacekeeping operation’ includes any existing or otherwise ongoing United Nations peacekeeping operation—

“(A) where the authorized force strength is to be expanded;

“(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

“(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

“(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

“(A) NOTIFICATION OF CERTAIN ASSISTANCE.—
“(i) **IN GENERAL.—** The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

“(ii) **EXCEPTION.—** This subparagraph does not apply to—

“(I) assistance having a value of less than $3,000,000 in the case of non-reimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

“(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

“(B) **QUARTERLY REPORTS.—**

“(i) **IN GENERAL.—** The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.
“(ii) Matters included.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

“(iii) Fourth quarter report.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

“(f) Designated congressional committees.—In this section, the term ‘designated congressional committees’ means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.”


(c) Relationship to other notice requirements.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:
“(g) Relationship to Other Notification Requirements.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.”

**TITLE XXXII—UNITED NATIONS ACTIVITIES**

**SEC. 3201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.**

(a) Congressional Statement.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation’s regional blocs.

(b) Policy on Abolition of Certain United Nations Groups.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Pal-
estinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.
SEC. 3202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

“SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

“(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

“(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.”.

SEC. 3203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:
“SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES
Provided by the United States to the United Nations.

“(a) Requirement To Obtain Reimbursement.—

“(1) In general.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

“(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

“(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

“(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to fa-
cilitate or assist the participation of that country in the operation.

“(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

“(i) goods and services provided to the United States Armed Forces;

“(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

“(iii) assistance furnished before the date of enactment of this section;

“(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

“(v) any assistance commitment made before the date of enactment of this Act if such commitment will not extend beyond January 1, 1998.

“(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment
shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

“(3) FORM AND AMOUNT.—

“(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

“(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

“(b) TREATMENT OF REIMBURSEMENTS.—

“(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

“(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same
purposes, and subject to the same conditions and limit-
ations, as the appropriations with which merged.

“(c) COVERED ASSISTANCE.—Subsection (a) applies to
assistance provided under the following provisions of law:

“(1) Sections 6 and 7 of this Act.

“(2) Sections 451, 506(a)(1), 516, 552(c), and

“(3) Any other provisions of law pursuant to
which assistance is provided by the United States to
carry out the mandate of an assessed United Nations
peacekeeping operation.

“(d) WAIVER.—

“(1) Authority.—

“(A) IN GENERAL.—The President may au-
thorize the furnishing of assistance covered by
this section without regard to subsection (a) if
the President determines, and so notifies in writ-
ing the Committee on Foreign Relations of the
Senate and the Speaker of the House of Rep-
resentatives, that to do so is important to the se-
curity interests of the United States.

“(B) CONGRESSIONAL NOTIFICATION.—
When exercising the authorities of subparagraph
(A), the President shall notify the appropriate
congressional committees in accordance with the
procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

“(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

“(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

“(f) DEFINITION.—In this section, the term ‘assistance’ includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the
Department of Defense or any other United States Government agency.”.

SEC. 3204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control
which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

SEC. 3205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

For the fiscal years 1998 and 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 3206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.


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SEC. 3207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family’s claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.
TITLE XXXIII—ARREARS
PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE
UNITED NATIONS

Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;
(2) $475,000,000 for fiscal year 1999; and
(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;
(2) to pay the United States share of United Nations peacekeeping operations;
(3) to pay the United States share of United Nations specialized agencies; and
(4) to pay the United States share of other international organizations.
(c) Availability of Funds.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) Statutory Construction.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 3302. Obligation and Expenditure of Funds.

(a) In General.—Funds made available pursuant to section 3301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) Obligation and Expenditure Upon Satisfaction of Certification Requirements.—Subject to subsection (c), funds made available pursuant to section 3301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 3311.
(2) Amounts authorized to be appropriated for
fiscal year 1999, upon the certification described in
section 3321.

(3) Amounts authorized to be appropriated for
fiscal year 2000, upon the certification described in
section 3331.

(c) Advance Congressional Notification.—Funds
made available pursuant to section 3301 may be obligated
and expended only if the appropriate certification has been
submitted to the appropriate congressional committees 30
days prior to the payment of the funds.

(d) Transmittal of Certifications.—Certifi-
cations made under this chapter shall be transmitted by the
Secretary of State to the appropriate congressional commit-
tees.

(e) Waiver Authority.—

(1) Fiscal Year 1999 Funds.—Subject to para-
graph (3) and notwithstanding subsection (b), funds
made available under section 3301 may be obligated
or expended pursuant to subsection (b)(2) even if the
Secretary of State cannot certify that one of the fol-
lowing three conditions has been satisfied:

(A) The condition described in section
3321(b)(1).
(B) The condition described in section 3321(b)(4).

(C) The condition described in section 3321(b)(5).

(2) Fiscal Year 2000 Funds.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 3301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8), or (9) of section 3331(b).

(3) Requirements.—

(A) In General.—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate con-
gressional committees prior to exercising the authority.

(B) Effect on subsequent certification.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 3331.

(4) Additional requirement.—If the authority to waive a condition under paragraph 1(A) is exercised, the Secretary shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 3321(b)(1).

