

MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF  
COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND  
RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEP-  
TEMBER 30, 1998, AND FOR OTHER PURPOSES

NOVEMBER 13, 1997.—Ordered to be printed

Mr. ROGERS, from the committee on conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2267]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) “making appropriations 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”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, 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 terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this paragraph shall be available 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.*

*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 connection with—*

- (1) counterterrorism technology research and development;*
- (2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and*
- (3) providing bomb training and response capabilities 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 un-*

*foreseen 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 by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322).*

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.*

*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 appropriated 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 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.*

*SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

*For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative 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 debtors 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 appropriated, 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 available 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 inter-governmental, 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 performance of a governmental function for purposes of 49 U.S.C. 40102.*

## 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 protected 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 balances 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 related 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; \$1,657,886,000 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 continuous 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 Immigration and Naturalization Service 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), \$608,206,000, 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; \$2,821,642,000: 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 exceed 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 Marshals 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 section 9104 of title 31, United States Code, as may be necessary 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: Provided, That, of funds appropriated under this heading, such funds are available as may be necessary to carry out the orderly termination of the Ounce of Prevention Council.*

## 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, \$509,000,000, 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, including \$2,097,000 which 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"); \$2,382,400,000, 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 per-*

*sonnel 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: Provided further, That for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs are to be considered the unit of local government under section 108 of H.R. 728; 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 \$42,500,000 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, of which \$25,000,000 shall be available for the Cooperative Agreement Program, and of which \$5,000,000 shall be reserved by the Attorney General for fiscal year 1998 under section 20109(a) of subtitle A of title II of the 1994 Act; 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 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; and of which \$250,000,000 shall be for Juvenile Accountability Incentive Block Grants pursuant to Title III of H.R. 3 as passed by the House of Representatives on May 8, 1997: Provided further, That notwithstanding the requirements of H.R. 3, a State, or unit of local government within such State, shall be eligible for a grant under this program if the Governor of the State certifies to the Attorney General, consistent with guidelines established by the Attorney General in consultation with Congress, that the State is actively considering, or will consider within one year from the date of such certification, legislation, policies, or practices which if enacted would qualify the State for a grant under section 1802 of H.R. 3: Provided further, That 3 percent shall be available to the Attorney General for research, evaluation, and demonstration consistent with this program and 2 percent shall be available to the Attorney General for training and technical assistance consistent with this program: Provided further, That not less than 45 percent of any grant provided to a State or unit of local government shall be spent for the purposes set forth in paragraphs (3) through (9), and not less than 35 percent shall be spent for the purposes set forth in paragraphs (1), (2) and (10) of section 1801(b) of H.R. 3, unless the State or unit of local government certifies to the Attorney General or the State, whichever is appropriate, that the interests of public safety and juvenile crime control would be better served by expending its grant for other purposes set forth under section 1801(b) of H.R. 3: Provided further, That the Federal share limitation in section 1805(e) of H.R. 3 shall be 50 percent in relation to the costs of constructing a permanent juvenile corrections facility: Provided further, That prior to receiving a grant under this program, a unit of local government must establish a coordinated enforcement plan for reducing juvenile crime, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, non-profit, or social service organizations involved in crime prevention: Provided further, That the conditions of sections 1802(a)(3) and 1802(b)(1)(C) of H.R. 3 regarding juvenile adjudication records require a State or unit of local government to make available to the Federal Bureau of Investigation records of delinquency adjudications which are treated in a manner equivalent

*to adult records: Provided further, That no State or unit of local government may receive a grant under this program unless such State or unit of local government has implemented, or will implement no later than January 1, 1999, a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system and funds received under this program may be expended for such purpose: Provided further, That the minimum allocation for each State under section 1803(a)(1)(A) of H.R. 3 shall be 0.5 percent: Provided further, That the terms and conditions under this heading for juvenile accountability incentive block grants are effective for fiscal year 1998 only and upon the enactment of authorization legislation for juvenile accountability incentive block grants, funding provided 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: 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 non-administrative public safety service.*

#### 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 Department 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.*

#### 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, \$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, and \$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 enhanced 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, ("the Act"), 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 agreements, 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 section 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 (including a spouse or child of the principal alien, if eligible to receive a visa under section 203(d)) of—

“(i) a petition for classification under section 204 that was filed with the Attorney General on or before January 14, 1998; or

“(ii) an application for a labor certification under section 212(a)(5)(A) that was filed pursuant to the regulations of the Secretary of Labor on or before such date;

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 CERTAIN PROVISIONS OF SECTION 245(c) 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 who 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)) may adjust status pursuant to subsection (a) and notwithstanding subsection (c)(2), (c)(7), and (c)(8), 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 Nation-  
 ality 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 Re-  
 covered 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 honor-  
 ably in an active duty status within a recognized gue-  
 rilla unit during the World War II occupation and lib-  
 eration of the Philippines, or

“(iii) served honorably in an active duty status  
 within the Philippine Scouts or within any other com-  
 ponent 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.”;

(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 dur-  
 ing 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 sec-  
 tion 329(a) with respect to the service or separation from service  
 of a person described in paragraph (1) except pursuant to a re-  
 quest from the Service.”; and

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

“(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 naturalization, 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 naturalization under this section shall be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of that Act.

“(2) Notwithstanding paragraph (1), applications for naturalization, including necessary interviews, may continue to be processed, and oaths of allegiance may continue to be taken in the United States.”

(c) *REPEAL.*—Section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1440 note), is repealed.

(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 provided by the amendments made by subsection (b) shall expire February 3, 2001.

*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, neglect, or abandonment;

“(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien’s best interest 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 Officer’s Report in United States Court of Federal Claims No. 93–645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).*

*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 follow-*

*ing:*

*“(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 vocation’ 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 fi-*

nancially 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 amended—

(A) in paragraph (1)—

(i) by striking the paragraph designation and heading and inserting the following:

“(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 registration program residents who were convicted in another State and shall ensure that procedures are in place to accept registration information from—

“(A) residents who were convicted in another 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 inserting 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 Identification 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 Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described 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 probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.*

*“(3) The Director of the Bureau of Prisons shall inform 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 Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced 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 person 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 sentence the following: “The court shall order, as an explicit condition of supervised release 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).”.

(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 inserting 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 parolee 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 Departments 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 subsection (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 qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) 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 Department of Justice employees are occupants of this building, 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 Albuquerque 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)”; and*

*(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 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. 121. (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. 122.* (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 Commit-

tee 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. 123. (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 paragraph (2) (other than an order to postpone the effective 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 pursuant 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. 124.* 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.

*SEC. 125.* Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended to read as follows:

“(f) *DEFINITION OF PILOT PROGRAM PERIOD.*—For purposes of this section, the term ‘pilot program period’ means the period beginning on October 1, 1988, and ending on April 30, 1998.”.

*SEC. 126.* Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), is amended in subsection (g) by striking “December 31, 1997” and inserting “May 1, 1998”.

This title may be cited as the “Department of Justice Appropriations Act, 1998”.

## 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 avail-

*able 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 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*

*MINORITY BUSINESS DEVELOPMENT*

*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*

*SALARIES AND EXPENSES*

*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 September 30, 1999.*

*ECONOMICS AND STATISTICS ADMINISTRATION*

*REVOLVING FUND*

*The Secretary of Commerce is authorized to disseminate 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 Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts 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, analyzing, preparing, and publishing statistics, provided for by law, \$137,278,000.*

*PERIODIC CENSUSES AND PROGRAMS*

*For expenses necessary to conduct the decennial census, \$389,887,000, to remain available until expended: Provided, That of*

*this amount, \$4,000,000 shall be transferred to the Census Monitoring Board for necessary expenses as authorized by section 210 of this Act.*

*In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$165,926,000, to remain available until expended.*

*NATIONAL TELECOMMUNICATIONS AND INFORMATION  
ADMINISTRATION*

*SALARIES AND EXPENSES*

*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 Communications 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 notwithstanding 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-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.*

*INFORMATION INFRASTRUCTURE GRANTS*

*For grants authorized by section 392 of the Communications Act of 1934, as amended, \$20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Pro-*

*vided, 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, so as to result in a final fiscal year 1998 appropriation 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 received 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 expended.*

*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 available until expended, of which not to exceed \$3,800,000 shall be used to fund a coopera-*

tive 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 University 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 Extension Partnership of the National Institute of Standards and Technology, \$113,500,000, to remain available until expended, of which not to exceed \$300,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding 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 Regional 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 Center 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 Manufacturing 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 pur-

poses of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; \$1,512,050,000, 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 \$1,509,050,000: 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, \$491,609,000, 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

*For necessary expenses of the Office of Inspector General 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), \$20,140,000.*

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## OPERATIONS, RESEARCH, AND FACILITIES

## (RESCISSION)

*Of the unobligated balances available under this heading, \$20,500,000 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 enumeration to carry out the census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;*

(8) *the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration 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 enumeration 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 particular emphasis on accurately enumerating all individuals who have historically been undercounted, and toward this end, Congress expects—*

(A) *aggressive and innovative promotion and outreach campaigns in hard-to-count communities;*

(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 decennial 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 cir-*

*cuit, 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 injunction 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 Supreme 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 decennial 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 redistricting of members in Congress is forbidden by the Constitution 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 Representatives, 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 apportionment 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 action, 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 activity related to the design, planning, testing, or implementation 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 statistical 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 decennial 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 without using statistical methods and any additions or subtractions 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*

*(D) 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, especially 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 section 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 intended 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 hereof.”—

“However, with respect to seizures and forfeitures 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 designated by the Secretary of Commerce or, upon the request 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 Programs” for Metropolitan Dade County, Florida, and subsequently 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 Commerce and Related Agencies Appropriations Act, 1998”.

### 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; of which \$900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, to remain available until expended; 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 United 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 employment, 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 commissioners 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, incident 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, directed security patrols, and other similar activities as authorized 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 Judicial Security Program consistent with standards or guidelines 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 author-*

ized by 31 U.S.C. 1343(b), advertising 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 expenditure 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 available 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 ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—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 appropriated 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 Service” appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization 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 costs as set forth under section 140(a)(2) of that Act and shall remain available until expended.*

*In addition to funds otherwise available, of the funds provided under this heading, \$24,856,000 shall be available only for the Dip-*

*lomatic Telecommunications Service for operation of existing base services and \$17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications 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

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.*

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 carrying out 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  
CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

*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 an 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 United 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 an 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 practicable), (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 reprogramming 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 manufacturers 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 applicable 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 authorized projects, \$6,463,000, 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)).*

##### 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 authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation 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 im-*

*provements, 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 payment 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 Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.*

#### ISRAELI ARAB SCHOLARSHIP PROGRAM

*For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli 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 Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, 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 official 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. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.*

#### BROADCASTING TO CUBA

*For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$22,095,000, to remain available until expended.*

#### RADIO CONSTRUCTION

*For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase 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 Na-*

tional 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 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. 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 Authorization 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".

(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 Agriculture—  
 (A) for the Animal and Plant Health Inspection 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 otherwise 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 Schedule C of the Excepted Service exclusive of one special assistant 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 Discrimination in Employment Act, the Americans with Disabilities 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 Communications 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 result 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 persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, 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 appropriated 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 obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242, 105 Stat. 2282-2285).*

**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.*

**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, respectively; 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 Public Law 104-134 (110 Stat. 1321-58) shall apply with respect to the requirements of subsection (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 assistance 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 appropriated 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 client 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 reports 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 foreign 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 expenses 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 subsistence: 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 the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) 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 in-*

*frastructure 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 activities: 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 General 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 authorized 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 section 20(n)(2)(B) of the Small Business Act, as amended: 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 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 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 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 subcontract 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 Socialist 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 documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing 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 providing 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, karate, 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 electronic musical instrument.*

*SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" 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 vessels that takes fully into account opportunities for contracting for fisheries surveys.*

*SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act 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. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information 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 at the time of retirement or separation as they received while on duty.

*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. (a) 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 Izmerly, 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 sec-*

tion 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 political 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. REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.**—(a) 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,” “telecommunications service,” “telecommunications carrier,” 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 interpretation of those definitions on the current and future provision of universal service to con-

sumers 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 requirement 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 Relations 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 striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 626. (a) IN GENERAL.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Administrator of General Services shall convey, to any person that acquires an interest in the Naval Petroleum Reserve Numbered 1 (Elk Hills) under subtitle B of title XXXIV of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 631), not to exceed 318 motor vehicles that are leased for use at that reserve on November 6, 1997.

(b) PROCEDURES AND REQUIREMENTS.—Any conveyance of motor vehicles under this section shall be made—

(1) after payment to the United States of consideration equal to the fair market value of the motor vehicles; and

(2) under procedures, terms, and conditions that shall be established by negotiation between the Administrator of General Services and the person to whom the motor vehicles are conveyed.

(c) TREATMENT OF PROCEEDS.—Amounts received by the United States as consideration for motor vehicles conveyed under this section shall be retained in the General Supply Fund and available in the same manner as are increments for estimated replacement cost of motor vehicles under section 211(d)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 491(d)(2)).

*SEC. 627. 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. 628. Notwithstanding the failure of Clarence P. Stewart of Broadway, North Carolina, to file a timely appeal of his wrongful dismissal, during a reduction in force, from the Department of Agriculture as a State Executive Director for the former Agricultural Stabilization and Conservation Service of the Department, the Secretary of Agriculture shall cause Clarence P. Stewart to be afforded relief that is fully commensurate with the relief afforded the similarly-dismissed appellants in the case before the Merit Systems Protection Board styled *Blalock v. Department of Agriculture*, 28 M.S.P.R. 17 (1985).*

*SEC. 629. Funds made available under Public Law 103–112 for the purposes of section 2007 of the Social Security Act shall be considered “qualified nonprivate funds” for the purposes of section 103(13)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 662(13)(B)); provided such funds were invested on or before July 1, 1995 in a licensee that was licensed prior to July 1, 1990 under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).*

*SEC. 630. Section 332 of the Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, H.R. 2107 (105th Congress, 1st Session), is amended as follows—*

*(1) after “October 1, 1997” strike “, or” and insert in lieu thereof “; those national forests”; and*

*(2) after “court-ordered to revise” strike “,” and insert in lieu thereof “; and the White Mountain National Forest”.*

*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. (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 agreement that is not available for conveyance or transfer in accordance 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 remediation 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 preservation purposes, economic diversification purposes, or community 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, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).*

(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 SUPERSEDED 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. 633. Effective only for losses beginning March 1, 1997 through the date of enactment of this Act, the Secretary of Agriculture may use up to \$6,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested subsequent to enactment of Public Law 105-18 and prior to December 1, 1997, in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in*



*the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*SEC. 634. 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 VII—RESCISSIONS**  
**DEPARTMENT OF JUSTICE**

**GENERAL ADMINISTRATION**

**WORKING CAPITAL FUND**

**(RESCISSION)**

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

**TITLE VIII—EMERGENCY SUPPLEMENTAL  
APPROPRIATIONS**

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**OPERATIONS, RESEARCH, AND FACILITIES**

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

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

And the Senate agree to the same.

HAROLD ROGERS,  
JIM KOLBE,  
RALPH REGULA,  
MIKE FORBES,  
TOM LATHAM,  
BOB LIVINGSTON,  
ALAN B. MOLLOHAN,  
DAVID E. SKAGGS,  
(except for sections 209, 210,  
502, and 505),

JULIAN C. DIXON,  
*Managers on the Part of the House,*

JUDD GREGG,  
TED STEVENS,  
PETE DOMENICI,  
MITCH MCCONNELL,  
KAY BAILEY HUTCHISON,  
BEN NIGHTHORSE CAMPBELL,  
THAD COCHRAN,  
FRITZ HOLLINGS,  
DANIEL INOUE,  
DALE BUMPERS,  
FRANK LAUTENBERG,  
BARBARA A. MIKULSKI,  
ROBERT C. BYRD,

*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) making appropriations 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The legislative intent in the House and Senate versions in H.R. 2267 is set forth in the accompanying House report (H. Rept. 105–207) and the accompanying Senate report (S. Rept. 105–48).

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

### TITLE I—DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement includes \$76,199,000 for General Administration, as proposed in the House bill, instead of \$79,373,000 as proposed in the Senate bill. Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The conference agreement assumes \$3,600,000 for continued support for counterterrorism security initiatives provided in fiscal year 1997, \$426,000 for additional staffing for the Office of Professional Responsibility, and \$1,100,000 for adjustments to base. The conferees also support the transfer of \$5,000,000 from the INS Examinations Fee account to the General Administration account for Justice Management Division oversight of the naturalization program, as provided in the House report. In addition, the conferees support recommendations in the House and Senate reports regarding development of a drug strategy, restructuring of the INS and review of capital case prosecutions.

The conference agreement also includes a provision as proposed in the House bill, that prohibits the Offices of Legislative and Public Affairs from being supplemented by reimbursable and non-reimbursable details.

*Format for Budget Submissions and Reprogrammings.*—The Senate report included a number of concerns with the presentation of budget submissions and the number of reprogramming requests for the Department of Justice. The conferees agree that instead of adopting the recommendations in the Senate report for changes to

these submissions, the Department of Justice should consult with the Committees on Appropriations of both the House and Senate on options to consolidate budget submissions for Department of Justice programs funded through various funding sources and to streamline its reprogramming submissions.

#### COUNTERTERRORISM FUND

The conference agreement includes \$52,700,000 for the Counterterrorism Fund, instead of \$20,000,000 as proposed in the House bill and \$29,450,000 as proposed in the Senate bill. The conferees understand that in addition to amounts provided in this bill, unobligated balances of \$28,169,000 remain available from previous appropriations for authorized purposes of this Fund.

Within the amounts provided in the conference agreement, \$32,700,000 is included for a new Department of Justice counterterrorism initiative to address the increasing threat of domestic and international terrorism. The conferees remain committed to ensuring that law enforcement and the intelligence community have a comprehensive strategy to combat domestic and international terrorism, and that anti-terrorism, counterterrorism, and security efforts are aggressively pursued and given the highest priority.

Last year, Congress directed the Attorney General to consult with other key departments and agencies and to submit a comprehensive counterterrorism strategy. That strategy was provided to the Congress in May, 1997. During subsequent oversight hearings conducted by both the House and Senate Appropriations Committees, it became apparent that vulnerabilities to our national security still exist, especially with respect to the emerging threats from chemical and biological agents and cyber-attacks on computer systems within the United States. The conferees agree that additional emphasis is needed to coordinate efforts among the many participating departments and agencies that have personnel, resources, and expertise to contribute to this critical mission and to move efforts forward in a multilateral and institutionalized manner.

*Counterterrorism Technology Research and Development.*—Of the amount provided, \$1,000,000 is included for the Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and drawing upon expertise of academia, the private sector and State and local law enforcement, to develop a five-year inter-departmental counterterrorism and technology crime plan that is representative of all participating agencies that: (1) identifies critical technologies for targeted research and development efforts; (2) outlines strategies for preventing, deterring and reducing vulnerabilities to terrorism and improving law enforcement agency capabilities to respond to terrorist acts while ensuring interagency cooperation; (3) outlines strategies for integrating crisis and consequence management; (4) outlines strategies to protect our National Information Infrastructure and explore critical technologies through research and development; and (5) outlines strategies to improve State and local capabilities for responding to terrorist acts

involving bombs, improvised explosive devices, chemical and biological agents and cyber-attacks. The conferees expect that this plan will serve as a baseline strategy for coordination of national policy and operational capabilities to combat terrorism and will be updated annually to institutionalize this effort. A prospectus shall be submitted in an expanded outline format with estimated time lines and major milestones for completion of the unified counterterrorism and technology crime plan, to the Committee on Appropriations of both the House and Senate no later than February 1, 1998. The final plan shall be submitted to appropriate congressional committees no later than December 31, 1998.

In addition, \$10,500,000 is provided for the Attorney General to conduct a directed priority research and development program in engineering, communications, forensic sciences and tactical disciplines, and including an emphasis on fieldable technology development and deployment, through appropriate Federal agencies, universities, national laboratories and the private sector. Within these amounts, the Attorney General is to provide \$2,000,000 for the Security Technology Program of the Southwest Surety Institute, administered by New Mexico State University, the New Mexico Institute of Mining and Technology, and Arizona State University, to conduct research and training on law enforcement and security technologies for the protection of persons, facilities, and information and for limiting the threat of terrorist activities. In addition, the conferees note the importance and usefulness of the development of explosives detection technology in assisting law enforcement personnel in the detection of explosive materials before a bombing incident. Within the amount provided, the conferees expect the Federal Bureau of Investigation to pursue research and development of explosives detection technology.

*Improving State and Local Response Capabilities.*—The conference agreement includes \$21,200,000 to ensure that State and local agencies have basic equipment and training for responding to chemical or biological incidents and incidents involving improvised explosive devices. Within this amount, \$16,000,000 is provided for acquisition of personnel protective gear, and detection, decontamination, and communications equipment for State and local agencies and for response training. The conferees direct the Attorney General to provide \$2,000,000 to support operations of the State and local training center for First Responders at Fort McClellan, Alabama, \$2,000,000 for the operations of a similar training center in conjunction with the Energetic Materials Research and Testing Center at the New Mexico Institute of Mining and Technology, and also urge the use of existing national assets including the National Emergency Response and Rescue Training Center at the Texas Engineering Extension Service and the Nevada Test Site, to serve as national training centers to prepare relevant Federal, State and local officials, including law enforcement, firefighters, emergency medical personnel, and other key agencies such as public works and emergency management agencies, to prepare for and respond to chemical, biological, or other terrorist acts.

Within the overall amount provided, \$5,200,000 is included for bomb technician training at the Hazardous Devices School at Redstone Arsenal, Alabama to improve capabilities of State and local

agencies to respond to incidents involving improvised explosive devices.

The conferees direct the Attorney General to develop a plan for directing and coordinating training and exercise activities and expect this plan to be prepared with consultation of other appropriate agencies to ensure the curriculum and training provided are consistent with overall national counterterrorism preparedness programs and goals.

#### ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes \$129,258,000 for Administrative Review and Appeals instead of \$125,700,000 as proposed in the House bill and \$79,258,000 as proposed in the Senate bill, of which \$59,251,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF). Of the total amount provided, \$1,557,000 is included for the Office of the Pardon Attorney and \$127,701,000 is included for the Executive Office for Immigration Review (EOIR). Within amounts provided for EOIR, \$6,480,000 is included to support 18 additional immigration judges for border control, removal of criminal and non-criminal aliens, and interior deterrence initiatives, \$3,525,000 is for ten additional immigration judges to address additional caseload related to deportation provisions in the Anti-Terrorism and Effective Death Penalty Act of 1996, and \$140,000 is for electronic freedom of information requirements and systems modernization.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$33,211,000 for the Office of Inspector General, as proposed in Senate bill, instead of \$35,211,000 as proposed in the House bill. In addition, the conference agreement includes a provision, as proposed in the House bill, that allows the Attorney General to transfer up to one-tenth of one percent of grant funds provided under the Violent Crime Reduction Trust Fund (VCRTF) to the Office of the Inspector General for audit and review of these grant programs.

The conference agreement also assumes that in addition to amounts provided from direct appropriations, \$3,695,000 will be provided to the Office of Inspector General from the INS Examinations Fee account for the investigation and review of the INS Citizenship U.S.A. program.

#### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$5,009,000 for the U.S. Parole Commission, as proposed in the Senate bill, instead of \$4,799,000 as proposed in the House bill. Funding is provided in accordance with the Senate report.

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes \$452,169,000 for General Legal Activities, instead of \$453,269,000 as proposed in the House bill and \$445,147,000 as proposed in the Senate bill, of which \$7,969,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides pay and inflation increases for all divisions and the following program increases: (1) \$1,077,000 for the Criminal Division to support the Southwest Border initiative, Federal capital case prosecutions, international extradition and overseas positions in Brasilia; (2) \$462,000 for Tax Division prosecutions; (3) \$5,483,000 for the Civil Division's defense of claims under the Financial Institution Reform, Recovery and Enforcement Act. In addition, the conferees expect that within the amounts provided for the Criminal Division, \$300,000 will be used to enhance support for the Office of Special Investigations activities involving Nazi war criminals and that the Criminal Division will work with its counterparts in the Department of State to increase the effectiveness of bi-lateral prisoner transfer treaties, as stated in the House report.

The conference agreement allows \$17,525,000 to remain available until expended for office automation systems as proposed in the House bill instead of \$24,555,000 as proposed in the Senate bill. In addition, the conferees direct the Attorney General to use \$7,100,000 of surplus balances in the Assets Forfeiture Fund to support implementation of the Justice Consolidated Office Network.

The conference agreement does not include a provision, as proposed in the Senate bill, that would limit the level of staffing and resources for the Offices of Legislative and Public Affairs.

## THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of \$4,028,000 for fiscal year 1998 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in both the House and Senate bills.

## SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides \$93,495,000 for the Antitrust Division, instead of \$94,542,000 as proposed in the House bill and \$92,447,000 as proposed in the Senate bill. The conference agreement assumes that of the amount provided, \$70,000,000 will be derived from fees collected in fiscal year 1998 and \$18,000,000 will be derived from estimated unobligated fee collections available from 1997, resulting in a net direct appropriation of \$5,495,000.

## SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes \$1,035,288,000 for the U.S. Attorneys, instead of \$1,035,828,000 as proposed in the House bill

and \$1,032,532,000 as proposed in the Senate bill, of which \$62,828,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill instead of \$46,128,000 as proposed in the Senate bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides the following program increases: (1) \$3,897,000 for the U.S. Attorneys support of the Southwest Border initiative; (2) \$9,786,000 for increased drug prosecutions, including additional funding to support U.S. Attorney-led drug task force projects and support for High Intensity Drug Trafficking Area task forces; (3) \$2,000,000 to support the continuation and expansion of Violent Crime Task Forces in New Hampshire and South Carolina into demonstration projects focused on specific law enforcement problems such as the impact of spillover violence coming from high crime urban areas into much smaller neighboring jurisdictions or the identification, investigation, and prosecution of violent, repeat offenders operating either alone, as part of a gang, or as part of a drug enterprise; (4) \$6,237,000 for activation of the National Advocacy Center; (5) \$632,000 for child support enforcement; and (6) \$7,785,000 for critical staffing needs for D.C. Superior Court, including \$3,349,000 for support staff and \$4,416,000 for attorney and support staff for increased prosecutions, unsolved homicides, gang prosecutions and Operation Ceasefire. In addition, the conference agreement provides reimbursable funding for the U.S. Attorneys of \$853,000 from Violence Against Women Act grants for domestic violence prosecutions in the District of Columbia and \$6,596,000 from the Office of Victims of Crime to support 93 additional staff assigned to U.S. Attorneys Offices for victims assistance. In addition, within the amounts provided, the conferees agree that an additional \$100,000 should be used to support the U.S. Attorneys Office in Guam for use in the Commonwealth of the Northern Mariana Islands.

The conferees agree that additional resources are needed to address the high volume of cases in the District of Columbia and have provided 33 attorneys to support this caseload. The conferees are also aware that the U.S. Attorneys Office is proposing to restructure its entire D.C. Superior Court section under a community prosecution model based on a pilot project in the Fifth District. While it is understood that the Fifth District pilot project has shown evidence of some success, the conferees believe that before an entire restructuring is implemented, a full evaluation of this approach, including an analysis of cost effectiveness of this model, should be completed. The conferees understand that the National Institute of Justice is currently documenting strategies that have emerged in the Fifth District pilot project and possible ways to measure the success of this project and is expected to complete this work by May 1998. In addition, the conferees expect an evaluation of the Fifth District pilot project to include an analysis of the "papering" process, which identifies how many arrested suspects were not charged due to: (1) violation of suspects' Constitutional rights; (2) unwillingness of victims to cooperate with law enforcement; (3) recantation by, or challenge of the veracity of, witnesses or victims; (4) lack of probable cause for arrests; (5) subsequent determination



that alleged crimes were perpetrated by others or did not occur; (6) lack of evidence; and (7) offenses falling under the jurisdiction of the Office of the Corporation Counsel. For the remaining cases where papering did not occur, the D.C. U.S. Attorneys Office shall identify the reasons it failed to file charges and outline any steps necessary to correct deficiencies in its handling of the papering process. The conferees also expect the U.S. Attorneys and other Department of Justice components to redirect base resources previously provided for financial institution fraud, in accordance with the notification provided to the Committees on August 1, 1997, to increase its prosecutive and investigative efforts for fraud, white collar crime and defensive civil litigation.

The conference agreement also includes the following provisions: (1) allows \$1,200,000 to remain available until expended for development of an information systems strategy for D.C. Superior Court, as proposed in the House bill; (2) allows \$2,500,000 to remain available until expended for the National Advocacy Center, as proposed in the Senate bill; (3) allows \$2,000,000 for Violent Crime Task Forces to remain available until expended, similar to a proposal in the Senate bill; (4) allows \$6,000,000 to remain available until expended for office moves, as proposed in the House bill; and (5) provides the total number of positions and full-time equivalent employment expected to be supported by the level of resources provided, as proposed in both the House and Senate bills.

#### UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides \$114,248,000 in budget (obligation) authority for the U.S. Trustees, to be entirely funded from offsetting fee collections, instead of \$107,950,000 as proposed in the House bill and \$116,721,000 as proposed in the Senate bill. The amount provided in the conference agreement includes increases for the following activities: (1) \$4,952,000 to address increases in bankruptcy filings; (2) \$2,000,000 to expand the automated fee application review project; (3) \$608,000 to improve security; (4) \$200,000 for electronic interface development with private trustees; (5) \$104,000 for improved criminal database access; and (6) \$257,000 for electronic freedom of information requirements.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides \$1,226,000 for the Foreign Claims Settlement Commission as proposed in both the House and Senate bills, and assumes funding is provided in accordance with the House and Senate reports.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes \$493,386,000 for the U.S. Marshals Service instead of \$488,497,000 as provided in the House bill and \$497,339,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$25,553,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

The amount included in the conference agreement is provided in accordance with the House and Senate reports and includes pro-

gram increases as follows: (1) \$8,695,000 for staffing and equipment for new and expanded courthouses; (2) \$658,000 for witness security; and (3) \$5,145,000 for fugitive apprehensions. In addition, the conferees direct the Attorney General to provide a total of \$2,134,000 from remaining 1997 balances in the Working Capital Fund and remaining surplus balances in the Assets Forfeiture Fund, for replacement of radios. The conferees also adopt the recommendations in the Senate report regarding funding for the Justice Prisoner and Alien Transportation System review and video conferencing.

The conference agreement does not include a provision, as proposed in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees are aware that the Department of Justice's asset forfeiture inventory which is managed by the U.S. Marshals Service, currently includes a forfeited DC-3 aircraft which the Department of State International Narcotics and Law Enforcement Affairs Section has requested be transferred for international counter-narcotic purposes. The conferees expect the Department of Justice to give this transfer request priority consideration and to notify the Committees on Appropriations of the House and Senate of its intentions before any further action is taken by the U.S. Marshals Service with regard to disposal of this aircraft.

The conferees are also concerned about the U.S. Marshals Service oversight of Court Security Officers in the Fourth Circuit. The conferees direct the Department of Labor to make a complete review of wage determinations for Court Security Officers in the Fourth Circuit, giving specific consideration to comparable wages and benefits paid to Federal employees and Federal contract employees in the area. In addition, the conferees direct the U.S. Marshals Service, before the exercise of any options, to recompet the Court Security contract for the Fourth Circuit giving significant consideration to wages paid to employees and their potential impact on labor dissension.

#### FEDERAL PRISONER DETENTION

The conference agreement provides \$405,262,000 for Federal Prisoner Detention, as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

#### FEES AND EXPENSES OF WITNESSES

The conference agreement includes \$75,000,000 for Fees and Expenses of Witnesses as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides \$5,319,000 for the Community Relations Service, as proposed in both the House and Senate bills and in accordance with both the House and Senate reports. In addition, the conference agreement includes a provision, as proposed in the House bill, which allows the Attorney General to

transfer up to \$2,000,000 of funds available to the Department of Justice to this program. The conferees direct the Attorney General to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised.

#### ASSETS FORFEITURE FUND

The conference agreement provides \$23,000,000 for the Assets Forfeiture Fund as proposed in both the House and Senate bills, and assumes funding is provided in accordance with both the House and Senate reports.

#### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

The conference agreement includes \$2,000,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate bills. The conference agreement does not include an advance appropriation of \$2,000,000 for fiscal year 1999 for this account, as proposed in the House bill.

##### PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes \$4,381,000 for fiscal year 1998 for payments to the Radiation Exposure Compensation Trust Fund, as proposed by both the House and Senate bills and assumes that funding is provided in accordance with the House and Senate reports. The conference agreement does not include an advance appropriation of \$29,000,000 for fiscal year 1999 for this program, as proposed in the House bill.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes \$294,967,000 for Interagency Crime and Drug Enforcement as proposed by both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports with the following exception. The conference agreement includes language which allows \$50,000,000 of the funds to be available until expended as proposed in the House bill instead of allowing all funding to be available until expended as proposed in the Senate bill.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

The conference agreement includes \$2,930,042,000 for the Federal Bureau of Investigation (FBI), instead of \$2,886,065,000 as proposed in the House bill and \$3,016,389,000 as proposed in the Senate bill, of which \$179,121,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills. In addition, the conference agreement provides that not less than \$221,050,000 shall be used for counterterrorism investigations, foreign counterintelligence, and

other activities related to national security, instead of \$147,081,000 as proposed by the House and \$257,601,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

*Counterterrorism Initiative.*—The conference agreement includes a significant increase for the FBI to enhance its counterterrorism readiness capabilities for responding to and managing incidents involving improvised explosive devices, chemical and biological agents, and cyber-attacks. The conference agreement does not include a classified annex for counterterrorism, as proposed in the Senate bill, and instead provides additional funding for counterterrorism activities under this account and the Counterterrorism Fund. The conference agreement provides a \$143,451,000 increase for counterterrorism activities of the FBI including: (1) \$77,586,000 to annualize 1,019 positions included in fiscal year 1997 and to provide 245 new positions (including 133 agents) for counterterrorism activities; (2) \$11,845,000 and 56 positions (including 34 agents) to establish Computer Investigative and Infrastructure Threat Assessment (CITAC) Teams and for technical equipment and contractor support for the CITAC Center; (3) \$900,000 for training and equipment for Computer Analysis Response Teams; (4) \$3,500,000 to equip the Hostage Rescue Team and field office teams with equipment and training for responding to a crisis situation involving weapons of mass destruction; (5) \$2,500,000 for operational expenses of the National Security Division's Weapons of Mass Destruction program; (6) \$2,000,000 for safety equipment and training of Evidence Response Teams and to outfit the Hazardous Materials Response Unit with equipment, scientific instruments and related forensic materials; (7) \$1,600,000 for bomb technician equipment in field offices; and (8) \$43,520,000 to upgrade the capabilities of the FBI for timely deployment of personnel and equipment to terrorist and hostage incidents through replacement of aircraft. Within this funding, \$10,000,000 is provided to replace an existing specialized surveillance aircraft used to support counterterrorism, national security, and criminal investigations, \$23,200,000 is provided to replace outdated 1960's vintage helicopters used for tactical support, \$5,000,000 is provided to improve aviation surveillance capabilities for the New York City field office, \$2,000,000 is provided for necessary equipment and related items required for rapid deployment of the Hostage Rescue Team (HRT) and Special Weapons and Tactics (SWAT) personnel, \$1,500,000 is provided for helicopter pilot training, \$320,000 is provided for advance aircraft leasing, and \$1,500,000 is provided for increasing costs associated with the availability of aircraft and training mission support provided by the Department of Defense.

In addition, the conferees agree that the FBI may, within available 1998 funding, implement the additional authorizations agreed to by the House and Senate Committees on Intelligence with respect to 1998 National Foreign Intelligence Program activities.

*Child Sexual Exploitation on the Internet.*—The conference agreement adopts the recommendation in the Senate report, to expand the FBI's efforts to combat child pornography and sexual ex-

ploitation on the Internet and via on-line service providers. The conference agreement includes \$10,000,000 and 60 new positions (including 25 agents) in accordance with the Senate report for this initiative.

*Southwest Border Initiative and Drug Investigations in Mexico.*—The conference agreement provides \$16,717,000 and 138 positions (including 70 agents) to support the Southwest Border initiative and \$2,546,000 and 6 agents for FBI participation on DEA Task Forces in Mexico.

*International Program.*—The conference agreement provides \$7,294,000 to expand FBI's Legal Attaché program. The conferees are aware of the FBI's selection process for locations to station its Legal Attachés abroad and that the FBI has recently initiated a planning process to address its international operations that will, among other things, assess the requirements for and the placement of all Legal Attaché offices. It is conceivable that some existing and proposed locations may be supplanted during the process by emerging locations with higher indicated priorities. The conferees commend the FBI for initiating this process and agree that prior to further expansion of international operations, the FBI should complete this comprehensive planning process which goes well beyond what it has previously attempted. This planning process should lead to a threat-based, outcome-oriented operations and activity plan that will allow the FBI to demonstrate it is allocating its personnel in a manner that optimizes both effectiveness and impact. The conferees direct that such a plan, in each instance: (a) identify specific criminal activity in the United States which has a visible nexus to the foreign country, (b) analyze the extent and significance or impact of this criminal activity in the United States, and (c) specify exactly how placing FBI personnel in the foreign country will have a significant impact on defeating or reducing the criminal activity. Thereafter, the plan should articulate and specify a decision making process that insures resources are committed to only the highest threat areas where there is a reasonable expectation of successful outcomes. Factors such as the status of relations with a particular nation must be considered. Finally, a regular procedure must be identified and implemented to measure the effectiveness and need for each office, with a view toward reallocating resources when warranted.

Within the amount provided the conferees have included \$1,912,218 for the specific purpose of enhancing existing Legal Attaché Offices in the high international crime threat nexus countries of Mexico and Russia and \$1,203,450 for establishing an FBI presence in Nigeria. The remaining \$4,178,332 provided in the conference report shall be available for the opening of new offices or expansion of existing offices, subject to the reprogramming requirements in section 605 of this Act and only when the FBI has completed the following activities to determine the most effective use of these resources: (1) completion of a planning process which addresses at a minimum the elements discussed above; (2) application of this process to a rigorous in-depth examination of the FBI's international operations including existing as well as anticipated Legal Attaché Offices and extraterritorial squad activities; and (3) development of a current, outcome-oriented operations and activity

plan that identifies FBI overseas requirements based on demonstrated threat.

*Organized Crime/La Cosa Nostra.*—The conference agreement provides \$5,000,000 and 47 positions (28 agents), as proposed in both the House and Senate bills, to enhance investigative resources addressing the La Cosa Nostra.

*Infrastructure Requirements.*—The conference agreement includes an increase of \$21,394,000 for the following activities: (1) \$8,000,000 to conduct security reinvestigations of FBI employees; (2) \$2,000,000 to upgrade and strengthen the capabilities of the National Backstopping Centers; and (3) \$11,394,000 for processing of Freedom of Information and Privacy Act (FOIA) requests. In addition, the conferees direct the Attorney General to provide from surplus balances in the Assets Forfeiture Fund, \$9,059,000 for the FBI's acquisition of a FOIA document processing system and \$6,000,000 to begin replacement of microwave radio communications equipment.

In addition to the items stated above, the conferees adopt the recommendations included in the House and Senate reports regarding IAFIS and NCIC 2000, hiring status reports, \$2,000,000 for the Cargo Theft Task Force, consideration of the development of MDTV at the FBI fingerprint center, veterans investigations and training curricula of FBI and DEA at the training facility in Quantico, Virginia, and do not support consideration of the establishment of an additional training facility. The conferees are also aware that high-tech crime and the incidence of crime within the high-tech industry have become an increasing problem for United States technology companies and request that the FBI provide a report to the Committees on Appropriations of both the House and Senate by March 1, 1998, that outlines FBI's strategic plan to address this problem, including the current and projected number of staff and the geographic distribution of resources dedicated to this issue.

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes the following provisions: (1) allows \$98,400,000 to remain available until expended, as proposed in the House bill, of which the conferees expect that \$84,400,000 will be used for expenses related to automation of fingerprint identification services; (2) allows up to \$45,000 to be used for official reception and representation expenses as proposed in the House bill, instead of \$60,000 as proposed in the Senate bill; and (3) prohibits funds from being used to provide for ballistics equipment to State and local entities that have received similar equipment from other Federal agencies, as proposed in the House bill. The conference agreement does not include a provision, included in the Senate bill, that would have limited the level of staffing and resources in the Offices of Legislative and Public Affairs.

#### TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement does not include additional funding for the Telecommunications Carrier Compliance Fund, for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services to implement technology changes under the Communications Assistance for

Law Enforcement Act (CALEA), as proposed in the Senate bill. The House bill included \$50,000,000 for this Fund for national security purposes. The conferees understand there is currently \$101,000,000 available in the Fund which is sufficient to support reimbursement to the telecommunications industry during fiscal year 1998.

The conferees note with concern, the continued delays in implementation of the Communications Assistance for Law Enforcement Act (CALEA). CALEA was enacted over three years ago and there has been little, if any, progress in developing much needed upgrades for telecommunications systems to support law enforcement wiretapping requirements. Based on recent discussions between the Committees on Appropriations, the Department of Justice and representatives from the telecommunications industry, an agreement was reached in an attempt to move this process forward, which included a commitment by both the industry and law enforcement that by January 4, 1998, the Department of Justice will provide to the Committees on Appropriations: (1) cost estimates for the development and deployment of the solution; (2) a timeline for development and deployment of the solution; and (3) two signed cooperative agreements with appropriate telecommunications carriers and/or equipment manufacturers. The conferees agree that completion of these steps will indicate whether or not industry and law enforcement officials are committed to the implementation of CALEA and whether additional funding, within the amounts authorized for reimbursement to the telecommunications industry, will be provided in the future.

#### CONSTRUCTION

The conference agreement includes \$44,506,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), instead of \$38,506,000 as proposed in the House bill and \$59,006,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes funding for completion of the FBI laboratory, \$4,660,000 for renovation and realignment of the Los Angeles Field Office, \$2,000,000 to lease a new aviation hangar facility, and \$4,000,000 to address the backlog of repair and maintenance of FBI-owned facilities in accordance with the Senate report.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement includes \$1,127,378,000 for the salaries and expenses of the Drug Enforcement Administration (DEA), instead of \$1,124,500,000 as proposed in the House bill and \$1,080,382,000 as proposed in the Senate bill, of which \$403,537,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$310,037,000 as proposed in the House bill and \$441,117,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that \$58,268,000 will be available from the Diversion Control Fund for diversion control activities and assumes funding is provided in accordance with the House and Senate reports. This statement of

managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

The conference agreement adopts the recommendation in the House report to significantly expand DEA's efforts to address drug trafficking throughout the Caribbean. The conference agreement includes \$34,217,000 and 60 new agents in accordance with the House report for this initiative. In addition, the conference agreement includes the following program increases: (1) \$29,741,000 to support counter-drug efforts along the Southwest border, in accordance with the House and Senate reports; (2) \$11,046,000 and 54 agents targeted at methamphetamine production and trafficking, in accordance with the House report; (3) \$10,000,000 and 120 positions for efforts to reduce heroin trafficking, in accordance with the Senate report; and (4) \$39,534,000 to address crucial investigative and intelligence infrastructure requirements, including \$19,425,000 for DEA's FIREBIRD data processing system and MERLIN intelligence system, \$4,670,000 for ADP maintenance and equipment, \$5,638,000 for 85 additional intelligence analysts, \$1,000,000 for DEA support for new High Intensity Drug Trafficking Areas, \$7,801,000 for relocation of agents, and \$1,000,000 for aircraft replacement. In addition, the conference agreement does not include a provision, included in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees also adopt recommendations in the Senate report regarding the drug diversion control fee account and the DEA training facility in Quantico, Virginia. In addition, the conferees request that DEA provide to the Committees on Appropriations, any information that it has available regarding the impact in the Caribbean on increases in drug trafficking resulting from a recent decision of the World Trade Organization to discontinue the special relationship of Caribbean countries to the European Union.

#### CONSTRUCTION

The conference agreement includes \$8,000,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA), instead of \$5,500,000 as proposed in the House bill and \$10,500,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes \$5,500,000 will be used for reconstruction of five of DEA's regional laboratory facilities and \$2,500,000 will be used to address the backlog of repair and maintenance of DEA-owned facilities, in accordance with the Senate report.

#### IMMIGRATION AND NATURALIZATION SERVICE

##### SALARIES AND EXPENSES

The conference agreement includes \$2,266,092,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of \$2,297,398,000 as proposed in the House bill and \$2,150,097,000 as proposed in the Senate bill, of which \$608,206,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$690,957,000 as proposed in the House bill and \$719,898,000 as proposed in the Senate bill. In addition to



amounts appropriated, the conference agreement assumes that \$1,461,183,000 will be available from offsetting fee collections, instead of \$1,215,191,000 as proposed by the House and \$1,198,659,000 as proposed by the Senate bill. Thus, including resources provided under construction, the conference agreement provides a total operating level of \$3,803,234,000 for INS, instead of \$3,583,548,000 as proposed by the House, \$3,422,315,000 as proposed by the Senate bill, and \$3,652,175,000 as requested by the Administration. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

*Border Control.*—The conference agreement includes: (1) \$125,322,000 for 1,000 new border patrol agents and 136 support personnel, instead of 500 new agents as requested by the Administration; (2) \$42,500,000 for border patrol equipment and technology including forward-looking infrared scopes, airborne electro-optical surveillance systems, night vision scopes, radios, sensors, low light television systems, and of which \$16,200,000 is provided for continued development and deployment of the ENFORCE and IDENT systems; and (3) \$11,500,000 for land border automation systems. The conferees are aware that new border technologies exist which are alleged to be useful in improving the overall effectiveness of border control efforts and encourage the INS to examine the feasibility and cost effectiveness of using various types of aircraft, airborne surveillance platforms (both manned and unmanned), electro-optical and infrared sensor systems and geographic positioning and mobile command and control systems, for border patrol operations.

The conference agreement adopts recommendations included in the House and Senate reports for continued reports on Border Patrol hiring, training and enforcement strategy, and a pilot project for reimbursement for emergency ambulance services in Nogales, Arizona.

*Interior Enforcement/Removal of Deportable Aliens.*—The conference agreement includes the following increases to enhance INS' ability to deport illegal aliens: (1) \$48,321,000 to provide 1,864 additional detention bedspaces at INS facilities in Buffalo, New York and Krome, Florida, a contract facility in San Diego, California and additional contracts with State and local agencies; (2) \$12,073,000 to locate and remove deportable aliens; (3) \$6,751,000 to expand the local jail program; and (4) \$5,000,000 to expand the Law Enforcement Support Center (LESC). Because direct appropriations have been provided for the LESL, the conference agreement assumes that \$3,800,000 of enforcement fines resources previously used to support the LESL will be used to support base border patrol technology requirements. However, within overall amounts available to INS, the conferees expect INS to expand LESL services to Utah.