SEC. 3303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) Forgiveness of indebtedness.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) Limitations.—
(1) Total Amount.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) Relation to United States Arrearages.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) Requirements.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) Congressional Notification.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) Effective Date.—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 3331; or

(2) October 1, 1999.
Subchapter B—United States Sovereignty

SEC. 3311. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United
Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) No taxes or fees.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) No taxation proposals.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) Exception.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or
(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(5) No standing army.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) No interest fees.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) United States real property rights.— Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife
preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(8) **Termination of Borrowing Authority.**—

(A) **Prohibition on Authorization of External Borrowing.**—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) **Prohibition of United States Payment of Interest Costs.**—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) **Transmittal.**—The Secretary of State may transmit a certification under subsection (a) at any time during
fiscal year 1998 or thereafter if the requirements of the cer-
tification are satisfied.

Subchapter C—Reform of Assessments and
United Nations Peacekeeping Operations

SEC. 3321. CERTIFICATION REQUIREMENTS.

(a) In General.—A certification described in this sec-
tion is a certification by the Secretary of State that the
conditions in subsection (b) are satisfied. Such certification
shall not be made by the Secretary if the Secretary deter-
mines that any of the conditions set forth in section 3311
are no longer satisfied.

(b) Conditions.—The conditions under this sub-
section are the following:

(1) Contested Arrearages.—The United Na-
tions has established an account or other appropriate
mechanism with respect to all United States arrear-
ages incurred before the date of enactment of this Act
with respect to which payments are not authorized by
this division, and the failure to pay amounts speci-
fied in the account do not affect the application of Ar-
ticle 19 of the Charter of the United Nations. The ac-
count established under this paragraph may be re-
ferred to as the “contested arrearages account”.

(2) Limitation on Assessed Share of Budg-
et for United Nations Peacekeeping Oper-
The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) Limitation on assessed share of regular budget for the designated specialized agencies.—The share of the total of all assessed contributions for the regular budget of any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) Review of regular budget-funded peace operations.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 3102(b) of this division.

(5) Procurement.—

(A) Prohibition on punitive actions.—

The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility, against contractors
on the basis that they have challenged contract awards or complained about delayed payments.

(B) Public Announcement of Certain Contract Awards.—The United Nations has implemented a system for public announcement of the award of any contract over $100,000.

(C) Notification of Unsuccessful Bidders.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) Periodic Reporting to United Nations Members.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of $70,000.

Subchapter D—Budget and Personnel Reform

SEC. 3331. CERTIFICATION REQUIREMENTS.

(a) In General.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 3311 and 3321 are no longer satisfied.
(b) CONDITIONS.—The conditions under this sub-
section are the following:

1. **LIMITATION ON ASSESSED SHARE OF REGU-
LAR BUDGET.**—The share of the total of all assessed
contributions for the regular budget of the United Na-
tions, or any designated specialized agency of the
United Nations, does not exceed 20 percent for any
single United Nations member.

2. **INSPECTORS GENERAL FOR CERTAIN ORGANI-
ZATIONS.**—

   (A) **ESTABLISHMENT OF OFFICES.**—Each
designated specialized agency has established an
independent office of inspector general to conduct
and supervise objective audits, inspections, and
investigations relating to the programs and oper-
ations of the organization.

   (B) **APPOINTMENT OF INSPECTORS GEN-
ERAL.**—The Director General of each designated
specialized agency has appointed an inspector
general, with the approval of the member states,
and that appointment was made principally on
the basis of the appointee's integrity and dem-
onstrated ability in accounting, auditing, finan-
cial analysis, law, management analysis, public
administration, or investigations.
(C) Assigned Functions.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) Complaints.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) Compliance with Recommendations.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.
(F) Availability of reports.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) New budget procedures for the United Nations.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) Sunset policy for certain United Nations programs.—

(A) Existing authority.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers
within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.
(C) Procedures.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) United States Policy.—It shall be the policy of the United States to seek adoption
by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term “United Nations program approved by the General Assembly” means a program approved by the General Assembly of the United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) In general.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) Definition.—As used in this paragraph, the term “5 largest member contributors”
means the 5 United Nations member states that,
during a United Nations budgetary biennium,
have more total assessed contributions than any
other United Nations member state to the aggre-
gate of the United Nations regular budget and
the budget (or budgets) for United Nations peace-
keeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures
providing access by the United States General Ac-
counting Office to United Nations financial data to
assist the Office in performing nationally mandated
reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implement-
ing procedures that ensure that staff em-
ployed by the United Nations is appointed
on the basis of merit consistent with Article
101 of the United Nations Charter; and

(ii) is enforcing those contractual obli-
gations requiring worldwide availability of
all professional staff of the United Nations
to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a
comparison of that system with the United States civil service, and shall make recommenda-
tions to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) Reduction in Budget Authorities.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) New Budget Procedures and Financial Regulations.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency’s supplemental budget requests to the Secretariat in advance of expenditures under those requests.
CHAPTER 2—MISCELLANEOUS

PROVISIONS

SEC. 3341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.


SEC. 3342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this subdivision shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;
(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

Amend the title so as to read: “An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1998, and for other purposes.”.

Passed the House of Representatives October 9, 1997.

Attest: ROBIN H. CARLE,

Clerk.

Passed the Senate November 9, 1997.

Attest: GARY SISCO,

Secretary.