The conference agreement also assumes that \$104,471,000 of additional funding from the Breached Bond/Detention Account will support 1,136 additional detention bedspaces in fiscal year 1998, bringing the total funded level of detention bedspaces to 15,050, an increase of 3,000 detention beds over fiscal year 1997.

The conference agreement also adopts the recommendation in the House report regarding the need for a revised interior enforcement strategy which the INS is expected to submit to the Committees on Appropriations of both the House and Senate by April 1, 1998. In addition, the conferees agree with language included in the House and Senate reports regarding continued support for the local jail programs in Anaheim City and Ventura County, California, and the California Criminal Alien Identification and Intervention Program, escort of deported criminal aliens on commercial passenger aircraft, and implementation of a cross-deputization pilot project with a qualified State and local law enforcement agency. The conferees also expect INS to use funding provided for verification systems in accordance with the House report and also support the use of \$3,948,000 of this funding to provide 69 positions for status verification.

In addition, the conferees agree to a modified plan, proposed by the State Department, for orphan adoptions in the Russian Far East. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The conferees commend INS for its cooperation in developing this plan.

*Deployment of Resources.*—The conferees expect the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents and additional staffing included in this conference agreement.

*Naturalization.*—The conference agreement provides over \$163,000,000 to address naturalization caseload and to improve the integrity of the naturalization process. Within the amounts provided from direct appropriations, the following increases are included: (1) \$16,830,000 for purchase and installation of fingerprint scanners; and (2) \$3,391,000 for revocation of citizenship for criminals improperly naturalized. The conferees agree with the recommendation in the House report that requires INS to report on a quarterly basis on the status of the revocation proceedings and any actions that follow for deportation.

In addition, the conference agreement includes two provisions to address the INS fingerprinting process for applicant benefits. A provision is included, as proposed in the House bill, which requires INS to wait for the FBI to complete both a name and fingerprint criminal history check before completing the adjudication of an application for citizenship. The conference agreement also includes language, similar to language included in both the House and Senate bills, that prohibits INS from accepting fingerprint cards for applicant benefits from any individual or entity other than a State and local law enforcement agency or the Departments of State and Defense which are authorized to perform fingerprinting services for applicants applying for immigration benefits who are residing abroad. The conferees understand that INS is fully prepared to accept this fingerprinting responsibility and has entered into a contract to provide personnel to conduct fingerprinting services at INS locations. It is further understood that the contractor performing

these services for the INS will lease space, hire contract personnel, and operate the INS fingerprint facilities but that INS personnel will be stationed at all times at each such facility to ensure quality control and to supervise the operation of the facility. In addition, the contractor will file with INS on a monthly basis a certification that all its employees performing any services related to or connected in any way with the preparation of FD-258 fingerprint cards have undergone government background checks and received FBI approved training.

The conferees also expect that State and local law enforcement agencies will be registered with the INS prior to providing fingerprint services to benefit applicants. To be considered registered with the INS, a law enforcement agency must (1) notify the INS of its intention to take fingerprints and (2) provide INS with a list of all employees that the law enforcement agency will use to take fingerprints.

The conference agreement also provides language that allows INS, the Departments of State and Defense and State and local law enforcement agencies to collect and retain a fee for fingerprinting services. Any fee established for this service by a Federal agency shall be established by regulation in order to reimburse agencies for expenses in providing fingerprint services, including administrative and support costs, and the collection, safeguarding and accounting for such fees. An interim regulation may be employed in the early stages of the program, to implement all aspects of the program, including setting of a fingerprint fee, while the normal studies to justify a fee regulation are being conducted.

*INS Organization and Management.*—The conference agreement provides \$3,086,000 for processing of Freedom of Information and Privacy Act (FOIA) requests in accordance with electronic FOIA requirements. In addition, the conferees adopt recommendations included in the House report with regard to review of recommendations of the Commission on Immigration Reform on restructuring, reorganizing and managing the immigration responsibilities of the INS. The conference agreement also includes a provision, as proposed in the House bill, which authorizes and directs the Attorney General to impose disciplinary actions, including termination of employment, under the same policies and procedures applicable to employees of the FBI, for any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department Leadership on any matter. Also included is a provision, similar to provisions proposed in both the House and Senate bills, that reduces by 10 percent, the level of staffing for the Offices of Legislative and Public Affairs. The conferees do not intend for this staffing reduction to be applied to the staffing dedicated to casework or to the legislative branch office that directly serves Congress. The conference agreement also adopts a provision, similar to one proposed in the House bill, that limits to four positions the number of INS non-career positions, but allows until July 1, 1998 before this provision goes into effect.

## OFFSETTING FEE COLLECTIONS

The conference agreement assumes that \$1,461,183,000 will be available from offsetting fee collections for INS, instead of \$1,215,191,000 as proposed by the House and \$1,198,659,000 as proposed by the Senate bill, to support activities related to the legal admission of persons into the United States. These activities are supported entirely by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following increases are recommended:

*Immigration Examinations Fees.*—The conference agreement assumes \$785,342,000 of spending from the Immigration Examinations Fee account, instead of \$667,477,000 as proposed by the House bill and \$646,916,000 as proposed by the Senate bill. The level provided in the conference agreement takes into consideration a reprogramming request submitted to the Committees on July 30, 1997 which included a request for \$150,229,000 in additional spending from the Exams Fee account to address fingerprinting requirements and naturalization caseload.

The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling \$854,100,000 which includes carryover from fiscal year 1997, revenue projected for fiscal year 1998 and assumes the availability of fees from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement does not include recommendations in both the House and Senate reports that would have transferred base funding from various programs funded under the Salaries and Expenses account to the Immigration Examinations Fee account. However, in order to provide the needed resources to address naturalization workload and restore integrity to the citizenship process, the conferees direct INS to examine and reallocate at least five percent of its base requirements in this account. The conference level for this account assumes this base realignment. The following program increases are assumed in the conference agreement: (1) \$5,273,000 for naturalization ceremonies; (2) \$67,000,000 for fingerprinting requirements, including personnel, space, and supplies; (3) \$38,287,000 to convert 400 temporary positions to term appointments to process naturalization and adjustment of status applications; (4) \$11,096,000 to improve records infrastructure; (5) \$10,913,000 for quality assurance staff to oversee processing of naturalization applications and to provide for continued audit of procedures; (6) \$33,169,000 to provide for uniform paper processing through implementation of the DIRECT MAIL system; (7) \$14,081,000 for overtime, district office and service center contract support, to address naturalization backlogs and processing times; (8) \$4,800,000 to support records contracts in district offices; (9) \$5,210,000 to modify the CLAIMS system to support naturalization case processing; (10) \$1,250,000 to enhance INS's Central Index System; (11) \$3,125,000 to purchase and install additional card production machines for the Border Crossing Card Replacement program, including one machine which is to be located in southeastern Kentucky; and (12) \$1,900,000 for expansion of the Texas Service Center to accommodate the transfer of files and Direct Mail processing of naturalization applications.

In addition, the conferees are aware that local INS offices continue to have significant backlogs in the processing of applications for benefits despite significant increases in staffing. The conferees request that INS conduct an analysis of its current allocation of resources among district offices to determine whether it is using an appropriate staffing model to address its application workload requirements and provide a report of its findings to the Committees on Appropriations of both the House and Senate no later than March 1, 1998.

*Inspections User Fees.*—The conference agreement assumes \$426,622,000 of spending from the Inspections User Fee account instead of \$419,296,000 as proposed in the House bill and \$398,896,000 as proposed in the Senate bill. The conference agreement does not assume transfers of base funding from various programs funded under the Salaries and Expenses account to the Inspections User Fee account, as proposed in the Senate bill. In addition, the conferees understand that \$10,000,000 of base funding for detention is no longer required in this account due to reduced detention costs resulting from expedited exclusion authority and is therefore available for other initiatives in this account. The conference agreement assumes this realignment of resources and includes the following increases: (1) \$10,395,000 for pay and inflation base adjustments; (2) \$10,500,000 to support the 1998 costs of reprogramming actions in fiscal year 1997; (3) \$17,699,000 and 277 positions to improve facilitation at air and sea ports of entry, including full-time manning by inspectors of the three in-transit lounges at Miami International Airport; (4) \$1,715,000 to staff three new air ports of entry, in accordance with the House and Senate reports; (5) \$12,930,000 to expand departure management automation initiatives, in accordance with the House report; (6) \$2,100,000 for expansion of the INS passenger accelerated service system to 10 new ports of entry; (7) \$2,600,000 for deployment of the ENFORCE and IDENT systems at air ports of entry; and (8) \$1,324,000 for automation initiatives at ports of entry.

*Land Border Inspection Fee Account.*—The conference agreement includes \$8,888,000 in spending from the Land Border Inspection Fund, as proposed in both the House and Senate bills, and assumes funding will support the following program increases: (1) \$3,000,000 for a secure electronic network for travelers rapid inspection (SENTRI) dedicated commuter lanes, including equipment and facilities modifications in Laredo and Hidalgo, Texas and Nogales, Arizona; and (2) \$700,000 for automated permit ports, including equipment and facilities modifications in Bridgewater and Limestone, Maine; Morses Line and Highgate Springs, Vermont; Mooers, New York, including an enrollment center; Sweetgrass, Montana; Nighthawk, Washington; and Skagway, Alaska.

*Breached Bonding/Detention Account.*—The conference agreement includes \$235,272,000 in spending from Breached Bond/Detention Fund, instead of \$104,471,000 as proposed in the House bill and \$138,900,000 as proposed in the Senate bill. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling \$277,701,000, which includes carryover funds from fiscal year 1997, revenue projected for FY 1998 and assumes the availability of funds from penalty fees

from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement assumes \$130,801,000 of expenses for alien detention costs provided under the salaries and expenses account will be supported by unobligated balances available in this account. Additional funding of \$104,471,000 included in the conference agreement is available to support 1,136 additional detention bedspaces. The conferees also adopt the recommendation included in the Senate report with regard to collection of data and reporting on the 245(i) program.

#### CONSTRUCTION

The conference agreement includes \$75,959,000 for construction for INS, instead of \$70,959,000 as proposed in the House bill and \$73,559,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with both the House and Senate reports.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

The conference agreement includes \$2,847,777,000 for the salaries and expenses of the Federal Prison System instead of \$2,853,777,000 as proposed in the House bill and \$2,939,035,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$26,135,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of \$6,135,000 as proposed in the Senate bill. The conference agreement also assumes that in addition to amounts appropriated, \$90,000,000 will be available from unobligated balances from the prior year, as proposed in the House bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions related to program increases. The conference agreement includes: (1) \$52,607,000 for adjustments to base and for activation of the following facilities: Beaumont, Texas minimum and high security facilities, Brooklyn, New York detention center, Forrest City, Arkansas low security facility, Yazoo City, Mississippi low security facility, Edgefield, South Carolina Federal Correctional Institution, Carswell, Texas low security facility, Morgantown, West Virginia expansion, Seattle, Washington detention facility, and Elkton, Ohio low and minimum security facilities; (2) \$1,447,000 to expand BOP's intelligence gathering capabilities; and (3) \$1,452,000 for requirements associated with the Electronic Freedom of Information Act.

#### BUILDINGS AND FACILITIES

The conference agreement includes \$255,133,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners as proposed by the House, instead of \$267,833,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with the House report and expects that within the amount appropriated, an immediate advance reimbursement of not to exceed \$2,300,000 shall be available for the renovation and construction of U.S. Mar-

shals Service prisoner-holding facilities. In addition, the conferees urge the Bureau of Prisons to consider expansion in future budget requests of the existing Forrest City, Arkansas correctional complex and expect that no additional real estate will be acquired to support this expansion. The conferees further urge BOP to consider the expansion in future budget requests of other existing correctional complexes in the Mississippi Delta and the completion of a high security prison in the Northeast region.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of \$3,266,000 for the Federal Prison Industries, instead of \$3,490,000 as proposed in the House bill and \$3,042,000 as proposed in the Senate bill, and assumes funding is provided in accordance with the House and Senate reports.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes \$173,600,000 for Justice Assistance, instead of \$162,500,000 as proposed in the House bill and \$183,165,000 as proposed in the Senate bill. The conference agreement provides the following:

National Institute of Justice .....	\$42,577,000
Defense/Law Enforcement Technology Transfer .....	(10,277,000)
Counterterrorism Technologies .....	12,000,000
National Sex Offender Registry .....	25,000,000
Grants to Firefighters and Emergency Service Personnel .....	5,000,000
State and Local Antiterrorism Training .....	2,000,000
Bureau of Justice Statistics .....	21,529,000
Missing Children .....	12,256,000
Regional Information Sharing System .....	20,000,000
National White Collar Crime Center .....	5,350,000
Management and Administration .....	27,888,000
Total .....	173,600,000

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of Justice Programs (OJP) in this conference report are to be spent.

*National Institute of Justice (NIJ).*—The conference agreement provides \$42,577,000 for the National Institute of Justice, as proposed in the House bill, instead of \$50,099,000 as proposed in the Senate bill. The amount provided includes an additional \$4,400,000, as proposed by both the House and the Senate for arrestee drug abuse monitoring, as well as a transfer of \$4,700,000 from the General Administration account for the Federal Drug Testing Program. Expansion funds for the Federal Drug Testing Program have not been provided, and OJP is expected to submit a report by June 1, 1998 which evaluates the current pilot drug testing program in terms of accomplishments and details plans for expansion of this program. In addition, \$7,000,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Act grants program. The conference agreement adopts the recommendation in the

House and Senate reports that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: \$500,000 for a study of the health care status of prison inmates; \$4,500,000 for Facial Recognition Technology; and technologies stated in the House report. In addition to the above amount, \$20,000,000 will be provided to NIJ in fiscal year 1998 from the Local Law Enforcement Block Grant for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. Within the amount provided, the conferees expect NIJ to provide increased amounts for computerized identification systems and to continue support of collaborative projects to enhance law enforcement technology training.

In addition, in accordance with the House report for General Legal Activities, the conferees expect OJP to look into the feasibility of collecting information on the prevalence of outstanding and unresolved claims made against police departments by private citizens, as well as the process by which those claims are disposed.

*Defense/Law Enforcement Technology Transfer.*—Within the total amount provided to NIJ, the conference agreement includes \$10,277,000 to assist NIJ in its efforts to adopt technologies for law enforcement purposes. Within this amount, \$5,000,000 is provided for continuation of the law enforcement technology center network, \$2,800,000 is provided to continue the technology commercialization initiative at the National Technology Transfer Center, and \$1,048,000 is provided to continue the Arson and Explosion Research Program at the University of Central Florida. In addition, to ensure adequate oversight, \$1,429,000 is included for management by NIJ personnel.

*Counterterrorism Technologies.*—The conference agreement provides \$12,000,000 for counterterrorism technology programs authorized under sections 820 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, instead of \$10,000,000 as proposed in the House bill and \$14,000,000 as proposed in the Senate bill. Within the amount provided, OJP is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding technologies recommended in the House report.

*National Sex Offender Registry.*—The conference agreement provides \$25,000,000 for the National Sex Offender Registry, as proposed in both the House and Senate bills.

*Grants to Firefighters and Emergency Service Personnel.*—The conference agreement provides \$5,000,000 for local firefighter and emergency service training grants as authorized under section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 as proposed in both the House and Senate bills.

*State and Local Antiterrorism Training.*—The conference agreement provides \$2,000,000 for State and local law enforcement training to address antiterrorism preparedness as proposed in the House bill, instead of \$4,000,000 as proposed in the Senate bill and assumes funding in accordance with the House report.



*Bureau of Justice Statistics.*—The conference agreement provides \$21,529,000 for the Bureau of Justice Statistics (BJS) for fiscal year 1998, as proposed in both the House and Senate bills.

*Missing Children.*—The conference agreement provides \$12,256,000 for the Missing Children Program, instead of \$8,656,000 as proposed in the House bill and \$13,156,000 as proposed in the Senate bill. The conference agreement provides a significant increase for Federal, State, and local law enforcement agencies, and the National Center for Missing and Exploited Children, to address the increasing need to combat crimes against children, particularly kidnapping and sexual exploitation. The conference agreement consolidates funding under one account for Missing Children programs as proposed in the House bill, instead of under various accounts as proposed in the Senate bill. Within the amounts provided the conferees have included:

(1) \$4,171,000 for the Missing Children program within the Office of Justice Programs, Justice Assistance, including \$2,400,000 for State and local law enforcement to form specialized cyber units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children;

(2) \$6,900,000 for the National Center for Missing and Exploited Children, of which \$1,900,000 is provided for Internet investigations as proposed in the Senate report. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice; and

(3) \$1,185,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

*Regional Information Sharing System (RISS).*—The conference agreement includes \$20,000,000 for the RISS program, instead of \$14,500,000 as proposed in the House bill and \$25,000,000 as proposed in the Senate bill. In addition, the conference agreement provides \$5,000,000 under the COPs Technology Program for a one-time enhancement to the RISS program to upgrade its communications infrastructure. The increase provided will facilitate the rapid exchange of information pertaining to criminals and criminal activity. The conferees are concerned that there may be duplication among the many intelligence systems being utilized by Federal, State and local law enforcement agencies. Within this amount, \$500,000 is provided for development of an inventory of Department of Justice funded automated law enforcement information systems, as proposed in the House report under General Administration. In accordance with the House report, the inventory should include the major 25 to 40 systems nationwide, should examine their interoperability and interconnectivity, and should result in a strategy that brings together these different systems to enable

them to communicate effectively and efficiently, while guarding against duplication or overlap.

*National White Collar Crime Center.*—The conference agreement includes \$5,350,000 for the National White Collar Crime Center as proposed in the House bill instead of \$3,850,000 as provided in the Senate bill and assumes funding in accordance with the House report.

*Management and Administration.*—The conference agreement provides \$27,888,000 for Management and Administration expenses of the Office of Justice Programs as proposed in the House bill, instead of \$30,145,000 as proposed in the Senate bill. In addition, reimbursable funding from VCRTF programs and Community Oriented Policing Services and a transfer from the Juvenile Justice account, will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct Appropriation .....	\$27,888,000	320
Transfer from Juvenile Justice programs .....	5,922,000	71
Reimbursement from VCRTF .....	39,448,000	346
Reimbursement from COPs .....	2,500,000	23
Total .....	75,758,000	760

Since 1995, funding for grant programs administered by the Office of Justice Programs will have grown by 213%, from \$1.1 billion to over \$3.4 billion. In order to ensure careful stewardship of these resources, and in accordance with the House report, the conferees expect the Assistant Attorney General for the Office of Justice Programs (OJP) to submit a report which outlines the steps OJP has taken and which recommends additional actions that will ensure coordination and reduce the possibility of duplication and overlap among the various OJP divisions.

*Ounce of Prevention Council.*—The conference agreement includes language for costs associated with the termination of the Ounce of Prevention Council, which the conferees understand will soon cease operation. The conferees expect OJP to assume responsibility for any remaining activities of this Council.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes \$2,891,400,000 for State and Local Law Enforcement Assistance, instead of \$2,975,150,000 as proposed in the House bill and \$2,606,150,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$2,382,400,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$2,437,150,000 as proposed in the House bill and \$2,154,650,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:	
Byrne Discretionary Grants .....	\$46,500,000

Byrne Formula Grants .....	462,500,000
<b>Total Direct Appropriations .....</b>	<b>509,000,000</b>
<b>Violent Crime Reduction Trust Fund:</b>	
Byrne Formula Grants .....	42,500,000
Local Law Enforcement Block Grant .....	523,000,000
Boys and Girls Clubs .....	(20,000,000)
Juvenile Accountability Incentive Block Grant .....	250,000,000
Drug Courts .....	30,000,000
Upgrade Criminal History Records (Brady Bill) .....	45,000,000
State Prison Grants .....	720,500,000
Cooperative Agreement Program .....	(25,000,000)
Indian Country .....	(5,000,000)
Alien Incarceration .....	(165,000,000)
State Criminal Alien Assistance Program .....	420,000,000
Violence Against Women Act Programs .....	270,750,000
Substance Abuse Treatment for State Prisoners .....	63,000,000
DNA Identification State Grants .....	12,500,000
Law Enforcement Family Support Programs .....	1,000,000
Senior Citizens Against Marketing Scams .....	2,500,000
Motor Vehicle Theft Prevention .....	750,000
Safe Return Program .....	900,000
<b>Total, Violent Crime Reduction Trust Fund .....</b>	<b>2,382,400,000</b>

*Edward Byrne Grants to States.*—The conference agreement provides \$551,500,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$46,500,000 is for discretionary grants and \$505,000,000 is provided for formula grants under this program.

*Byrne Discretionary Grants.*—The conference agreement provides \$46,500,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, as proposed in the House bill, instead of \$75,000,000 as proposed in the Senate bill. The recommendation assumes direct funding for the Weed and Seed program as proposed in the House bill, instead of continuing this program as an earmark from Byrne discretionary grants, as proposed in the Senate bill. Within the amount provided, the conferees expect the Bureau of Justice Assistance (BJA) to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

\$4,000,000 for the National Crime Prevention Council;

\$1,750,000 to continue and expand the Drug Abuse Resistance Education (DARE America) program. In accordance with both the House and Senate reports, the conferees expect OJP to work with DARE America officials to create new and more effective course criteria aimed at reducing the use of drugs by children;

\$2,000,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force and for development of a regional gang tracking system;

\$775,000 for Project Return and consideration of additional funds for evaluation of this correctional options program;

\$1,000,000 for continued funding for the National Judicial College;

\$1,000,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides

support to State and local criminal justice agencies to improve their use of computers and information technology;

\$2,800,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement Act;

\$500,000 for continuation of the Santee-Lynches Regional Council of Governments Local Law Enforcement Program;

\$500,000 for the Alaska Native Justice Center;

\$1,000,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

\$2,000,000 to allow the Law Enforcement Coordinating Council for the 2002 Olympics to develop and support a public safety master plan for the games. The conferees direct the Office of Justice Programs to ensure that the Law Enforcement Coordinating Council consults with participating local, state, and federal law enforcement agencies to ensure the public safety master plan is coordinated among the many participating agencies that have personnel and resources to contribute to this plan;

\$2,097,000 for 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; and

\$5,000,000 for a demonstration and evaluation of the Expanded Community Supervision program which combines community-based intermediate sanctions with alcohol and other drug abuse treatment, as an alternative to the traditional incarceration of non-violent felons.

Within the available resources for Byrne discretionary grants, the conferees also urge BJA to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: demonstration and evaluation of the programs of Haymarket House; Chicago's Family Violence Intervention Program; the Female Violent Offender Program; the National Night Out Program; and the community security program of the Local Initiatives Support Corporation.

*Byrne Formula Grants.*—The conference agreement provides \$505,000,000 for the Byrne Formula Grant program, as proposed in both the House and Senate bills, of which \$42,500,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) instead of \$13,500,000 as proposed in the House bill and \$128,500,000 as proposed in the Senate bill. The conference agreement includes language, as proposed in the House bill, which makes drug testing programs an allowable use of grants provided to States under this program.

#### VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

*Local Law Enforcement Block Grant.*—The conference agreement includes \$523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of \$503,000,000 as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their commu-

nities with their own solutions. Within the amount provided, the conference agreement includes language providing \$20,000,000 of these funds to the Boys and Girls Clubs of America. The conferees direct the Office of Justice Programs to work with the Boys and Girls Clubs of America and the Boys and Girls Clubs of Greater Washington to develop a proposal for establishment of a Flagship Boys and Girls Club to be located in Washington, DC and to submit a report to the Committees on Appropriations of the House and the Senate by April 1, 1998. In addition, the conference agreement includes language as proposed in the House bill that defines the Commonwealth of Puerto Rico as a unit of local government and includes language similar to that proposed in the Senate bill, which designates parish sheriffs as the recipient of block grant funds in Louisiana. The conferees are aware of the unique law enforcement system that exists in the State of Louisiana whereby the constitution of the State of Louisiana establishes independent and wholly autonomous parish sheriffs and names the sheriff as the chief law enforcement officer of the constitutionally established law enforcement districts. The conferees direct the Department of Justice to ensure that parish sheriffs establish an advisory board pursuant to section 103 of H.R. 728 and shall consider recommendations made by this board to be binding.

*Juvenile Accountability Incentive Block Grant.*—The conference agreement provides \$250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime by encouraging accountability-based reforms at the State and local level, instead of \$300,000,000 as proposed in the House bill and \$145,000,000 as proposed in the Senate bill. Under this program, funds are to be made available to States, based on each State's comparative juvenile population, and units of local governments are to receive 75% of the amount provided to the States based on a combination of law enforcement expenditures and Uniform Crime Report part 1 violent crimes. To be eligible to receive funds under this program, States must have certified to the Attorney General that they are actively considering, or will consider within the next year, through laws, policies or programs, accountability-based reforms—including graduated sanctions, adult prosecution of violent juveniles, and juvenile record reforms—in accordance with H.R. 3. Funds are available for the following purposes:

- (1) building, expanding or operating juvenile detention and corrections facilities;
- (2) developing and administering accountability-based sanctions for juvenile offenders;
- (3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;
- (4) hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and backlogs can be reduced;
- (5) providing funding to enable prosecutors to address drug, gang, and youth violence more effectively;

(6) providing funding for technology, equipment and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

(7) providing funding to enable juvenile courts and probation offices to be more effective and efficient in holding juvenile offenders accountable;

(8) establishing court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

(9) establishing drug court programs for juvenile offenders;

(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to identify, control, supervise and treat serious juvenile offenders; and

(11) establishing and maintaining accountability-based programs that work with the juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

The conference agreement provides a presumption that not less than 45% of any grant provided to a state or unit of local government is available for the purposes set forth in paragraphs (3) through (9) above and not less than 35% is available for the purposes set forth in paragraphs (1), (2), and (10) above. The conference agreement includes language limiting the federal share of construction costs of permanent juvenile corrections facilities to no more than 50% of the total cost. The conferees are concerned that little data exists on the capacity of juvenile detention and corrections facilities to handle both existing and future needs and direct the Office of Justice Programs to conduct a national assessment of the supply of and demand for juvenile detention space, with particular emphasis on capacity requirements in New Hampshire, Mississippi, Alaska, Wisconsin, California, Montana, West Virginia, Kentucky, Louisiana, and South Carolina, and to provide a report to the Committees on Appropriations of the House and the Senate by July 15, 1998. The conference agreement provides that to receive funds under this block grant, States must have in place a coordinated plan for reducing juvenile crime, developed by a coalition of law enforcement and social service agencies involved in juvenile crime prevention, and have implemented, or will implement by January 1, 1999, a policy of testing appropriate categories of juveniles for use of controlled substances. The conferees agree that the coalitions should have broad discretion to utilize funds for a variety of purposes, consistent with items referenced above, targeted at reducing juvenile crime at the local level. The conference agreement also provides that States should consider making available to the FBI records of delinquency adjudication which are treated in a manner equivalent to adult records as part of their consideration of juvenile records reforms.

The conferees expect the Justice Department to establish guidelines in consultation with the Committees on Appropriations and the Judiciary of both the House and Senate that set forth the various circumstances by which States may qualify for funding

under this program. Such guidelines should identify what generally constitutes active consideration of the reform requirements in H.R. 3 in order to direct State governors for purposes of the certification process described above. The guidelines should also include accommodations, which provide for a reduction in the local distribution requirement of section 1803 of H.R. 3, with respect to any State which bears the primary financial burden within the State for the administration of juvenile justice and which provide for local distribution consistent with H.R. 728 for the State of Louisiana. The conferees expect that the Justice Department, in developing the guidelines, will take into consideration the fact that many States are currently in the process of reforming their juvenile justice systems.

*Drug Courts.*—The conference agreement includes \$30,000,000 for drug courts as proposed in the House bill instead of \$40,000,000 as proposed in the Senate bill. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and the Juvenile Accountability Incentive Block Grant.

*Upgrade Criminal History Records (Brady Bill).*—The conference agreement provides \$45,000,000, as proposed in both the House and Senate bills, for States to upgrade criminal history records as required under the Brady Bill.

*State Prison Grants.*—The conference agreement provides \$720,500,000 for State Prison Grants, instead of \$722,500,000 as proposed in the House bill and \$740,500,000 as proposed in the Senate bill. Of the amount provided, \$525,500,000 is available to states to build and expand prisons, \$165,000,000 is available to States for the incarceration of criminal aliens and \$25,000,000 is for the Cooperative Agreement Program. The conference agreement also adopts language in the Senate bill which provides \$5,000,000 for construction of jails on Indian reservations and directs the Office of Justice Programs, within the amount provided to examine a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions for funding to support the design phase of a tribal detention facility in Philadelphia, Mississippi. The conference agreement does not include language proposed in the House bill that allows California to use funds provided under the State Prison Grant program to support the cost of incarcerating criminal aliens. The conference agreement also does not include language proposed in the Senate bill to permit prison construction funds to be used to construct juvenile detention facilities, because construction of juvenile facilities is an allowable use of funds under the Juvenile Accountability Incentive Block Grant program.

The conferees continue to be concerned that there is no consistent annual reporting of the incidence and circumstances of deaths that occur at municipal or county jails, State or Federal prisons, or other similar facilities for the confinement of accused or convicted criminals. The conferees direct OJP to provide a report to the Committees on Appropriations of the House and the Senate by February 15, 1998 on the feasibility of creating a single source for annual statistics on in-custody deaths.

*State Criminal Alien Assistance Program.*—The conference agreement provides a total of \$585,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, instead of \$600,000,000 as proposed in the House bill and \$500,000,000 as proposed in the Senate bill. Of the total amount, the conference agreement includes \$420,000,000 under this account for the State Criminal Alien Assistance Program as proposed in the House bill, and \$165,000,000 for this purpose under the State Prison Grants program.

*Violence Against Women Act Programs.*—The conference agreement includes \$270,750,000 for grants to support the Violence Against Women Act instead of \$305,500,000 as proposed in the House bill and \$263,750,000 as proposed in the Senate bill. Grants provided under this account are for the following programs:

General Grants .....	\$172,000,000
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates .....	7,000,000
Training for Judicial Personnel .....	2,000,000
Grants for Televised Testimony .....	1,000,000
Grants to Encourage Arrest Policies .....	59,000,000
Rural Domestic Violence .....	25,000,000
National Stalker and Domestic Violence .....	2,750,000
Training Programs .....	2,000,000
Total .....	270,750,000

Within the amount provided for General Grants, the conference agreement includes an additional \$12,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, \$7,000,000 for research and evaluation of domestic violence programs, and \$853,000 to support an enhanced domestic prosecution unit within the District of Columbia. Within the amounts provided, the Office of Justice Programs is expected to examine a proposal for operating expenses of a public-private partnership demonstration project in Las Vegas, Nevada, for a home for victims of domestic abuse, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate.

*Substance Abuse Treatment for State Prisoners.*—The conference agreement includes \$63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House bill, instead of \$61,200,000 as proposed in the Senate bill.

*DNA Identification State Grants.*—The conference agreement includes \$12,500,000 for DNA Identification State Grants, instead of \$10,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate. Within the amount made available under this program, the conferees expect the Office of Justice Programs and the FBI to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a \$2,000,000 grant to the Marshall University Forensic Science Program.

*Law Enforcement Family Support Programs.*—The conference agreement includes \$1,000,000 for law enforcement family support programs, as proposed by both the House and the Senate.

*Senior Citizens Against Marketing Scams.*—The conference agreement includes \$2,500,000 for programs to assist law enforce-



ment in preventing and stopping marketing scams against senior citizens, instead of \$2,000,000 as proposed in both the House and Senate bills.

*Motor Vehicle Theft Prevention.*—The conference agreement includes \$750,000 for grants to combat motor vehicle theft, as proposed in both the House and Senate bills.

*Safe Return Program.*—The conference agreement includes \$900,000 for the Missing Alzheimer's Patient Program, as proposed in both the House and Senate bills.

#### WEED AND SEED PROGRAM FUND

The conference agreement includes a direct appropriation of \$33,500,000 for the Weed and Seed program, instead of \$40,000,000 as proposed in the House bill and \$33,500,000 as proposed by the Senate bill as part of the discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The conference agreement adopts the recommendation in the House and Senate bills that provides that within the overall amount provided to Weed and Seed, the Office of Justice Programs (OJP) is expected to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a grant of \$190,000 to Gospel Rescue Ministries of Washington, D.C. to complete renovation of the former Fulton Hotel to a center for drug-addicted women. The conference agreement does not include the provision as proposed in the House bill directing OJP to obligate all funds for this program by July 1, 1998.

#### COMMUNITY ORIENTED POLICING SERVICES

##### VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes \$1,430,000,000 for the Community Oriented Policing Services (COPs) program, instead of \$1,420,000,000 as proposed by the House and \$1,440,000,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

*Police Corps.*—Within the total amount provided, the conference agreement provides \$30,000,000 for the Police Corps program, instead of \$20,000,000 as proposed by the House bill and \$40,000,000 as proposed by the Senate bill. The conferees expect the COPs Office to examine a proposal, make a grant if warranted, and provide a report to the Committees on Appropriations of the House and the Senate regarding a \$2,000,000 continuation grant for advanced police education training in the State of Mississippi.

*Management and Administration.*—The conference agreement also includes a provision that provides that not to exceed 186 positions, 186 workyears, and \$20,553,000 shall be expended for management and administration of the COPs program, as proposed in the House bill, instead of 270 positions, 228 workyears, and \$24,669,000, as proposed in the Senate bill. The conferees will entertain a request for reprogramming or transfer of funds, pursuant to section 605 of this Act, to increase this amount.

*Police Hiring Initiatives.*—The conferees have provided funding over the last four years to support grants for the hiring of 64,395 police officers. The conference agreement for fiscal year 1998 provides funding for an additional 17,000 officer grants, which will bring the total number of new police officer grants under this program to 81,395. The conferees expect that resources provided will be used for hiring grants under both the Universal Hiring Program and the COPs Making Officer Redeployment Effective (MORE) program in order to accomplish this goal. In addition, the conference agreement adopts the provision in the Senate bill allowing up to 20% of COPs funds to be used for the COPs MORE program.

*Non-Hiring Initiatives.*—The conferees are aware that the COPs program has carried forward \$359,000,000 into fiscal year 1998 after completion of its hiring grant process for 1997. During the past two years, funding was restricted to hiring initiatives in order to progress toward the most important goal of the program, putting 100,000 cops on the street. With significant progress toward that goal, the conferees are concerned that communities, particularly communities with populations below 50,000 and with limited public safety resources, may need assistance to sustain progress in reducing crime and to translate the short-term Federal investment into a long-term local capacity to fight crime. The conferees also want to ensure that there is adequate infrastructure for the new police officers, similar to the focus that has been provided for Federal law enforcement over the past few years, so that police officers may work more efficiently, equipped with the tools and technology they need, and with the flexibility to design specific strategies to target specific crime problems, such as crime in and around schools, the emergence of methamphetamine in new areas, and the challenge of policing “hot spots” of drug market activity. The conferees believe that \$103,000,000 of unused funds from fiscal year 1997 should be used to address these critical law enforcement requirements and direct the COPs program to establish the following non-hiring grant programs:

1. *COPs Technology Program.*—The conference agreement directs \$38,000,000 of unobligated balances to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, the conferees recognize the importance of sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conferees expect the COPs office to award grants for the following technology proposals:

\$7,500,000 for the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of this technology network between all State and local law enforcement agencies in the four southwest border states—California, Arizona, New Mexico, and Texas—to provide information sharing of drug trafficking along the U.S.-Mexico border, by linking criminal and intelligence databases of these states, the El Paso Intelligence Center, and certain components of the Regional Information Sharing System;

\$7,500,000 for the Law Enforcement On-Line system, to add 15,000 State and local users to a secure national interactive computer communications network currently being developed with the FBI;

\$5,000,000 to expand the Regional Information Sharing System (RISS) by providing access to law enforcement member agencies to the RISS Secure Intranet to increase their ability to share and retrieve criminal intelligence information on a real-time basis;

\$3,000,000 for the Jefferson Parish, Louisiana Sheriffs Department for software development and network capability to enhance radio communications and to develop a model for interconnectivity and interoperability;

\$10,000,000 for the North Carolina Criminal Justice Information System, to meet North Carolina's public safety needs;

\$800,000 for the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications and the state forensic laboratory;

\$100,000 for establishment of a 911 emergency system in Roberts County, South Dakota;

\$2,000,000 for the rural states management information system demonstration project in Alaska;

\$1,000,000 for the development and deployment of a multi-agency, multi-jurisdictional communications system in the Northeast to support routine and emergency information sharing among local, state, and federal law enforcement agencies;

\$500,000 for the Mt. Pleasant, South Carolina Police Department for computer enhancements and policing equipment upgrades; and

\$500,000 for the Charleston, South Carolina Police Department for computer enhancements and policing equipment upgrades.

In addition, the conferees support the development of new technologies which enhance the ability of State and local law enforcement to respond to 911 calls. Recent developments with the use of the 311 non-emergency number has shown promising results and the conferees support the use of these funds for this purpose. In addition, the conferees are aware of the potential law enforcement communications and technology needs arising from the 2002 Winter Olympics and direct that within the overall amounts provided for the COPs program, the COPs office should examine a proposal for a grant to the appropriate unit or units of government in Utah for enhancements and upgrades of security and communications infrastructure.

2. *Police Recruitment Program.*—The conferees direct \$1,000,000 of unobligated balances in the COPs program to be used for police recruitment programs authorized under subtitle H of Title III of the Violent Crime Control and Law Enforcement Act of 1994, as proposed by the House bill. Within the amount provided, the COPs Office is expected to review a proposal, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate regarding a \$500,000 grant for

the police recruitment program of St. Paul's Community Baptist Church in East New York, New York.

3. *Community Policing to Combat Domestic Violence Program.*—The conferees direct \$12,500,000 of unobligated balances in the COPs program to be used for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Within the amount provided, the conferees expect the COPs office to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate regarding a \$2,500,000 continuation grant for the State of Washington Community Policing to Combat Domestic Violence program.

4. *COPs Methamphetamine Program.*—The conferees direct \$34,000,000 of unobligated balances in the COPs program to be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The conferees are aware that the production, trafficking, and usage of methamphetamine, an extremely destructive and addictive synthetic drug, is a growing national problem, particularly in California, the Southwest, and the Midwest. Within the amount provided for this program, the conferees expect the COPs office to award grants for the following programs:

\$18,200,000 to the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

\$1,200,000 for the Tri-State Methamphetamine Training program to train officers from rural areas on methamphetamine interdiction, covert operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

\$3,000,000 for Midwest and \$1,500,000 for East Coast Methamphetamine Initiatives to provide training by Drug Enforcement Administration officials to State and local law enforcement on the proper collection, removal, and destruction of methamphetamine, precursor chemicals, laboratory equipment, and related materials using certified hazardous waste management methods; and

\$5,000,000 for support by the Drug Enforcement Administration to State and local law enforcement for the clean-up and disposal of clandestine methamphetamine laboratories.

5. *COPs Innovative Policing Initiatives.*—The conferees direct \$17,500,000 of unobligated balances in the COPs program to be used to provide grants to police agencies and community-based entities to provide innovative solutions to local crime problems, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary schools, and enhance policing initiatives in "hot spots" of drug market activity.

*COPs Small Community Grant Program.*—The conferees have recently received a reprogramming request from the Department of Justice that proposes a number of changes in the COPs program which have long-term policy and cost implications. The House and Senate Committees on Appropriations have requested additional financial and program data to evaluate these proposals. However, in addition to the use of unobligated balances for innovative programs mentioned above, the conferees agree that at this time they are in support of an innovative program that addresses COPs retention issues in smaller communities with populations below 50,000. It is in these small communities, especially in rural areas, that the community policing program has had a strong positive impact. In some of these smaller communities, COPs grants may have only provided an increase of one or two new police officers, but this increase may have translated into a 25 to 50 percent increase in the overall police force. Many of these communities have a limited tax base and have expressed concern with their ability to retain officers in fiscal year 1998, thus putting in jeopardy not only the goal of achieving an additional 100,000 cops on the beat, but the overall public safety of these communities. Therefore, the conferees support the use of an additional \$100,000,000 of unobligated balances for one-time grants targeted specifically for retention of police officers to support special public safety and crime prevention projects in jurisdictions serving populations below 50,000. Grantees must be in good standing and must demonstrate the ability to retain the officer after the grant expires. In awarding these grants, the COPs Office should take into consideration: (1) the specific public safety concern(s) that would be addressed by activities performed by the police officer(s); (2) the extent to which the community can demonstrate that a severe hardship to maintaining public safety would be created if the police officer(s) could not be retained; (3) a demonstration that financial hardship and/or a severe budget constraint that impacts the entire local budget, will result in the termination of employment for the police officer(s); (4) a commitment from the local community to support ongoing costs of the project at the end of the grant period; and (5) the extent to which the existing community policing grant has had a measurable impact on the community, either in terms of crime reduction or the development of new crime prevention programs or approaches.

#### JUVENILE JUSTICE PROGRAMS

The conference agreement includes \$238,672,000, a 36 percent increase over the current fiscal year level, for Juvenile Justice programs, as proposed in the House bill, instead of \$235,422,000 as proposed in the Senate bill. The conferees understand that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conferees provide funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

*Juvenile Justice and Delinquency Prevention.*—Of the total amount provided, \$231,672,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. \$5,922,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. \$96,500,000 for Formula Grants for assistance to State and local programs (Part B). A provision is included that makes \$26,500,000 of the amount available for formula grants available to States that have adopted (or will have in effect not 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.

3. \$45,250,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, the conferees direct OJJDP to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

\$2,300,000 to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

\$1,000,000 for the Teens, Crime and the Community program;

\$2,000,000 for Parents Anonymous, which develops partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

\$1,750,000 for the Juvenile Offender Transition Program, a public/private partnership to reduce the rate of recidivism among juvenile offenders by partnering certain offenders with a local college or university student in a mentoring-protege program;

\$1,300,000 for the Suffolk University Center for Juvenile Justice, dedicated to representing children in criminal cases in juvenile court and children and parents in civil matters as well as gang related and abuse cases;

\$1,350,000 for establishment of a center for crimes and violence against children based on the reality that children are disproportionate victims of crime and violence;

\$300,000 for the Metro Denver Gang Coalition to allow service providers and community members to share information, support program efforts, and create positive changes in youth, families, and communities; and

\$100,000 for the Crow Creek Alcohol and Drug Program.

In addition, the conferees direct OJJDP to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: continued support for the Hamilton Fish National Institute for School/Community Violence; a grant to the Low Country Children's Center; a grant to the Coalition for Juvenile Justice; a grant to Project O.A.S.I.S; a grant to Kids Peace National Center for Kids; continued support at current levels for law-related education; a grant to the Consortium on Children,

Families, and Law; a grant to the Vermont Department of Social and Rehabilitative Services; a grant to the Grassroots Drug Prevention program; a grant to the Dona Ana Camp; a grant to the Center for Prevention of Juvenile Crime and Delinquency at Prairie View University; a grant to the New Mexico Prevention Project; a grant to the No Hope in Dope Program; a grant to study the link between child abuse and criminal behavior in Alaska; a grant to the Gainesville Juvenile Assessment Center; a grant to the Lincoln Council on Alcohol and Drugs; a grant to the Hill Renaissance Partnership; a grant to the National Training and Information Center; a grant to the Culinary Arts Training Program for at-risk youth; a grant to the Women of Vision program for youthful female offenders; continued funding for the Violence Institute of New Jersey; and a grant to the Delancy Street Foundation.

The conferees are also concerned about the availability to children of pornographic images via the Internet, and direct the OJJDP to confer with the National Academy of Sciences, and provide a grant if warranted, on the most effective techniques and technologies to block children from receiving these images.

4. \$12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. \$10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. \$12,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. Within the amount provided the conferees expect the OJJDP to provide no less than \$1,000,000 for Big Brothers Big Sisters programs. In addition, within the amount provided, the conferees expect OJJDP to review a proposal for \$2,000,000 for technical assistance and training to JUMP grantees, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions.

7. \$20,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth.

*Drug Prevention Program.*—The conferees recognize that while crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes \$5,000,000, as proposed in the House bill, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive. The conferees expect OJJDP to submit a program plan for activities to be funded under this initiative by February 1, 1998, including goals to measure program success and expect that this initiative will be

consistent with existing research findings on effective prevention methods against teenage drug abuse.

*Combatting Underage Drinking.*—The conferees recognize that the purchase and consumption of alcoholic beverages by minors is a prevalent problem and that there is a causal relationship between underage drinking and both violent and non-violent crime. The conference agreement includes \$25,000,000 for grants of \$360,000 to each State, \$5,000,000 for discretionary grants, and \$1,640,000 for training and technical assistance to enforce State laws prohibiting the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking.

*Victims of Child Abuse Act.*—The conference agreement includes \$7,000,000 to improve investigations and prosecutions and for the various programs authorized under the Victims of Child Abuse Act (VOCA, Subtitle A), as proposed in the House bill. The following programs are included in the agreement:

\$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA, including \$300,000 for the Southern Regional Child Advocacy Center;

\$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

\$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

\$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

#### PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes the requested language for death benefits under the Public Safety Officers Benefits program for fiscal year 1998, which will fully fund anticipated payments.

In addition, the conference agreement includes \$2,000,000 for the Federal Law Enforcement Assistance Program for fiscal year 1998, as proposed in both the House and Senate bills.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101 as proposed by both the House and Senate bills, which makes up to \$45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102 as proposed by both the House and Senate bills, which continues cer-



tain authorities for the Justice Department in fiscal year 1998 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Sec. 103.—The conference agreement includes section 103 as proposed by both the House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104 as proposed by both the House and Senate bills, which prohibits use of the funds to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105 as proposed by both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conference agreement includes section 106 as proposed by both the House and Senate bills, which allows the Department of Justice to spend up to \$10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed \$2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107 as proposed by both the House and Senate bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Sec. 108.—The conference agreement includes section 108 as proposed in the House bill and similar to language included in the Senate bill, that allows balances remaining in the Assets Forfeiture Fund after September 30, 1997 to be available to the Attorney General for any authorized purpose of the Department of Justice.

Sec. 109.—The conference agreement includes section 109, similar to language proposed in the House bill and language included in the Senate bill under section 114, which authorizes the use of unexpended Crime Victims Fund dollars previously available to the Administrative Office of the U.S. Courts for the National Fine Center, to be used to improve services for crime victims in the Federal criminal justice system.

The conferees understand that this provision will allow \$21,000,000 in unexpended Crime Victims Fund monies to be available to the Director of the Office for Victims of Crime. The conferees direct this funding to be used for the following initiatives: (1) \$12,000,000 to support 93 victim witness coordinators and advocates to be assigned to various U.S. Attorneys Offices, including victim support for D.C. Superior Court, for fiscal years 1998 and 1999; (2) \$8,000,000 for the establishment of an automated victim information and notification system for Federal cases; and (3) \$1,000,000 for restitution collection and enforcement and the processing and tracking of Federal criminal monetary penalties and related litigation activities.

Sec. 110.—The conference agreement includes section 110 as proposed in the Senate bill which merges the INS detention account and the INS Breached Bond/Detention Fund. The House bill did not contain a provision on this matter.

Sec. 111.—The conference agreement includes a new provision under section 111, not proposed in the House or Senate bills, that provides for continuation of Section 245(i) of the Immigration and Nationality Act (INA) for any alien (including the spouse or child of the principal alien) who has been approved for or has filed a petition for permanent immigration, or has filed for labor certification with the Department of Labor, as of January 14, 1998. In addition, the provision also includes an exception for persons obtaining an employment-based visa which allows the person to adjust to permanent resident status under section 245(a) of the INA if the person lapsed into illegal status for less than six months. The Senate bill included a permanent extension of section 245(i) of the INA. The House bill did not contain a provision on this matter.

Sec. 112.—The conference agreement includes section 112, similar to language included in the Senate bill, that extends the filing period for certain naturalization opportunities for Philippine army, scouts, and guerrilla veterans of World War II. The House bill did not contain a provision on this matter.

Sec. 113.—The conference agreement includes section 113, similar to language included in the Senate bill, that amends the Immigration and Nationality Act to address several problems encountered in the implementation of the special immigrant juvenile provision. The language has been modified in order to limit the beneficiaries of this provision to those juveniles for whom it was created, namely abandoned, neglected, or abused children, by requiring the Attorney General to determine that neither the dependency order nor the administrative or judicial determination of the alien's best interest was sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect. The conferees intend that the involvement of the Attorney General is for the purposes of determining special immigrant juvenile status and not for making determinations of dependency status. In addition, in order to preclude State juvenile courts from issuing dependency orders for juveniles in actual or constructive custody of the INS, the modified provision removes jurisdiction from juvenile courts to consider the custody status or placement of such aliens unless the Attorney General specifically consents to such jurisdiction. The House bill did not contain a provision on this matter.

Sec. 114.—The conference agreement includes section 114, as proposed in the Senate bill under section 115, that implements a ruling of the U.S. Court of Federal Claims. The House bill did not include a provision on this matter.

Sec. 115.—The conference agreement includes a new provision, similar to language included in the Senate bill under section 116 and similar to H.R. 1683 as passed by the House of Representatives on September 23, 1997, that recommends amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvement Act, to give States greater flexibility in creating and implementing individual sex offender registration programs. The House bill did not include a provision on this matter.

Sec. 116.—The conference agreement includes section 116, as proposed in the Senate bill under section 117, that extends and expands the entrepreneurial visa pilot program under the Immigration and Nationality Act. The House bill did not include a provision on this matter.

Sec. 117.—The conference agreement includes section 117, similar to language proposed in the Senate bill, that provides for enhanced security at a government-leased facility housing Federal employees in Albuquerque, New Mexico. The conferees expect the Attorney General, through contracts with the U.S. Attorneys and the U.S. Marshals, to provide for security upgrades for the period of time that Department of Justice employees are occupants of this building. After that time, the General Services Administration is directed to provide this enhanced security for the remaining Federal tenants located in this building. The House bill did not include a provision on this matter.

Sec. 118.—The conference agreement includes section 118, as proposed in the Senate bill, that authorizes the transfer to State and local governments certain surplus property for use for law enforcement or fire and rescue purposes. The House bill did not include a provision on this matter.

Sec. 119.—The conference agreement includes section 119, as proposed in the Senate bill under section 126, that amends the current Community Oriented Policing Services (COPs) statute to allow up to 20 percent of funds provided in each fiscal year to be available for the COPs MORE program. The House bill did not include a provision on this matter.

Sec. 120.—The conference agreement includes section 120, as proposed in the Senate bill under section 128, that amends the Antiterrorism and Effective Death Penalty Act of 1996 to delay until October 1, 1999 the effective date of changes made by Section 233 of the Act dealing with the compensation of victims of terrorism. The House bill did not contain a provision on this matter.

Sec. 121.—The conference agreement includes section 121, as proposed in the Senate bill under section 129, that requires the Attorney General to submit a report within 180 days after the enactment of this Act, which includes a plan for the implementation of a requirement that prior to the release of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor, or for 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. The House bill did not contain a provision on this matter.

Sec. 122.—The conference agreement includes section 122, that allows the Director of the FBI, with approval of the Attorney General, to design and implement over a three-year period, a new system of pay, classification, and personnel management for up to 3,000 non-Special Agent scientific, technical, engineering, intelligence and medical positions. This provision replaces language included in the Senate bill that would have exempted all non-Senior Executive Service FBI employees from the provisions of Title 5, United States Code. The House bill did not include a provision on this matter.

The conferees agree that the scope of this new provision is more limited and focused on selected categories of non-Special Agent positions that are considered by the conferees to be especially critical to the current and future success of the FBI's counterterrorism and technology crimes initiatives. During House and Senate Appropriations hearings on counterterrorism, the FBI expressed the difficulty it is experiencing in recruiting experienced professionals for certain highly-competitive specialty positions, a situation that, if not corrected, could negatively impact the Bureau's ability to investigate terrorists and organized criminal groups that often use technology to commit crimes or impede law enforcement efforts. In addition, the conferees note that the Department of Justice Inspector General identified serious weaknesses in the management and operations of the FBI laboratory and as a result of the findings in this report, the Director of the FBI concluded that Title 5, United States Code, impeded his ability to recruit and retain scientific and technical personnel to improve the laboratory's operations. This provision will enable the Director to address these concerns.

The conferees agree that positions encompassed by this authority, include professional positions currently classified in accordance with standards issued by the Office of Personnel Management under the GS-0132, 0334, 0391, 0401, 0801, 0808, 0810, 0830, 0850, 0854, 0855, 0856, 1040, 1301, 1320, 1321, 1520, and 1550 occupational groups. In addition, within 90 days of enactment, the Director must provide to the relevant Committees of Congress, an operating plan that identifies the provisions of Title 5 that impede effective human resources management in the Bureau and that describes the personnel system that will be established under this authority. The conferees further agree that any performance management system adopted by the Director shall include at least two levels of performance above a retention standard. This will ensure that no "pass/fail" system will impede the Bureau's ability to recognize outstanding performance by its employees. In addition, the provision requires the submission of an evaluation of the new personnel system established by March 31, 2000, including both a comparison with other laboratories operated by Federal agencies and a cost comparison with private sector laboratories which provide similar services on a commercial basis. This cost comparison is to be conducted consistent with standards articulated in Office of Management and Budget Circular A-76.

The conference agreement also includes establishment of a similar hiring demonstration project for up to 950 employees of the Department of the Treasury, under the existing procedures of Chapter 47, Title 5, United States Code.

Sec. 123.—The conference agreement includes section 123, that makes technical and limited changes to the Prison Litigation Reform Act of 1995, in order to clarify Congress' earlier stated intent of this legislation. The changes include replacing the word "permits" with "requires" to make clear that "state or local official" includes individual state legislators, or a unit of government with regard to who is entitled to intervene as a right, in a district or appellate court, to challenge prisoner release orders or seek their termination. It is intended that a court should implement the inter-

vention provisions in a manner that gives them their full effect by ruling in a timely fashion on such motions and that delaying a ruling on the intervention prevention should not be used as justification for avoiding the automatic stay. The provision also includes a change in subsection (b)(3) that corrects the confusing use of the word “or” to describe the limited circumstances when a court may continue prospective relief in prison conditions litigation to make clear that a constitutional violation must be “current and ongoing”. These dual requirements are necessary to ensure that court orders do not remain in place on the basis of a claim that a current condition that does not violate prisoners’ Federal rights nevertheless requires a court decree to address it, because the condition is somehow traceable to a prior policy that did violate Federal rights, or that government officials are “poised” to resume a prior violation of federal rights. If an unlawful practice resumes or if a prisoner is in imminent danger of a constitutional violation, the prisoner has prompt and complete remedies through a new action filed in State or Federal court and preliminary injunctive relief. Changes are also included to make clear that mandamus relief is available to compel the court to issue a ruling on a pending motion and to provide the courts additional time (60 days) to rule on motions to terminate before the automatic stay takes effect.

Sec. 124.—The conference agreement includes section 124, that amends the requirements for transfer of surplus balances in the Department of Justice Assets Forfeiture Fund. The House and Senate bills did not include a provision on this matter.

Sec. 125.—The conference agreement includes a provision that extends the visa waiver pilot program until April 30, 1998.

Sec. 126.—The conference agreement includes a provision that extends through May 1, 1998 the Department of State Consolidated Immigrant Visa Processing Center on-line access to the Interstate Identification Index of the National Crime Information Center and the requirement that the Secretary of State submit certain fingerprints relating to applications for immigrant visas to the Federal Bureau of Investigation.

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT

#### RELATED AGENCIES

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### SALARIES AND EXPENSES

The conference agreement includes \$23,450,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of \$22,700,000 as proposed in the House bill, and \$22,092,000 as proposed in the Senate bill, an increase of \$2,001,000 above the fiscal year 1997 level.

The conferees note that on September 16, 1997, a budget amendment was submitted requesting an additional \$1,700,000 above the original request for the following: (1) increased enforcement activities; (2) increased negotiation activities related to Latin

America, Asia, and the World Trade Organization; and (3) creation of a new office within the USTR. The conference agreement provides \$1,358,000 of the amount requested in the budget amendment for the following activities: (1) increased personnel to vigorously defend and prosecute trade cases on behalf of the United States in dispute settlement proceedings in the World Trade Organization and other trade fora, as well as to increase the USTR's notifications to and consultations with the Congress and other interested parties regarding such proceedings and on on-going trade negotiations, including the possible effects of such proceedings and negotiations on Federal, State, and local laws; and (2) increased personnel for Latin American, Asian, and the World Trade Organization negotiations.

The conference agreement also includes bill language limiting the number of political appointees to not more than 25 positions by May 1, 1998. The Senate bill contained a similar provision providing a limitation of not more than 15% of the total number of full-time equivalent positions, while the House bill did not address this matter.

To assist the U.S. Trade Representative in litigation before international panels, the conferees urge the USTR to permit participation of non-governmental U.S. persons in the development of U.S. positions and in the preparation for consultations and dispute settlement proceedings, provided that such persons are supportive of the United States Government's position in the proceedings and have a direct interest in the matter in dispute, and provided that the United States Government does not pay for any litigation expenses incurred by such persons. The conferees urge that such persons be permitted to participate in international consultations and dispute settlement proceedings where the USTR believes such participation would assist in the U.S. prosecution or defense in the proceedings.

#### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$41,200,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1998, instead of \$41,400,000 as proposed in the House bill and \$41,000,000 as proposed in the Senate bill.

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

The conference agreement includes \$283,066,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 1998, instead of \$279,500,000 as proposed by the House bill, and \$280,736,000 as recommended in the Senate bill. In addition to this amount, the conference agreement assumes \$4,800,000 in unobligated prior year carryover, resulting in a total fiscal year 1998 availability of \$287,866,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development .....	\$58,986,000
Market Access and Compliance .....	17,340,000
(Trade Compliance Center) .....	(3,000,000)
Import Administration .....	28,770,000
U.S. & F.C.S. ....	171,070,000
Executive Direction and Administration .....	11,700,000
Carryover .....	(4,800,000)
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Total, ITA .....	283,066,000

The conference agreement includes a new budget structure for the ITA, which delineates funding for policy and administrative overhead expenses into a new separate component within ITA. For years, the ITA has attempted to thwart congressional intent in the distribution of funds provided to each ITA component by using the practice of administrative and executive tithing against ITA program components in order to redistribute funding for ITA programs. Therefore, the conferees have adopted and expanded the approach taken in the House bill to address these problems by including bill language designating the amounts provided in fiscal year 1998, including carryover, for each component and activity in ITA, in addition to creating a new Executive Direction and Administration activity. The conferees expect the fiscal year 1999 budget submission to include a separate activity for Executive Direction and Administration. Further, the conferees direct that centralized services (i.e. rent and utilities payments, the Office of the General Counsel and Departmental administrative support services) be proportionately charged to each activity based on actual usage, and direct that the practice of redistributing resources through such administrative charges cease immediately upon enactment of this Act. The conferees direct that the ITA submit a report to the Committees on Appropriations no later than December 15, 1997 on the distribution of fiscal year 1998 centralized services charged against each ITA activity, as well as for the Trade Compliance Center.

*Executive Direction and Administration.*—The conference agreement includes \$11,700,000 for this activity, a \$220,000 increase over the amount expended for this activity in fiscal year 1997 through tithes against the other ITA components. The following offices and activities are included under this new line item: the Office of the Under Secretary, the Office of the Deputy Under Secretary, the Office of Public Affairs, the Office of Legislative and Intergovernmental Affairs, the Director of Administration, Office of Financial Management, Office of Organization and Management Support, Office of Human Resources Management, and the Office of Information Resources Management.

Previously, funding for these offices was derived through assessments levied against each of the ITA's four program activities. In the interest of budget clarity, the conference agreement has provided a separate amount for these policy and overhead functions, and has reduced the four ITA components by \$11,700,000 as follows: (1) \$3,080,000 from Trade Development; (2) \$1,360,000 from Market Access and Compliance; (3) \$2,130,000 from the Import Administration; and (4) \$5,130,000 from the U.S. and Foreign Commercial Service. The conferees expect that all support for these of-

ices and their functions included under the new Executive Direction and Administration activity will be fully supported through this discrete line item and expect that no direct or indirect assessments will be levied against the other components of ITA.

*Trade Development (TD).*—The conference agreement provides \$58,986,000 for this activity. Of the amounts provided, \$46,396,000 is provided for the base program, an increase of \$1,776,000 above the amounts available to TD programs in fiscal year 1997 exclusive of assessments against TD to support Executive Direction and Administration functions. The conferees direct a \$400,000 reduction in funding for the Advocacy Center and assume the Center will refocus its activities toward small and medium-sized businesses. In addition, within the amounts provided, \$9,000,000 is for the National Textile Center consortium to continue funding for the current participants as well as to expand the program to include the Philadelphia College of Textiles, and \$3,000,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes continued funding for the Access Mexico program at the level recommended in the Senate report, and provides \$500,000 for continuation of the international global competitiveness initiative, and \$2,500,000 for the Market Cooperator Development program.

*Market Access and Compliance (MAC).*—The conference agreement includes a total of \$17,340,000, of which not less than \$3,000,000 is for the Trade Compliance Center (TCC) and \$14,340,000 is for the base MAC program. This amount provides an \$875,000 increase for the base MAC program over the fiscal year 1997 level exclusive of assessments in MAC for Executive Direction and Administration functions. The conferees expect the full \$3,000,000 to be made available to the TCC and do not expect such funds to be diverted to directly or indirectly support other MAC activities. The conferees warn the ITA that should such diversion occur, the conferees are prepared to separate out the TCC into a separate ITA appropriation in fiscal year 1999.

*Import Administration.*—The conference agreement provides \$28,770,000 for the Import Administration, an increase of \$1,242,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions.

*U.S. and Foreign Commercial Service (U.S. & FCS).*—The conference agreement includes \$171,070,000 for the programs of the U.S. & FCS, an increase of \$7,821,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions. Within these amounts, the conferees have included \$1,000,000 to be used in accordance with the direction in the House report regarding the Rural Export Initiative and an initiative utilizing electronic commerce to assist small businesses increase export opportunities.

*Unfair Trade Practices.*—The conferees are concerned that relief provided against unfair trade practices is ineffective where foreign producers sell through related party importers in the United States and continue their unfair trade practices. Accordingly, the conferees expect the Import Administration to provide the House and Senate Appropriations Committees, within sixty days of enactment of this Act, a report identifying the statutory and administra-



tive changes necessary to resolve this issue once an antidumping or countervailing duty order is established.

*Trade Missions.*—The conferees concur in the recommendations of the House report regarding the establishment and enforcement of a transparent trade mission policy, as well as the concerns over the fragmentation of trade policy and promotion activities. Therefore, the conferees expect the Department to follow the direction included in the House report regarding these matters.

*Security Upgrades.*—The conferees expect the ITA to comply with the direction included in the House report regarding the expenditure of funds provided in fiscal year 1997 for security upgrades at ITA facilities.

#### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

The conference agreement includes \$43,900,000 for the Bureau of Export Administration (BXA), instead of \$41,000,000 as proposed in the House bill, and \$43,126,000 as proposed in the Senate bill. The conference agreement provides increases over the fiscal year 1997 regular appropriation for the following activities: (1) \$3,900,000 to continue the counterterrorism activities provided for through emergency appropriations in fiscal year 1997; (2) \$926,000 for new export control responsibilities transferred from the Department of State in fiscal year 1997; and (3) \$1,174,000 for BXA to begin activities related to its responsibilities under the Chemical Weapons Convention (CWC) Treaty. The conferees have not provided the full amount requested for the CWC Treaty due to the delays in the enactment of the necessary implementing legislation. Should additional resources be required, the Committees would be willing to entertain a reprogramming to meet the additional requirements.

In addition, the conference agreement provides \$1,900,000 to reimburse the Department of Defense's On-Site Inspection Agency (OSIA) for inspection support to teams of international inspectors at commercial facilities for CWC Treaty implementation, instead of \$3,500,000 requested in the budget amendment submitted August 12, 1997, due to reduced requirements as a result of the delay in enactment of implementing legislation.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes \$340,000,000 for the Economic Development Administration grant programs as proposed in the House bill, instead of \$250,000,000 as proposed in the Senate bill.

Of the amounts provided, \$178,000,000 is for the Title I Public Works program, \$29,900,000 is for Title IX Economic Adjustment Assistance, \$89,000,000 is for Defense Conversion, \$24,000,000 is for planning, \$9,100,000 is for technical assistance, including university centers, \$9,500,000 is for trade adjustment assistance, and \$500,000 is for research. The conferees expect EDA to follow the direction in the House report regarding assistance to communities

impacted by coal industry downswings and timber industry downturns.

#### SALARIES AND EXPENSES

The conference agreement includes \$21,028,000 for salaries and expenses for the EDA, instead of \$21,000,000 as proposed in the House bill, and \$22,028,000 included in the Senate bill. The conference agreement assumes EDA will use either the Salaries and Expenses appropriation or the revolving fund (under 42 U.S.C. 3143) to pay the salaries and expenses related to protection of loan collateral and grant property.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

The conference agreement includes \$25,000,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in the House bill, instead of \$27,811,000 included in the Senate bill. The conferees direct that reductions from the current levels be allocated proportionately between program administration and program delivery (e.g. Business Development Centers).

The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report, and will follow the direction in the Senate report regarding Black Dollar Days.

#### ECONOMIC AND INFORMATION INFRASTRUCTURE

##### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

The conferees have provided \$47,499,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of \$46,000,000 as proposed in the House bill and \$47,917,000 included in the Senate bill. The conference agreement adopts the directive included in the House report regarding the Integrated Environmental-Economic Accounting or "Green GDP" initiative.

##### ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The conference agreement includes language allowing the dissemination of economic and statistical data products at full cost as proposed in both the House and Senate bills.

##### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

The conference agreement includes \$137,278,000 for the Bureau of the Census Salaries and Expenses account, instead of \$136,499,000 as proposed in the House bill and \$138,056,000 as proposed in the Senate bill.

The conferees expect the Bureau to be fully reimbursed for any survey requested by any other Federal agency or private organiza-

tion. In addition, the conferees expect the Office of Management and Budget and the Bureau of the Census to take the necessary appropriate actions to resolve the concerns expressed in the Senate report regarding metropolitan statistical areas.

#### PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides \$555,813,000 for the Census Bureau's Periodic Censuses and Programs account, instead of \$550,126,000 as proposed in the House bill, \$520,726,000 as recommended in the Senate bill, and \$523,126,000 as requested in the budget.

*Decennial Census.*—The recommendation includes \$389,887,000 as a separate appropriation under this account for fiscal year 1998 for decennial census programs, an increase of \$8,087,000 above the House bill, and \$35,087,000 above the Senate bill and the budget request. The increase above the request has been provided as follows: \$27,000,000 for the Census Bureau to plan and develop a contingency plan in the event sampling is not used in the 2000 decennial census; \$4,087,000 for modifications to the dress rehearsal; and \$4,000,000 to be transferred to the Census Monitoring Board, authorized in section 210 of this Act.

*Other Periodic Programs.*—The conferees have included the following amounts for non-decennial census periodic programs:

Economic censuses .....	\$63,700,000
Census of governments .....	2,836,000
Intercensal demographic estimates .....	5,200,000
Continuous measurement .....	16,600,000
Sample redesign .....	3,800,000
CASIC .....	6,000,000
Geographic support .....	43,000,000
Data processing systems .....	24,790,000
Total .....	165,926,000

*Continuous Measurement.*—The conferees share the concerns expressed in both the House and Senate reports about this program, and direct the Bureau to comply with the direction included in both reports regarding this program.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement includes \$16,550,000 for the National Telecommunications and Information Administration (NTIA) salaries and expenses, instead of \$17,100,000 as proposed in the House bill, and \$16,574,000 as proposed in the Senate bill. In addition, the conference agreement assumes that NTIA will receive an additional \$7,500,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

The conference agreement includes \$1,750,000 for NTIA's portion of the second year costs associated with the International Telecommunications Union plenipotentiary conference, and \$148,000 for the requested privacy initiative.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND  
CONSTRUCTION

The conference agreement includes \$21,000,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of \$16,750,000 as proposed in the House bill, and \$25,000,000 as proposed in the Senate bill. The conferees intend for this funding to be used for the existing equipment and facilities replacement program. The conference agreement allows up to \$1,500,000 of this amount to be used for program administration, as provided in both the House and Senate bills. The conference agreement also includes a new provision as proposed in the Senate bill, making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account.

In addition, the conference agreement renames the title of this account to the Public Telecommunications Facilities, Planning and Construction program, instead of the Public Broadcasting Facilities, Planning and Construction program.

## INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes \$20,000,000 for NTIA's Information Infrastructure Grant program, instead of \$21,490,000 as recommended in the House and Senate bills.

The conferees note that the Senate bill increased funds for this account through an across-the-board reduction in other accounts in this title, reductions which are not adopted in the conference agreement. In addition, the conferees note that the recent actions by the Federal Communications Commission to implement the universal service fund requirements of the Telecommunications Act of 1996 should reduce the funding requirements under this account. Consequently, the conference agreement slightly reduces funding for this account.

As proposed in the House bill, within the amount provided, the conference agreement designates \$3,000,000 for program administration and allows not to exceed five percent of the total amount provided to be used for certain telecommunications research activities. The Senate bill did not address these matters.

## PATENT AND TRADEMARK OFFICE

## SALARIES AND EXPENSES

The conference agreement provides a total funding level of \$716,000,000 for the Patent and Trademark Office (PTO) in fiscal year 1998, instead of \$704,000,000 as proposed in the House bill, \$683,320,000 as recommended in the Senate bill, and \$656,320,000 requested in the budget. The conference agreement assumes a total of \$664,000,000 to be derived in offsetting fee collections, \$27,000,000 in direct appropriations, and \$25,000,000 in carryover of prior year funds. Under the conference agreement, total funds available to the PTO are increased by \$59,680,000 over the budget request, \$32,680,000 over the Senate bill, and \$12,000,000 over the House bill.

The conference agreement eliminates the cap on fees available to the PTO contained in the Senate bill. Under the Senate bill, fees collected in excess of \$629,320,000 would have returned to the Treasury rather than being retained by the PTO, resulting in a \$34,680,000 loss to the PTO. Instead, the conference agreement includes new language allowing all fees collected by the PTO to remain with the PTO to support its activities, and making the full amount of fiscal year 1998 estimated fee collections available to the PTO in fiscal year 1998. Fees collected in excess of the PTO's current estimate of collections will remain with PTO and be available to the PTO on October 1, 1998. Such language is consistent with the language included in all other fee-funded agencies in this bill, and ensures that all fee revenues collected remain with the agency while ensuring appropriate oversight of PTO's budget to ensure that such funds are used by the PTO in a manner which best serves the needs of the user community.

The conferees are aware that the Office of the Inspector General has issued an audit report concluding that the PTO is not maintaining adequate controls over the quality of patent examinations. The OIG recommends restoring funds to the Office of Patent Quality Review, which has been severely weakened by budget decisions by the PTO, so that the Office can continue their independent assessments of patent quality as they have in the past. Since public confidence in the quality of issued patents is essential to maintaining the integrity of the patent system, the conferees fully expect the PTO to comply with the OIG's recommendation and restore the Office to full strength, and to report back to the Committees on this matter not later than December 15, 1997.

## SCIENCE AND TECHNOLOGY

### TECHNOLOGY ADMINISTRATION

#### UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

##### SALARIES AND EXPENSES

The conference agreement includes \$8,500,000 for the Technology Administration (TA), as proposed in the House bill, instead of \$8,800,000 as proposed in the Senate bill. Of this amount, \$1,600,000 is for the Experimental Program to Stimulate Competitive Technology (EPSCoT), and bill language is included making these funds available for two years as recommended in the House bill. In addition, the conference agreement adopts the recommendations in both the House and Senate reports denying funds for any new foreign policy initiatives. However, the conference agreement assumes the TA will continue existing agreements at no more than the current level of support, but the conferees direct the Technology Administration not to enter into any new international technology agreements, expand any existing agreements, or extend any expiring agreements. The conferees would be willing to permit the TA to provide technical assistance to other agencies, more appropriately involved in foreign assistance programs, for such agreements, provided TA is fully reimbursed from funds from other Federal sources outside the Department of Commerce's budget.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes \$276,852,000 for the internal (core) research account of the National Institute of Standards and Technology as proposed in the Senate and House bills.

The conference agreement provides \$268,052,000 for the core research programs within NIST, the same amount provided in fiscal year 1997, in accordance with the distribution in the fiscal year 1997 conference report. Such distribution should be used as a basis for reprogramming of funds for activities provided in this account. In addition, the conferees concur with the recommendation included in the Senate report regarding funding for the Malcolm Baldrige Award, and thus have provided no funds for expansion of this program to other areas in fiscal year 1998, as such expansion would result in reductions in core NIST activities.

Further, in light of recent wind related disasters in the southwest United States which have resulted in significant loss of life and property, the conference agreement includes \$3,800,000 in the bill for research to be conducted at Texas Tech University on protective structures and other technologies which are designed to save lives threatened by tornadoes and severe wind storms. Texas Tech is uniquely positioned to conduct this research because of its nationally recognized interdisciplinary wind engineering program and its location in a region which has experienced repeated wind disasters. In addition, the conference agreement also includes \$5,000,000 for a cooperative agreement with Montana State University for research on building products, processes and technologies which utilize underused natural resources and environmentally sound technologies. The conferees direct that funds provided for these two activities shall not be used for the design or construction of facilities.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes \$306,000,000 for the NIST external research account instead of \$298,600,000 as proposed in the House bill and \$311,040,000 as proposed in the Senate bill.

*Manufacturing Extension Partnership Program.*—The conference agreement includes \$113,500,000 for the Manufacturing Extension Partnership Program (MEP) as proposed in the House bill, instead of \$111,040,000 as proposed in the Senate bill. Of these amounts, \$103,000,000 is for continued support for all existing Regional Centers, including the rollover costs of the remaining Centers originally funded under the Defense Department's Technology Reinvestment Program, as well as those Centers which have reached their statutory six-year time limit; \$2,000,000 is for continuation of the existing SBDC-manufacturing field offices; and \$8,500,000 is for management and administration. The conference agreement does not include any funds for special projects related to supply chain optimization, information technology, and technology infusion. While these projects are worthwhile, the conferees are concerned that these programs are not required to meet the same requirements as the Regional Centers program, including cost share requirements. Given that many of these projects are tar-

geted to selected industry sectors and problems, the conferees expect that MEP Centers should be able to obtain the funds for these purposes from local, State, or private-sector sources.

The conference agreement also contains language, included in the Senate bill, that extends for one year NIST's support for the Regional Centers beyond the statutory six-year period, subject to certain conditions. The House bill contained no extension. The conferees note that this program, as well as other NIST programs, have remained unauthorized for a number of years. The House most recently passed NIST authorization legislation (H.R.1274) earlier this year which would waive the statutory sunset on manufacturing centers. The Senate has not passed a companion bill. The conferees had hoped that an authorization bill would be enacted prior to fiscal year 1998, obviating the need to address this issue in the appropriations bill. As stated in the fiscal year 1997 conference report, the conferees continue to believe this issue is best addressed through the authorization process. Therefore, while the conferees have included a one-year waiver of the sunset requirement to bridge the gap until a NIST authorization is enacted, the conferees fully expect enactment of appropriate authorization legislation prior to fiscal year 1999, and thus do not plan to continue waiving such sunset requirements through the appropriations process. In addition, the conferees direct the Secretary of Commerce to review this program and provide recommendations to the Committees for assisting the Regional Centers to become self-supporting after their sixth year of operation, and expect a report from the Secretary to be submitted with the fiscal year 1999 budget submission.

*Advanced Technology Program.*—The conference agreement includes \$192,500,000 for the Advanced Technology Program (ATP), instead of \$185,100,000 as proposed in the House bill and \$200,000,000 as proposed in the Senate bill. The recommendation provides the following distribution for fiscal year 1998 funds: (1) \$68,000,000 for continuation of prior year awards made using funds provided in fiscal years 1996 and 1997; (2) \$82,000,000 for new awards in fiscal year 1998; and (3) \$42,500,000 for administration, internal NIST lab support and Small Business Innovation Research requirements. In addition, language is included in the bill designating the amounts available for new ATP awards, similar to language included in the House bill.

#### CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides \$95,000,000 for construction, renovation and maintenance of NIST facilities, instead of \$111,092,000 as proposed in the House bill, and \$16,000,000 included in the Senate bill.

The conferees concur in the direction included in the House report regarding the development of a long-term facilities plan for NIST which includes maintenance, rehabilitation and new construction requirements, and have included bill language making \$78,308,000 of the funds provided in this account available upon submission of a spending plan which corresponds to NIST's long-term facilities plan.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding of \$2,002,139,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of \$1,850,392,000 as proposed by the House, and \$2,101,555,000 as proposed by the Senate. Of these amounts, the conferees have included \$1,512,050,000 in the Operations, Research, and Facilities (ORF) account, \$491,609,000 in the new Procurement, Acquisition and Construction (PAC) account, and \$1,480,000 in other NOAA accounts.

## OPERATIONS, RESEARCH, AND FACILITIES

## (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes \$1,512,050,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of \$1,391,400,000 as proposed by the House and \$1,999,052,000 as proposed in the Senate bill. In addition, the conference agreement allows \$3,000,000 in offsetting fees related to the aeronautical charting program to be collected to offset this amount, resulting in a final direct appropriation of \$1,509,050,000 instead of \$1,388,400,000 as proposed by the House and \$1,996,052,000 as proposed in the Senate bill.

The conference agreement reflects significant changes in the account structure for NOAA, through the creation of a new separate account for procurement, acquisition, and construction activities. Activities, including systems acquisition and new construction, which previously had been funded within the NOAA Operations, Research, Facilities (ORF) account are now provided for in a new account under the heading "Procurement, Acquisition and Construction." In addition, non-capital acquisition activities previously provided for in the NOAA "Construction" and "Fleet Modernization, Shipbuilding, and Conversion" accounts have been provided for within the ORF account, as proposed. Language is included in the bill, as requested, to make the necessary technical changes to reflect the establishment of this new account. While the conferees have adopted this new budget structure, the conferees do not intend to impede the agency's ability to meet its operational and programmatic requirements through transfers between the ORF and PAC accounts. The PAC account is intended to assist the agency and Congress in evaluating NOAA's long-term needs for systems and facilities acquisition in a timely and cost-effective manner.

In addition to the new budget authority provided, the conference agreement allows a transfer of \$62,381,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries," as proposed in the Senate bill, instead of \$63,881,000 as proposed by the House. This amount is equal to the budget request, and will support a \$4,000,000 Saltonstall-Kennedy grant program, in addition to \$2,000,000 in carryover available in the grant program from fiscal year 1997. The total amount provided also includes a transfer of \$5,200,000 from the Damage Assessment Revolving Fund, as included in the budget request. In addition, the conference agreement assumes NOAA will use \$1,700,000 from the Federal Ship Financing Fund to cover administrative expenses related to that account,



and reflects prior year deobligations and carryover funding totaling \$24,000,000.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision. The conference agreement adopts the direction included in the House report regarding the development of a revised budget structure for NOAA in consultation with the House and Senate Appropriations Committees, as well as the direction included in both the House and Senate reports concerning financial and budgetary management deficiencies at NOAA.

*NOAA Commissioned Corps.*—The conference agreement includes language setting the ceiling on the number of commissioned corps officers in fiscal year 1998 at not more than 283 by September 30, 1998, instead of a ceiling of 270 officers as included in the House bill, and 299 as included in the Senate bill.

Unless specifically stated otherwise in this Statement of the Committee of the Conference, directions included, and amounts expended, from the NOAA Operations, Research and Facilities account are to be allocated in accordance with the recommendations previously described in the Committee reports of the House and Senate.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES,  
FISCAL YEAR 1998

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting .....	32,000	30,100	30,100	30,100	30,100
Address Survey Backlog .....	6,000	6,000	13,900	6,000	13,900
Subtotal .....	38,000	36,100	44,000	36,100	44,000
Geodesy .....	20,167	19,159	21,100	19,659	20,700
Tide and Current Data .....	12,500	11,000	11,350	11,300	11,350
Acquisition of Data .....	18,200	14,546	14,500	16,046	14,546
Total, Navigation Services ....	88,867	80,805	90,950	83,105	90,596
Ocean Resources Conservation Assessment:					
Estuarine and Coastal Assessment .....	2,674	2,674	2,674	2,674	2,674
Ocean Assessment Program .....	27,300	28,425	28,600	35,375	35,300
Damage Assessment .....	2,200	3,000	3,000	3,000	3,000
Transfer from Damage Assessment Fund .....	5,276	6,700	6,700	6,700	6,700
Oil Pollution Act of 1990 .....	1,000	1,000	1,000	1,000	1,000
Ocean Services .....	2,500	2,800	2,500	2,800	2,500
Oceanic and Coastal Research .....				7,910	7,910
Subtotal .....	40,950	44,599	44,474	59,459	59,084
Coastal Ocean Program .....	15,200	15,200	17,200	15,200	17,200
Total, ORCA .....	56,150	59,799	61,674	74,659	76,284

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES,  
FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Ocean and Coastal Management:					
Coastal Management:					
CZM Grants .....	46,200	65,732	55,000	49,732	49,700
Estuarine Research Re- serve System .....	1,300	4,300	1,000	12,900	5,650
Nonpoint Pollution Control Program Administration ..		1,000	1,000		1,000
					4,500
Subtotal .....	47,500	71,032	57,000	62,632	60,850
Marine Sanctuary Program	11,685	13,200	14,000	14,500	14,000
Total, Ocean & Coastal Management .....	59,185	84,232	71,000	77,132	74,850
Total, Nos .....	204,202	224,836	223,624	234,896	241,730
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analy- sis:					
Resource Information .....	91,330	92,992	88,344	99,947	99,300
Antarctic Research .....	1,200	1,200	1,200	1,200	1,200
Chesapeake Bay Studies ..	1,890	1,500	1,890	1,890	1,890
Right Whale Research .....	250	200	250	1,000	400
MARFIN .....	3,000	3,000	3,000	5,000	3,500
SEAMAP .....	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Sur- veys .....	661	661	661	961	950
Bering Sea Pollock Re- search .....	945	945	945	945	945
West Coast Groundfish .....	780	780	780	780	780
New England Stock Deple- tion .....	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan .....	500		500	500	500
Yukon River Chinook Salmon .....	700	700	700	700	700
Atlantic Salmon Research Gulf of Maine Groundfish Survey .....	710	710	710	960	710
Dolphin/Yellowfin Tuna Research .....	567	567	565	567	567
Habitat Research/Evalua- tion .....	250	250	250	250	250
Pacific Salmon Treaty Pro- gram .....	450	450	450	450	450
Fisheries Cooperative In- stitute .....	5,587	5,587	5,587	5,587	5,587
Hawaiian Monk Seals .....	410	410	410		
Steller Sea Lion Recovery Plan .....	500	500	500	500	550
Hawaiian Sea Turtles .....	1,770	1,440	1,440	2,770	2,770
Bluefish/Striped Bass .....	248	248	243	248	248
Halibut/Sablefish .....	785		800		800
Gulf of Mexico Mariculture Summer Flounder .....	1,200	1,200	1,200	1,500	1,200
	300				
				250	
Subtotal .....	116,233	115,540	112,625	128,255	125,497
Fishery Industry Information:					
Fish Statistics .....	13,000	13,400	13,000	13,400	13,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES,  
FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Alaska Groundfish Monitoring .....	5,200	5,200	5,200	5,500	5,500
PACFIN/Catch Effort Data .....	3,000	3,000	4,700	4,700	4,700
Recreational Fishery Harvest Monitoring .....	3,400	3,100	3,900	5,000	3,900
Subtotal .....	24,600	24,700	26,800	28,600	27,100
Information Analyses and Dissemination .....	20,900	21,200	20,900	21,200	20,900
Computer Hardware and Software .....	4,000	4,000	4,000	4,000	4,000
Subtotal .....	24,900	25,200	24,900	25,200	24,900
Acquisition of Data .....	26,840	25,098	26,800	25,098	25,098
Total, Information Collection and Analysis .....	192,573	190,538	191,125	207,153	202,595
Conservation and Management Operations:					
Fisheries Management Programs	22,000	29,300	24,500	30,000	27,250
Columbia River Hatcheries	10,955	10,300	10,300	10,955	12,055
Columbia River Endangered Species .....	288	288	288	288	288
Regional Councils .....	10,200	11,700	11,700	13,000	11,900
International Fisheries Commissions .....	950	400	400	400	400
Management of George's Bank .....	478	478	461	478	478
Beluga Whale Committee	200	200	200	200	200
Pacific Tuna Management	1,900	1,500	1,000	1,900	2,300
Chinook Salmon Management .....				1,884	
Subtotal .....	46,971	54,166	48,849	59,105	54,871
Protected Species Management	5,700	6,750	5,700	7,950	6,200
Driftnet Act Implementation .....	3,278	3,278	3,278	3,278	3,278
Marine Mammal Protection Act .....	9,125	9,500	9,500	9,500	9,500
Endangered Species Act Recovery Plan .....	13,500	20,200	15,500	20,200	20,200
Fishery Observer Training	417		417	417	417
East Coast Observers .....	350	350	350	350	350
Subtotal .....	32,370	40,078	34,745	41,695	39,945
Habitat Conservation .....	8,000	9,800	8,000	9,800	8,500
Enforcement & Surveillance .....	16,500	18,200	17,000	18,200	17,600
Total, Conservation, Management & Operations .....	103,841	122,244	108,594	128,800	120,916
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants .....	2,600	2,600	2,600	3,500	2,600
Anadromous Grants .....	2,108	2,108	2,100	3,000	2,100

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES,  
FISCAL YEAR 1998—Continued  
[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Anadromous Fishery Project .....		250		250	
Interstate Fish Commission .....	5,000	4,000	6,000	8,000	6,750
Subtotal .....	9,708	8,958	10,700	14,750	11,450
Fisheries Development Program:					
Product quality and safety/Sea-					
food Inspect .....	14,624	14,624	14,624	12,674	10,524
Hawaiian Fisheries Development	750			750	750
Marine Biotechnology .....	1,900	1,900	1,900		
Salmon license buy-back .....				3,500	
Washington crab license buy-					
back .....				8,500	
Subtotal .....	17,274	16,524	16,524	25,424	11,274
Total, State and Industry					
Programs .....	26,982	25,482	27,224	40,174	22,724
Total, NMFS .....	323,396	338,264	326,943	376,127	346,235
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal .....	8,000	12,900	12,900	12,900	12,900
Climate & Global Change Re-					
search .....	60,000	62,000	57,100	60,000	60,000
GLOBE .....	6,000	7,000			5,000
Subtotal .....	74,000	81,900	70,000	72,900	77,900
Long-term Climate & Air Quality					
Research .....	28,372	29,402	28,300	29,402	29,402
High Performance Computing ...	7,500	7,500	6,500	7,500	7,500
Subtotal .....	35,872	36,902	34,800	36,902	36,902
Total, Climate and Air Qual-					
ity Research .....	109,872	118,802	104,800	109,802	114,802
Atmospheric Programs:					
Weather Research .....	33,613	33,613	33,613	37,413	37,413
Wind Profiler .....	4,350	4,350	4,350	4,350	4,350
Subtotal .....	37,963	37,963	37,963	41,763	41,763
Solar/Geomagnetic Research .....	5,493	5,493	5,700	5,493	5,700
Total, Atmospheric Programs	43,456	43,456	43,663	47,256	47,463
Ocean and Great Lakes Programs:					
Marine Research Prediction .....	15,651	12,126	14,000	14,126	22,976
GLERL .....	5,200	5,200	5,200	6,000	6,000
GLERL/zebra mussel .....				2,000	
Lake Champlain study .....				300	
Tsunami hazard mitigation .....				2,300	
Subtotal .....	20,851	17,326	19,200	24,726	28,976
Sea Grant:					
Sea Grant college program .....	54,300	50,182	55,300	58,000	56,000
Oyster Disease .....				1,480	

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES,  
FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Subtotal .....	54,300	50,182	55,300	59,480	56,000
National Undersea Research Program .....	12,000	5,400	.....	15,000	15,500
Total, Ocean and Great Lakes Program .....	87,151	72,908	74,500	99,206	100,476
Acquisition of Data .....	12,690	12,884	14,500	15,384	15,000
Total, OAR .....	253,169	248,050	237,463	271,648	277,741
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts ..	298,538	308,000	313,800	329,820	324,000
MARDI .....	91,462	73,674	73,674	73,674	73,674
Radiosonde Replacement .....	1,500	910	.....	910	910
Susquehanna River Basin flood system .....	1,000	619	1,120	1,000	1,120
Aviation forecasts .....	35,596	35,596	35,596	35,596	35,596
Regional Climate Centers .....	2,000	.....	2,000	.....	.....
Subtotal .....	430,096	418,799	426,190	441,000	435,300
Central Forecast Guidance .....	28,700	29,543	29,543	29,543	29,543
Atmospheric and Hydrological Research .....	2,000	2,489	2,489	2,489	2,489
Total, Operations and Research .....	460,796	450,831	458,222	473,032	467,332
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD .....	53,145	39,591	39,591	39,591	39,591
ASOS .....	10,056	5,341	5,341	5,341	5,341
AWIPS/NOAA Port .....	100,000	.....	.....	.....	.....
Computer Facilities Upgrades .....	14,000	8,000	8,000	8,000	8,000
Total, Systems Acquisition .....	177,201	52,932	52,932	52,932	52,932
Total, NWS .....	637,997	503,763	511,154	525,964	520,264
NAT'L ENVIRO SAT DATA INFO SERVICE					
Satellite Observing Systems:					
Polar Spacecraft Launching .....	147,300	.....	.....	.....	.....
Polar Convergence/IPO .....	29,000	51,503	15,000	51,503	34,000
Geostationary Spacecraft and Launching .....	171,480	.....	.....	.....	.....
Ocean Remote Sensing .....	4,000	3,800	1,000	5,000	4,000
Environmental Observing Systems .....	51,000	50,347	50,000	50,347	50,347
Total, Satellite Observing Systems .....	402,780	105,650	66,000	106,850	88,347
Environmental Data Management Systems .....	30,002	27,500	27,500	27,500	27,500

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES,  
FISCAL YEAR 1998—Continued

[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Data and Information					
Services .....	14,800	16,335	16,335	16,335	16,335
Regional Climate Centers .....				3,000	2,500
Total, EDMS .....	44,802	43,835	43,835	46,835	46,335
Total, NESDIS .....	447,582	149,485	109,835	153,685	134,682
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Admin- istration .....	19,000	19,911	14,200	19,986	19,200
Systems Acquisition Office .....	1,497	1,497	1,418	1,422	1,420
Subtotal .....	20,697	21,408	15,618	21,408	20,620
Central Administrative Support	33,000	31,850	31,850	31,850	31,850
Retired Pay Commissioned Offi- cers .....	8,000	14,000	9,000	8,000	8,000
Total, Administration and Services .....	61,697	67,258	56,468	61,258	60,470
Aircraft Services .....	10,000	9,900	9,900	10,400	10,400
Rent Savings .....		(4,656)	(4,656)	(4,656)	(4,656)
Total, Program Support .....	71,697	72,502	61,712	67,002	66,214
Fleet Planning and Maintenance .....	8,000	11,823	2,500	15,823	13,500
Facilities:					
NOAA Facilities Maintenance ....	2,000	4,488	2,000	1,800	1,800
Sandy Hook Lease .....	1,750	2,000	2,000	1,750	2,000
Environmental Compliance .....	2,000	3,700	2,000	2,000	2,000
WFO Maintenance .....	1,000	2,950	2,950		1,000
Columbia River Facilities .....	4,700	4,465	3,000	4,465	4,465
Total, Facilities .....	11,450	17,603	11,950	10,015	11,265
Direct Obligations .....	1,957,493	1,566,326	1,485,181	1,655,160	1,611,631
Reimbursable Obligations .....	313,515	317,015	317,015	317,015	317,015
New Offsetting Collections (data sales) .....	1,200	2,400	2,400	2,400	2,400
Anticipated Offsetting Collections (aerocharts) .....	3,000	3,000	3,000	3,000	3,000
Subtotal, Reimbursables .....	317,715	322,415	322,415	322,415	322,415
Total Obligations .....	2,275,208	1,888,741	1,807,596	1,977,575	1,934,046
Financing:					
Deobligations .....	(14,000)	(24,000)	(24,000)	(24,000)	(24,000)
Unobligated Balance trans- ferred, net .....		(1,500)	(2,000)	(1,500)	(1,500)
Federal Ship Financing Fund ....	(1,700)		(1,700)		(1,700)
Coastal Zone Management Fund .....					(7,800)
New Offsetting Collections (data sales) .....	(1,200)	(2,400)	(2,400)	(2,400)	(2,400)
Anticipated Offsetting Collec- tions (aerocharts) .....	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)
Federal Funds .....	(282,500)	(172,000)	(172,000)	(172,000)	(172,000)
Non-federal Funds .....	(31,015)	(145,015)	(145,015)	(145,015)	(145,015)
Subtotal, Financing .....	(333,415)	(347,915)	(350,115)	(347,915)	(357,415)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES,  
FISCAL YEAR 1998—Continued  
[In thousands of dollars]

	FY97 Enacted	Budget request	House	Senate	Conference
Budget Authority .....	1,941,793	1,540,826	1,457,481	1,629,660	1,576,631
Financing from:					
Promote and Develop American Fisheries .....	(66,000)	(62,381)	(63,881)	(62,381)	(62,381)
Damage Assess. & Restor. Revolving Fund .....	(5,276)	(5,200)	(5,200)	(5,200)	(5,200)
Appropriation, ORF .....	1,870,517	1,473,245	1,388,400	1,562,079	1,509,050

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of \$241,730,000 under this account for the activities of the National Ocean Service, instead of \$223,624,000 as recommended by the House, and \$234,896,000 recommended by the Senate.

*Mapping and Charting.*—The conference agreement provides \$44,000,000 for NOAA's mapping and charting programs, reflecting the conferee's continued commitment to the navigation safety programs of the NOS, and their concerns for the ability of the NOS to continue to meet its mission requirements over the long term. The conferees remain concerned that NOAA has not taken sufficient steps to plan for its long term mission requirements, given that overall fiscal constraints will likely preclude major investments to replace NOAA hydrographic vessels. It is clear that the future of NOAA's hydrographic program lies in increased outsourcing to meet its nautical charting needs. While the conferees understand the need for NOAA to ensure the quality, standards and specifications for nautical charts, the conferees are concerned that NOAA has not taken vigorous steps to make this transition to outsourcing as an alternative method of meeting its needs.

Therefore, the conference agreement includes \$13,900,000 as provided in the House bill under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. Further, the conferees believe that the purchase of equipment for the NOAA vessel RAINIER will enable NOAA to reduce the costs, including liability insurance costs, associated with contracting with private sector contractors using such equipment. Further, the conferees direct that NOAA provide a satisfactory long-term plan to the House and Senate Appropriations Committees and the House Resources and Senate Commerce, Science, and Transportation Committees, no later than February 1, 1998, to meet the Nation's nautical charting needs. Such plan shall include, at a minimum, the following: (1) NOAA's short and long-term plans for utilization of its existing hydrographic fleet, including the time line for decommissioning these vessels; (2) mechanisms and alternatives for NOAA to maintain a core set of capabilities for appropriate oversight, technical guidance, standards development and specifications for ensuring data

quality; and (3) a plan to acquire not less than 50% of its hydrographic services through private contract or long-term leases by fiscal year 1999. The conferees expect NOAA to work with all interested parties in developing this plan.

*Tide and Current Data.*—The conference agreement includes \$11,350,000 for this activity in accordance with the direction included in the House report. The conferees do not anticipate, and will not consider, future requests for any operational assistance for any PORTS systems. Further, the conferees expect NOAA to submit the necessary legislation to the Congress that would ensure non-Federal support for the operation and maintenance of such systems.

*Ocean Assessment Program.*—The conference agreement includes \$35,300,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: \$13,800,000 for NOAA's Coastal Services Center, of which \$300,000 is available for a one-time grant for implementation of the Charleston Harbor project as detailed in the Senate report; \$5,900,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; \$1,000,000 to support coral reef studies in the Pacific and Southeast as described in the Senate report; \$1,000,000 to provide support for the Commission on Ocean Policy, a commission which will examine both Federal and non-Federal ocean and coastal activities, and report to the Congress and the President, and \$1,000,000 for pfiesteria monitoring and assessment activities. In addition, the conference agreement also includes an additional \$2,500,000 increase above the fiscal year 1997 level under Ocean and Coastal Research and the Coastal Ocean Program for research on pfiesteria and other harmful algal blooms.

*Ocean and Coastal Research.*—The conference agreement includes \$7,910,000 for the National Ocean Service laboratory at Charleston, and has provided this funding under a new line item entitled "Ocean and Coastal Research". This funding includes \$1,500,000 for pfiesteria and toxicology research, and fisheries forensics and law enforcement. The conferees agree to transfer management and operation of the Charleston laboratory from NMFS to the National Ocean Service as proposed by the Senate. The conferees understand that NOAA has proposed further realignments of research facilities from other parts of NOAA to the National Ocean Service as part of a reorganization to emphasize coastal and ocean programs. The conferees would be willing to consider such changes upon submission of a reprogramming, and remind NOAA that all reorganizations are subject to the requirements of section 605 of this Act. Further, the conferees direct that the study required by the House report concerning collaborative research between NOAA and the U.S. Geological Survey be submitted to the Committees by March 15, 1998.

*Coastal Ocean Program.*—The conference agreement provides \$17,200,000 for the Coastal Ocean Program, of which \$3,000,000 is for ECOHAB, particularly research related to pfiesteria. The conference agreement adopts the recommendation included in the House report regarding efforts to respond to the algae bloom in the Peconic, Moriches and adjacent Long Island waters as well as expanding the geographic scope of studies on the ecology and ocean-



ography of harmful algal blooms. Further, the conferees recommend funding at the fiscal year 1997 level for restoration of the South Florida ecosystem.

*Coastal Zone Management Program.*—For the CZM State grants program, the conferees have provided \$49,700,000, a \$3,500,000 increase over the fiscal year 1997 level to enable the addition of two new States into the program in fiscal year 1998. The conference agreement provides \$5,650,000 for the National Estuarine Research Reserve (NERRS) program. The conferees intend these funds be used to support the existing NERRS program, as assumed in the House bill. Of the amounts provided, \$2,350,000 is provided from direct appropriations and \$3,300,000 is derived from the Coastal Zone Management Fund (CZMF). In addition, \$4,500,000 is provided for program administration to be derived from the CZMF. The conference agreement includes funds available from the CZMF in the table under Coastal Management to provide greater clarity regarding the resources provided for these programs.

The conferees encourage the coastal managers in the State of New Jersey to purchase and place oyster cultch in the Delaware Bay to maintain oyster production and to retain oyster reef habitat quality.

*Marine Sanctuary Program.*—The conference agreement includes \$14,000,000 for the National Marine Sanctuary Program. The conferees understand that the NOAA and the National Research Council are currently developing a study on the role of marine sanctuaries in marine resource conservation, as well as the usefulness of marine reserves, including their impacts on water quality and the abundance of living marine resources; and therefore, the conferees expect that a portion of the increase for the Marine Sanctuary Program will be used for this study.

*Other.*—Within the amounts provided for geodesy, the conference agreement includes \$500,000 for continuation of geodetic survey work as described in the Senate report, and \$1,000,000 for the National Height Modernization Study as described in the House report with the results of this study to be provided to the Committees no later than June 1, 1998.

#### NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of \$346,235,000 for the National Marine Fisheries Service, instead of \$326,943,000 recommended by the House and \$376,127,000 recommended by the Senate.

*Resource Information.*—The conference agreement provides \$99,300,000 for fisheries resource information. Within the funds provided for resource information, the conference agreement adopts the recommendation included in the Senate report with respect to MARMAP. The conference agreement also includes \$1,500,000 under this line item for the Gulf of Mexico Consortium included in the Senate report, while funding for the Hawaii stock enhancement project is provided for elsewhere in this account. In addition, \$900,000 is for a one-time study of potential new fisheries in the Chuckchi Sea by the Bering Sea Fishermen's Association, \$400,000 is for an assessment of Atlantic herring and mackerel, \$5,000,000

is for continuation of the aquatic resources environmental initiative, and \$250,000 is for a one-time study by the National Academy of Sciences of summer flounder. Also included is \$3,800,000 for a study on the effect of intentional encirclement on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery.

In addition, the conferees concur in the House and Senate direction regarding the accuracy and effectiveness of data collection efforts by NMFS. Within the total amount provided for Resource Information, the conferees have provided \$1,250,000 only for the Gulf and South Atlantic Fisheries Development Foundation (Foundation) to develop and administer a comprehensive program for data collection and analyses on the shrimp fishing effort in the Gulf of Mexico and South Atlantic, and to convene a working group to establish parameters for the Gulf of Mexico and South Atlantic red snapper stock assessment, including an analysis and assessment of red snapper mortality and fisheries impact resulting from discards by commercial and recreational fishermen due to regulatory requirements. This working group shall include a representative from NMFS, the Gulf of Mexico Fisheries Management Council (Council), and the Gulf States Marine Fisheries Commission (Commission) and shall provide for fair representation of the commercial and recreational red snapper industry, academia, State agencies, and other affected fisheries. The Foundation shall report its findings and recommendations to the House and Senate Committees on Appropriations and to NMFS within 180 days of enactment of this Act.

In addition, within the amounts included for Resource Information, the conferees have provided \$750,000 only for the Gulf States Marine Fisheries Commission to enhance the current recreational data collection program in the fisheries information network for the Gulf of Mexico. This funding is in addition to funding provided under the RECFIN program. The Commission, in consultation with the States, the Council, NMFS, the Foundation, and affected interest groups shall develop and implement this data collection program and complete a transition that will commence a cooperative program with all the Gulf States. The Commission shall provide a report back to the Committees on Appropriations by April 1, 1998 on the roles of the respective partners in the cooperative system and the cost of transitioning to a new system of data collection, analysis and access. The conferees direct that these Foundation and Commission data collection and analyses efforts not be duplicated within NMFS or the Council.

The conference agreement also provides funds for right whale research, including gear modification research; MARFIN, including expansion of the program to the New England States; and Alaskan groundfish surveys, including calibration studies.

*Steller Sea Lion Recovery Plans.*—The conference agreement includes \$2,770,000 for this activity, including \$1,000,000 for a one-time support for the National Fish and Wildlife Foundation for research at the Alaska SeaLife Center, with the remaining funds to be allocated per the distribution in the Senate report for work by the State of Alaska and the North Pacific Universities Marine Mammal Consortium.

*Fishery Industry Information.*—Within the funds provided for Fishery Industry Information, the conference agreement provides \$3,900,000 for recreational fishery harvest monitoring to be expended in accordance with the direction included in the Senate report. In addition, the conferees have provided funding under this activity for the Pacific Fisheries Information Network, a portion of which is for the Alaska Fisheries Information Network as recommended in the House and Senate reports.

*Fisheries Management Programs.*—The conference agreement includes \$27,250,000 for this activity, including continued funding for the Alaska Harbor Seal Commission at the fiscal year 1997 level, and \$350,000 to continue ongoing sea turtle recovery efforts at Rancho Nuevo and loggerhead nesting and research programs as described in the House report. In addition, within these amounts, \$450,000 is for the Atlantic salmon recovery plan, \$1,500,000 is for chinook salmon management, and \$150,000 is for the State of Maine Atlantic salmon recovery plan.

*Regional Councils.*—The conference agreement includes \$11,900,000 for this activity. The conferees direct NMFS and the Mid-Atlantic Fishery Management Council to provide the necessary resources to enable the State of North Carolina to become a full participant in the Council in accordance with section 107 of the Magnuson-Stevens Act.

*Protected Species Management.*—Within the funds provided for protected species management, \$500,000 is for a study of the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

*Interstate Fish Commissions.*—The conference agreement includes \$6,750,000 for this activity, of which \$750,000 is to be equally divided among the three commissions, and \$6,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

*Sea Turtle Protection.*—The conferees concur in the House direction regarding sea turtle protection, recovery efforts and the prohibition on developing or implementing any new or revised biological opinions regarding shrimp fishing and turtle interaction until the Secretary of Commerce establishes a shrimp-turtle panel to develop such biological opinions. However, the conferees direct the Secretary to submit an implementation plan regarding the House direction on the shrimp-turtle panel and the establishment of a standardized statistical sea turtle stranding network no later than 30 days after enactment of this Act.

*Bycatch Reduction.*—The conferees also direct the Secretary of Commerce to comply with the direction provided in the House report regarding the implementation of an independent working group as recommended by industry to NMFS. The Secretary is directed to report back to the Committees on Appropriations, no later than December 1, 1997, as to the establishment of the independent working group. The conferees direct the Department of Commerce and NMFS not to implement or enforce any measure that would increase the minimum size for red snapper caught in the Gulf of Mexico to over 15 inches. The conferees are also concerned that the Gulf of Mexico Fishery Management Council's scientific and statistical committee lacks adequate representation of individuals with

degrees in statistics and that the current demographic and industry representation on the reef fish and red snapper advisory panels is not balanced. The conferees expect NMFS to remedy this situation and report back to the Committees on Appropriations on their actions to correct this situation.

*Other.*—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that \$150,000 be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and funds be provided pursuant to the direction included in the House to support ongoing efforts related to *Vibrio vulnificus*.

Further, the conferees intend that funds for the Hawaii stock management plan and the Hawaii fisheries development project continue to be administered by the Oceanic Institute. In addition, the conference agreement transfers the following amounts from NMFS to NOS to reflect the transfer of management and operation of the Charleston laboratory: \$4,100,000 from the Product Quality and Safety/Seafood Inspection line item; \$410,000 from the Fisheries Cooperative Institute line item; and \$1,900,000 from the Marine Biotechnology line item.

#### OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of \$277,741,000 for Oceanic and Atmospheric Research activities, instead of \$237,463,000 as recommended by the House and \$271,648,000 as recommended by the Senate.

*Interannual and Seasonal Climate Research.*—The conferees have provided \$12,900,000 for interannual and seasonal climate research under the structure proposed by the Senate, including \$4,900,000 to operationalize the El Nino observing array (TOGA-TOW), as requested in the budget.

*Climate and Global Change Research.*—The conference agreement includes \$60,000,000 for the Climate and Global Change research program, an increase of \$4,900,000 above the amounts provided in fiscal year 1997. Within the overall amounts provided, the conferees have provided the full request of \$7,250,000 for the International Research Institute and related regional application centers, a \$2,000,000 increase over the fiscal year 1997 level. The conferees expect OAR to use the full \$2,900,000 additional increase for activities directly related to El Nino, including additional support for the regional applications centers as well as to develop a national applications program to improve U.S. seasonal and interannual climate forecasts.

*Long-term Climate and Air Quality Research.*—The conferees have provided the full request of \$29,402,000 for this activity, including requested increases for the Health of the Atmosphere program.

*Atmospheric Programs.*—The conference agreement provides \$37,413,000 for this activity in accordance with the direction provided in the Senate report.

*Marine Prediction Research.*—The conference agreement includes \$22,976,000 for marine prediction research. Within this amount, the Arctic Research Initiative is to be funded as directed

in the House report, and the Open Ocean Aquaculture Initiative is to be funded in accordance with the Senate report. In addition, \$2,300,000 is provided for tsunami mitigation; \$150,000 is for the Lake Champlain study; \$2,200,000 is for the VENTS program; \$4,000,000 to continue an initiative for the aquatic ecosystems, water quality, atmospheric research, and facilities construction at the Canaan Valley Institute; and \$1,500,000 is for implementation of the National Invasive Species Act, of which \$500,000 is for the Chesapeake Bay Ballast Demonstration as directed in the Senate report.

*GLERL.*—Within the \$6,000,000 provided for the Great Lakes Environmental Research Laboratory, the conferees expect NOAA to continue its support for the Great Lakes nearshore research and GLERL zebra mussel research programs.

*Sea Grant.*—The conferees have included \$56,000,000 for the National Sea Grant program, and expect NOAA to continue to fund the existing oyster disease research and zebra mussel research programs within these amounts. Of the amounts provided, \$1,000,000 is for the Gulf of Mexico Oyster Disease Initiative.

*National Undersea Research Program (NURP).*—The conference agreement provides \$15,500,000 for the NURP, of which \$1,500,000 is for the JASON Foundation for Education to develop and implement a program, in collaboration with NOAA, that will translate data from several independently supported oceanographic and underwater research sites in the United States to students and teachers throughout the nation and abroad as part of the 1998 International Year of the Ocean. Further, as part of the 1998 International Year of the Ocean, the conferees have also provided \$500,000 to help finalize work on the Odyssey Maritime Center which will provide educational and research activities related to the oceans. Of the remaining \$13,500,000, the conferees expect the funds to be distributed to the existing nationwide undersea research centers. The conferees direct that not less than \$5,000,000 of these funds should be made available to West Coast NURP centers, including the Hawaii and Pacific Center and the West Coast and Polar Regions Center, and not more than \$1,000,000 shall be used for NOAA administrative costs and the intramural research.

#### NATIONAL WEATHER SERVICE

The conference agreement includes a total of \$520,264,000 for the National Weather Service (NWS), instead of \$511,154,000 as proposed by the House, \$525,964,000 as proposed by the Senate, and \$503,763,000 requested in the budget. Further, an additional \$132,781,000 is provided within the new NOAA Procurement, Acquisition and Construction account for NWS systems acquisition and related activities which were previously funded under this heading in this account. The conference agreement also provides \$14,823,000 elsewhere in this account.

*Local Warnings and Forecasts/Base Operations.*—The amount provided includes \$324,000,000 for the base operations of the National Weather Service, an increase of \$10,200,000 above the amount provided in the House bill, and \$16,000,000 above the request. Within these amounts, the conferees direct the NWS to provide funding as directed in the House and Senate reports to pro-

vide transmitters to address the concerns regarding gaps in coverage provided by NOAA Weather Radio in certain areas. In addition, within these amounts, the conferees direct the NWS to continue operating and maintaining all data buoys and coastal marine automated network stations funded and supported by the NWS in fiscal year 1997. The conferees are aware of the review conducted by the Department recommending management and budget reforms at the NWS. Due to the delay in completion of this review, which was not provided to the Committees until October 23, 1997 the conferees have not had sufficient opportunity to analyze the results and recommendations. However, the conferees look forward to working with NOAA and the Department to address these issues and would be willing to entertain a reprogramming of funds should additional resources be required to implement these reforms in fiscal year 1998. In addition, the conferees expect no action to be taken to reorganize the NWS, including the regional structure, without prior consultation with the Committees on Appropriations.

In addition, while the NWS no longer provides specialized agriculture forecasts, the conferees expect the NWS to cooperate with and provide its existing basic data and information to the agricultural community, which includes farmers, their trade associations, State agencies, educational institutions and the U.S. Department of Agriculture.

Within the amounts available to the National Weather Service, the conferees direct that not less than \$3,300,000 be provided to the Tropical Prediction Center (National Hurricane Center), and not less than \$3,000,000 be provided to the Storm Prediction Center in fiscal year 1998.

In addition, the conferees are concerned about the radar obstruction detected at the NEXRAD facility located at the Jackson, Mississippi airport. The NWS is expected to receive a report in November 1997 regarding actions needed to correct this obstruction. Upon receipt of this report, the conferees expect the NWS to take immediate action to mitigate the NEXRAD blockage.

*Modernization and Associated Restructuring Demonstration Program (MARDI).*—The conference agreement includes \$73,674,000 for MARDI, as provided in the House and Senate bills, and the full amount requested. Reductions from the fiscal year 1997 level reflect the non-recurrence of one-time contract costs associated with the NOAA Weather Radio Console Replacement system, as well as consolidation of field offices in accordance with modernization plans. Within the amounts for MARDI, full funding has been provided for the operational costs associated with mitigation activities recommended in the Secretary's report to the Congress on areas of concern under the NWS modernization program.

#### NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes \$134,682,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes \$298,905,000 under the new NOAA Procurement, Acquisition and Construction (PAC) account for satellite systems acquisition and related activities previously provided for under this heading within the ORF account.

*Environmental Data Management.*—The conferees have included \$46,335,000 for EDMS activities. Under EDMS, the conference agreement includes \$2,500,000 for the Regional Climate Centers, and adopts the Senate recommendation to transfer this program from the National Weather Service to NESDIS.

*Polar Convergence.*—The conference agreement includes \$34,000,000 for the interagency program office to converge the NOAA and Department of Defense (DOD) polar satellite convergence programs. The conferees believe the recommendation provides the necessary funding to ensure the timely progression of the Polar convergence program. Within the amounts provided for Polar convergence, the conferees have included \$3,000,000 to determine the feasibility of collecting global wind weather data from the private sector. The data should be of an accuracy and coverage that will improve weather forecasts substantially, and should be acquired by a technique that can be expanded to provide for other data products of interest to NOAA. The conferees expect NOAA to use the fiscal year 1998 funds as follows: at least \$2,000,000 to test the collection of wind data through ground-based instrumentation similar to that used by satellite systems; and to develop a proposal for the use of such data provided by the private sector into NOAA services and products; and to issue a request for proposals (RFP) to provide the agency with wind data. The conferees anticipate receiving NOAA's proposal for the use of this data not later than April 30, 1998, and that the RFP will be issued by the agency no later than May 15, 1998. No contract may be awarded in fiscal year 1998 as a result of the request for proposals.

The conferees share the concerns expressed in the House report regarding the achievement of cost savings from Polar convergence. The conferees direct NOAA to follow the direction in the House report regarding this matter.

#### PROGRAM SUPPORT

The conference agreement provides \$66,214,000 for NOAA program support, instead of \$61,712,000 as recommended by the House and \$67,002,000 recommended by the Senate.

#### FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of \$13,500,000 for this activity in the Operations, Research, and Facilities (ORF) account, instead of \$2,500,000 as included in the House bill within ORF, and \$15,823,000 included in the Senate bill under a separate Fleet Modernization, Shipbuilding, and Conversion account. The conference agreement includes \$4,000,000 for modernization of the RELENTLESS as proposed in the Senate bill. The conference agreement does not provide \$1,500,000 requested in the budget for additional equipment to modernize hydrographic vessels. This matter is discussed further elsewhere in this account. In addition, further guidance regarding this account is included under section 612 of this Act.

## FACILITIES

The conference agreement includes \$11,265,000 for facilities maintenance, lease costs, and environmental compliance, instead of \$11,950,000 included in the House bill, and \$10,015,000 included in the Senate bill under a separate Construction account. Of the amounts provided: \$1,800,000 is for NOAA facilities maintenance, \$2,000,000 is for the lease costs of the Sandy Hook facilities, \$2,000,000 is for environmental compliance activities, \$1,000,000 is for Weather Forecast Office maintenance, and \$4,465,000 is for Columbia River facilities maintenance.

## PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of \$491,609,000 for a new Procurement, Acquisition and Construction account. This new account funds capital acquisition activities, including systems acquisition and new construction, previously funded within the NOAA Operations, Research, and Facilities account and the Construction account. Language is included in the bill to make the necessary technical changes to reflect the establishment of this account. While the conferees have adopted this new budget structure, the conferees have done so expecting NOAA, the Department of Commerce, and the Office of Management and Budget to continue to utilize funding available within all NOAA accounts, including capital investment items, for reprogrammings and transfers to deal with changing operational and programmatic requirements of NOAA. The following distribution reflects the fiscal year 1998 funding provided for activities within this account:

Systems Acquisition:	
AWIPS .....	\$116,910,000
ASOS .....	4,494,000
NEXRAD .....	6,377,000
Computer Facilities Upgrades .....	5,000,000
Polar Spacecraft and Launching .....	82,905,000
Geostationary Spacecraft and Launching .....	216,000,000
Subtotal, Systems Acquisition .....	<u>431,686,000</u>
Construction:	
Boulder Lab Above Standard Costs .....	2,900,000
WFO Construction .....	13,823,000
Santa Cruz Fisheries Lab .....	15,200,000
NERRS Construction .....	8,000,000
Honolulu Fisheries Lab .....	2,000,000
Gulf Coast Lab .....	5,000,000
Alaska Facilities .....	8,000,000
Pribilof Island Cleanup .....	5,000,000
Subtotal, Construction .....	<u>59,923,000</u>

*Systems Acquisition.*—The conference agreement provides the full amount requested for AWIPS acquisition. Language is included, slightly modified from the House bill, designating the amounts available under this account for AWIPS, and making the availability of these funds contingent upon certification by the Secretary of Commerce that the overall program costs will not exceed



\$550,000,000. The conferees expect NOAA to follow the direction included in the House report regarding consultation with the Committees.

Of the amount provided under this account for NEXRAD, \$4,377,000 is provided for continued acquisition activities associated with the three additional NEXRAD systems as described in the House report, and \$2,000,000 is for planned product improvements. While the conferees appreciate the need to ensure upgrades and improvements in the modernized weather system, the first priority must be to provide the resources and attention necessary to first complete the original modernization as planned.

*Construction.*—The conference agreement includes \$2,900,000 for above standard costs for the Boulder Laboratory, an increase above the request to cover additional unanticipated costs associated with completion of this facility, including soil mitigation and access road improvements. The conference agreement also includes \$15,200,000 for the Santa Cruz Laboratory, in accordance with the direction included in the House report regarding submission of a spending plan and overall costs for completion of this facility.

Of the amounts provided for National Estuarine Research Reserve construction, \$2,000,000 is included for the ACE Basin Reserve as recommended in the Senate report.

The conference agreement includes \$8,000,000 for Alaska facilities construction related to fisheries laboratory requirements, and includes bill language providing for the transfer of land related to construction of the Juneau laboratory.

#### COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of \$7,800,000, as provided in both the House and Senate bills, from the Coastal Zone Management Fund. The conference agreement allocates these funds as follows: \$4,500,000 for program administration and \$3,300,000 for the National Estuarine Research Reserve Program. These amounts are reflected under the National Ocean Service within the Operations, Research, and Facilities account.

#### CONSTRUCTION

The conference agreement does not include funding under a separate Construction account, reflecting the adoption of a new NOAA account structure as recommended in the House bill. A total of \$71,188,000 is provided within the NOAA ORF account and the new NOAA PAC account for activities previously funded in this account. The Senate bill included \$88,000,000 under a separate Construction account.

#### FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

The conference agreement does not include funding under a separate Fleet Modernization, Shipbuilding and Conversion account, reflecting the adoption of a new NOAA account structure as recommended in the House bill, and instead includes \$13,500,000 for this purpose within the NOAA ORF account. The Senate bill included \$15,823,000 under a separate Fleet Modernization, Shipbuilding and Conversion account.

## FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

The conference agreement does not include funding for this account, as recommended in the House bill and proposed in the budget. The Senate bill provided \$200,000 for this account.

## FISHERMEN'S CONTINGENCY FUND

The conference agreement includes \$953,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate bills.

## FOREIGN FISHING OBSERVER FUND

The conference agreement includes \$189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

## FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides \$338,000 in subsidy amounts for Fisheries Finance Program Account, the same total amount proposed in the Senate bill, instead of \$250,000 recommended in the House bill. The conference agreement reflects changes made to this account in the Magnuson-Stevens Act which converted this account from a guaranteed loan program to a direct loan program, as proposed in the House bill. In addition, the conference agreement renames this account, previously referred to as the Fishing Vessel Obligations Guarantees account, to reflect such changes.

## GENERAL ADMINISTRATION

## SALARIES AND EXPENSES

The conference agreement includes \$27,490,000 for the general administration of the Commerce Department, instead of \$28,490,000 as proposed in the Senate bill and \$26,490,000 as proposed in the House bill, and a reduction of \$2,595,000 from the request. The conference recommendation assumes savings as a result of personnel reductions in fiscal year 1997 and other administrative reforms. Should additional funds be required to avoid adverse personnel actions or to improve management and oversight functions at the Department, the conferees would be willing to consider a transfer in accordance with section 605 of this Act.

## OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$20,140,000 for the Commerce Department Inspector General, as proposed in both the House and Senate bills.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
OPERATIONS, RESEARCH, AND FACILITIES  
(RESCISSION)

The conference agreement includes a rescission of \$20,500,000 from prior year unobligated balances in NOAA satellite programs, due to lower than expected program needs in fiscal year 1997. The House bill rescinded \$5,000,000 from these satellite procurement balances, while the Senate bill contained no rescission. This rescission reduces the amount of unobligated balances that would be transferred to the new "Procurement, Acquisition, and Construction" appropriations account.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION  
SALARIES AND EXPENSES  
(RESCISSION)

The conference agreement includes a rescission of \$3,000,000 in unobligated balances from the U.S. Travel and Tourism Administration (USTTA). These funds are derived from excess funds provided for closeout costs for USTTA, which was eliminated in fiscal year 1996.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, included in both the House and Senate versions of the bill, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in both the House and Senate versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in both the House and Senate versions of the bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

Sec. 205.—The conference agreement includes section 205, identical in both the House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in the House and Senate bills, with a modification to include any reorganizations or changes affecting any portion of the Department.

Sec. 207.—The conference agreement includes section 207, similar to provisions included in the House and Senate bills, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such Department or agency, with a modification to include the care of loan collateral and grants protection.

Sec. 208.—The conference agreement includes section 208, as proposed in the House and in the Senate bill as section 209, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 209.—The conference agreement includes new language, not included in either the House or Senate bills, regarding the conduct of the 2000 decennial census.

Sec. 210.—The conference agreement includes new language, not included in either the House or Senate bills, establishing the Census Monitoring Board.

Sec. 211.—The conference agreement includes section 211, as proposed in the Senate bill, amending 22 U.S.C. 401 and 28 U.S.C. 524 to provide the Secretary of Commerce assets seizure, forfeiture, and disposal authority. The House bill did not address this matter.

Sec. 212.—The conference agreement includes section 212, modified from the Senate bill, allowing for the transfer of funds previously awarded by the Economic Development Administration, and extending the availability of funds provided in certain instances to remain available until expended. The House bill contained no similar provision.

The conference agreement does not include a provision included in the Senate bill modifying the designation of a Metropolitan Statistical Area. In addition, the conference agreement does not include a provision included in the Senate bill making additional funds available for the NTIA Information Infrastructure Grants program by offsetting reductions in other accounts in title II. These matters are addressed elsewhere in title II. Further, the conference agreement does not include a “Sense of the Senate” provision regarding the fraudulent transfer of presubscribed telephone customers.

The conference agreement includes a technical citation for this title, as proposed in the Senate bill.

### TITLE III—THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

The conference agreement includes \$29,245,000 for the salaries and expenses of the Supreme Court, instead of \$29,278,000 as provided in the House bill and \$28,903,000 as provided in the Senate bill. In addition, \$33,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

Full funding is provided to improve police radio system area coverage. The Marshal’s Office shall deliver to the Appropriations

Committees the assessment of needs for enhancing the system as soon as it is received from the radio contractor. Additionally, a report shall be provided not later than March 1, 1998 on the compatibility of the upgraded Supreme Court radio system with the radio systems of the District of Columbia police, fire, and emergency services, Capitol and other federal police, and state and local police.

#### CARE OF THE BUILDING AND GROUNDS

The conference agreement includes \$3,400,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill, instead of \$6,170,000 as provided in the Senate bill. Within the amount provided, the conference agreement includes the requested amounts for elevator renovation and ADA requirements, \$75,000 for miscellaneous improvements (including a study to replace/retrofit 13.2 kilovolt switchgear and cables), and \$600,000 for capital improvements, including the requested amounts for the schematic design of building improvements and utility systems upgrade, the emergency electrical distribution system, and fire pump electric feeders upgrade, and \$225,000 for the fire alarm systems upgrade.

The conference agreement allows \$485,000 of this appropriation to remain available until expended, compared with \$410,000 in the House bill and \$3,620,000 in the Senate bill.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

The conference agreement includes \$15,575,000 for the U.S. Court of Appeals for the Federal Circuit, instead of \$15,507,000 as provided in the House bill and \$15,796,000 as provided in the Senate bill. In addition, \$42,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges. The total amount available of \$15,617,000 is sufficient to fund current service requirements but does not include funding for the additional positions requested in the budget.

#### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

The conference agreement includes \$11,449,000 for the U.S. Court of International Trade, instead of \$11,478,000 as provided in both the House and Senate bills. An additional \$29,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

#### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

The conference agreement provides \$2,682,400,000 for the salaries and expenses of the federal judiciary, instead of \$2,687,069,000 as provided in the House bill and \$2,789,777,000 as provided in the Senate bill. An additional \$4,896,000 for this account is made

available under section 306 in connection with the cost of living increase for federal judges.

Including amounts provided under the Violent Crime Reduction Trust Fund, addressed below, and section 306, the total amount available in this conference agreement for the salaries and expenses of the courts is \$2,727,296,000, instead of \$2,727,069,000 as provided in the House bill and \$2,789,777,000 as provided in the Senate bill.

In addition to these appropriated resources, there is likely to be available at least \$156,807,000 in fee carryover from prior years, \$135,185,000 in current year fees, \$11,727,000 and \$51,046,000 in appropriations carryover.

Within the overall funding available for fiscal year 1998, the conferees expect the judiciary to fund its highest program priorities, including additional magistrate judges, bankruptcy clerks, and probation and pretrial services. The conferees are aware of the judiciary's proposal to increase funding for electronic courtroom technologies, and expect to be kept apprised of plans to carry this proposal out. The conferees agree that the language in the House report relating to optimal utilization of judicial resources is to be followed.

The conference agreement provides that within the total provided, \$900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, which is provided for under section 305. The conference agreement includes a change in the heading of this account to indicate that this account contains a transfer of funds. The House and Senate bills did not contain a provision on this matter.

The conference agreement permits \$13,454,000 for space alteration projects to remain available until expended, as provided in the House bill, instead of \$16,530,000 as provided in the Senate bill.

The conference agreement also appropriates \$2,450,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate bills.

*Violent crime reduction trust fund.*—The conference agreement includes an appropriation of \$40,000,000 from the Violent Crime Reduction Trust Fund, as provided in the House bill, instead of no funds as provided in the Senate bill. The conferees intend that these funds be used to offset workload requirements of the federal judiciary related to the Violent Crime Control and Law Enforcement Act of 1994 and the Anti-Terrorism and Effective Death Penalty Act of 1996.

#### DEFENDER SERVICES

The conferees have included \$329,529,000 for the federal judiciary's Defender Services account, as provided in the House bill, instead of \$308,000,000 as provided in the Senate bill. The conferees do not assume use of any prior year fee carryover in this account, as had been assumed in the Senate bill. If additional funds are required, funding provided for the Violent Crime Reduction Trust Fund and fee carryover under the Salaries and Expenses account is available by transfer.

The conference agreement does not include a provision that was included in the Senate bill to cap the annual incremental cost of each capital representation at \$63,000 and to require that any costs in excess of that amount be paid equally out of funds appropriated or otherwise made available to the administrative units supporting the prosecutor and presiding judge. However, the conferees restate the concerns expressed in both the House and Senate reports concerning the rapidly rising costs in the program, including the average cost of capital representations. In response to these concerns, and at the request of the Committees, the Administrative Office of the Courts, has commenced a study to identify the reasons for the rapidly increasing costs within this account and to provide recommendations to control these costs. This should include recommendations with respect to best practices to help develop and disseminate guidelines focused on case cost containment. This report, to be developed and carried out in consultation with the General Accounting Office, is due to Congress by February 2, 1998.

Because the costs of the existing program have been rising so rapidly, and the possibility that funding requirements in fiscal year 1998 will exceed the budget request by a significant amount, the conferees have not provided for increases in the rate for panel attorneys or other program increases.

#### FEES OF JURORS AND COMMISSIONERS

The conference agreement includes \$64,438,000 for Fees of Jurors and Commissioners, instead of \$66,196,000 as proposed in the House bill and \$68,252,000 as proposed in the Senate bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

#### COURT SECURITY

The conference agreement includes \$167,214,000 for the federal judiciary's Court Security account as proposed by the House instead of \$167,883,000 as proposed by the Senate. In addition, the conference agreement permits up to \$10,000,000 of the total to remain available until expended for court security systems and equipment, instead of \$26,920,000 permitted to remain available until expended as proposed in the Senate bill, and no extended availability as proposed in the House bill. The funding provided in the conference agreement, which is a large increase over the amount provided in fiscal year 1997, is intended to fully fund the personnel and equipment necessary to bring court security up to applicable security standards, as requested, and should these funds not be sufficient, the judiciary and the Marshals Service will be expected to absorb any additional costs from within their budgets.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

##### SALARIES AND EXPENSES

The conference agreement includes \$52,000,000 for the Administrative Office of the United States Courts, as proposed by the House, instead of \$53,843,000 as proposed by the Senate. This level of funding will provide a portion of the additional staff requested in the budget. The conferees expect the additional staff to be used

for strengthening the Administrative Office's capability to manage and oversee the Defender Services and Court Security budgets and for automation support staff, as provided in both the House and Senate reports. The conferees assume that non-appropriated funds of \$37,169,000 will be available for the operations of the Administrative Office.

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

The conference agreement includes \$17,495,000 for the fiscal year 1998 salaries and expenses of the Federal Judicial Center, as proposed in both the House and Senate bills.

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes \$34,200,000 for payment to the various Judicial retirement funds as provided in both the House and Senate bills.

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

The conferees have included \$9,240,000 for the U.S. Sentencing Commission, instead of \$9,000,000 as provided in the House bill, and \$9,480,000 as provided in the Senate bill. No funding is provided for public service announcements, because of the availability of substantial funding for these announcements within the Office of National Drug Control Policy.

#### GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes section 301 as provided in both the House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302, included in both the House and Senate bills, providing the Judiciary with the authority to transfer funds between appropriations accounts.

Sec. 303.—The conference agreement includes section 303, identical in both the House and Senate versions of the bill, allowing up to \$10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes section 304, as proposed in the Senate bill, which provides a permanent extension of the authority for the Judiciary Automation Fund. The House bill did not include any provision on this matter.

Sec. 305.—The conference agreement includes section 305, creating the Commission on Structural Alternatives for the Federal Courts of Appeals. The functions of the Commission are to study the present division of the United States into the several judicial circuits; study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit, and



to report to the President and the Congress its recommendations for changes in circuit boundaries or structures. The Commission is to be made up of 5 members, to be appointed by the Chief Justice of the Supreme Court. The Commission is to conduct studies during the 10-month period beginning on the date on which a quorum of the Commission is appointed, and within the following 2-month period, submit its report to the President and the Congress. Not to exceed \$900,000 is authorized to be appropriated for the Commission, to remain available until expended. The House bill had no provision on this matter. The Senate bill contained a provision that realigned the current Ninth Circuit and established a new Twelfth Circuit.

Sec. 306.—The conference agreement includes section 306, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment, modified to include an additional provision appropriating \$5,000,000 for the cost of the salary adjustment, to be transferred to and merged with appropriations in this Title. The House bill did not contain a provision on this matter.

Sec. 307.—The conference agreement includes a provision included in the Senate bill amending section 44(c) of title 28 of the U.S. Code to require that in each circuit, other than the Federal Judicial Circuit, there shall be at least one circuit judge appointed from each State in that circuit. The House bill had no provision on this matter.

Sec. 308.—The conference agreement includes a provision requiring public disclosure of court appointed attorney's fees, unless the court finds that consideration of the defendant's interests requires otherwise, as included in the Senate bill as section 121, modified to make the provision effective 60 days after enactment, apply to new cases, and sunset in two years. The provision, as included in the Senate bill, would have been effective immediately, would have applied to all cases, and would have been permanent. The House bill included no similar provision.

The conference agreement includes a short title for Title III of this Act, as included in the Senate bill. The House bill did not include a short title.

#### TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of \$1,730,000,000 for Diplomatic and Consular Programs. This amount includes: a direct appropriation of \$1,705,600,000, instead of \$1,706,577,000 as provided in the House bill and \$1,727,868,000 as provided in the Senate bill, including \$490,000 from the reserve fund for the International Center, as provided in both the House and the Senate bills; \$700,000 to be derived from registration fees, as provided in both the House and the Senate bills; and \$23,700,000, to remain available until expended, for increased security overseas, as pro-

vided in the House bill, to continue the antiterrorism initiatives included in the fiscal year 1997 appropriations Act.

The conference report specifies that in addition to funds otherwise available, \$24,856,000 shall be available for operation of existing base services and \$17,312,000, to remain available until expended, for enhancement of the Diplomatic Telecommunications Service. The House bill contained a provision specifying these amounts, but did not allow for other funds that might be available. The Senate bill did not contain a provision on this matter.

The conference report also includes a provision permitting the transfer of up to \$4,000,000 to the Emergencies in the Diplomatic and Consular Service account for emergency evacuations and terrorism rewards, as provided in the Senate bill. The House did not have a provision on this matter.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 1998 and 1999 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill included a provision allowing deposit of MRV fees as an offsetting collection to this account in fiscal year 1998.

The conference report does not include a provision making not to exceed \$125,000 of the funds under this heading available for the Maui Pacific Center, as proposed in the Senate bill. The House bill did not contain a provision on this matter.

The conferees agree that the language in both the House and Senate reports under this heading is to be followed in expending fiscal year 1998 funds, with the following exceptions and additions.

The conferees endorse a modified plan for orphan adoptions in the Russian Far East proposed by the State Department in response to language in the Senate report. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The State Department shall report back to the Appropriations Committees on the implementation of the proposed new adoption procedures not later than December 31, 1997.

The conferees understand that the State Department has been reimbursing some, but not all, U.S. Bering Straits commissioners. The conferees direct the State Department to compensate all U.S. members of the Bering Straits Commission for costs associated with official duties. The conferees direct the State Department to provide the Appropriations Committees with an estimate of commissioner compensation in fiscal year 1998 not later than December 31, 1997.

The conferees are concerned over the situation in the Republic of Albania, specifically, reports that the new Socialist government is engaging in politically motivated purges of civil servants and allegations of repression of certain members of the opposition. As such, the conferees direct the State Department to maintain vigorous scrutiny of the human rights performance of the new government, particularly with respect to treatment of opposition political parties, and the exercise of freedom of the media and freedom of

Assembly. The conferees further direct the State Department to report back to the Congress on these issues within 180 days of enactment of the bill.

The State Department previously has been requested by the conferees to ensure that a senior officer of the U.S. & Foreign Commercial Service (US&FCS) was nominated to be an ambassador. The conferees continue to recognize the professionalism and foreign policy expertise of the US&FCS officer corps and believe that such an action is long overdue. Accordingly, the conferees expect the Department of State to select and nominate a US&FCS foreign service officer to be an ambassador by May 1, 1998.

#### SALARIES AND EXPENSES

The conference agreement includes a total of \$363,513,000 for Salaries and Expenses, as proposed in both the House and Senate bills. The conference agreement does not include a provision, as proposed in the House bill, to withhold \$7,270,260 from obligation until the Secretary designates foreign terrorist organizations as required by the Antiterrorism and Death Penalty Act of 1996. The conferees are aware that the Secretary has made such designation and submitted it to Congress. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

The Department of State, in consultation with the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation, is directed to prepare a report on the implementation of 22 U.S.C. 2778(b)(1)(B) to the Appropriations Committees of both the House and the Senate, to include the following:

- (1) the number of applications processed and approved in the last 5 years;
- (2) the articles that were approved for importation as of the date of the report;
- (3) the number of applications disapproved and the reasons for such disapprovals;
- (4) an estimate of the number and the specific model of firearms, based upon current survey information from overseas missions, available for importation from non-proscribed countries; and
- (5) a detailed explanation of the process by which an M-1 carbine can be converted into an illegal machine gun under the National Firearms Act or assault weapon, as defined in 18 U.S.C. 921(a)(30).

#### CAPITAL INVESTMENT FUND

The conference agreement includes \$86,000,000 for the Capital Investment Fund, instead of \$50,600,000 as proposed in the House bill, and \$105,000,000 as proposed in the Senate bill. The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

## OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, as proposed in the Senate bill, instead of \$28,300,000 as proposed in the House bill.

## REPRESENTATION ALLOWANCES

The conference agreement includes \$4,200,000 for Representation Allowances, instead of \$4,300,000 as proposed in the House bill and \$4,100,000 as proposed in the Senate bill.

## PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes \$7,900,000 for Protection of Foreign Missions and Officials, as provided in both the House and the Senate bills.

## SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes \$404,000,000 for this account, instead of \$373,081,000 as proposed by the House, and \$420,281,000 as proposed by the Senate.

The conference agreement includes \$9,500,000 for architectural and engineering plans for an embassy in Jerusalem.

The conference agreement also provides an additional \$19,600,000 for emergency rehabilitation and security projects worldwide, to address a portion of the large backlog in rehabilitation projects.

In addition, within the original budget request, the conferees are aware of some slippage in the rehabilitation projects that were submitted to Congress.

The conference report includes language to allow preservation, maintenance, repair, and planning for buildings that are owned or directly leased by the Department of State. The conference report includes sufficient funding to permit initiation of these activities. Up to this point, the Department has not had any funds for capital maintenance of a category of buildings, including its passport and regional operations centers. The conferees are also aware the Department is projecting a need for passport processing capacity greater than available from current facilities, including expansions already planned, and expect the Department to commence planning for a facility to meet such a need in a State previously designated for that purpose.

The conferees are in agreement with language in both the House and Senate reports emphasizing the importance of increased management and disposal of surplus properties to fund new construction and real property acquisitions that are not currently being directly funded under this account. The conferees believe that the Department's budget presentation should include a priority list of proposed uses of proceeds from surplus property sales in addition to the anticipated level of property disposal for the upcoming fiscal year, as well as an accounting for the sale and use of proceeds for the previous two years, in order to make information on the oper-

ation of this program more available, in addition to the quarterly reports the Department is currently providing.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes \$5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in both the House and Senate bills.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of \$1,200,000 for the Repatriation Loans Program account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes \$14,000,000 for the Payment to the American Institute in Taiwan account, as proposed in the House bill, instead of \$14,490,000 as proposed in the Senate bill.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes \$129,935,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes \$955,515,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of \$978,952,000 as proposed in the House bill, and \$957,009,000 as proposed in the Senate bill. Within this amount, \$54,000,000 is for payment of arrearages, as proposed in both the House and Senate bills, and not to exceed \$12,000,000 is to be transferred to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission for certain defined activities, instead of \$4,000,000 for transfer to the ICC account for new or provisional international organizations, as proposed in the House bill, and \$10,000,000 for transfer to the ICC account for new or provisional organizations and for travel expenses of official delegates to international conferences, as proposed in the Senate bill.

Within this amount, the conference agreement provides \$54,000,000 for payment of arrearages, as proposed in both the House and Senate bill, contingent upon enactment of an authorization act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the U.S. 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 U.S. to the U.N.; certification that the U.N. and affiliates have taken no action to infringe on U.S. sovereignty; a ceiling on U.S. contributions to international organiza-

tions in future years of \$900,000,000; establishment of a merit-based personnel system at the U.N.; U.S. membership on the U.N. Budget Committee; GAO access to U.N. financial data; negative growth budgets and independent inspectors general for affiliated organizations; and improved consultation procedures with Congress, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes conditions relating to payment of the current year assessment to the U.N., as proposed in the House bill, as follows: (1) \$100,000,000 may be made available only on a semi-annual basis pursuant to a certification that the U.N. has taken no action to cause it to exceed the expected 1998–1999 budget of \$2,533,000,000; (2) 20 percent of the assessed contribution to the U.N. may be made only after a certification has been provided with respect to the functions of the U.N.’s Inspector General—the Office of International Oversight Services; and (3) none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings. The Senate bill did not contain provisions on these matters.

*Current year assessments.*—The amount provided in the conference report is expected to be sufficient to fully fund the current year assessments for U.S. membership in international organizations. The latest estimate of the cost of assessments provided by the Department of State to the Committees indicates that the increased value of the dollar in relation to other major currencies has lowered the requirement for funding of this account by \$53,368,000 below the original budget request. In addition, at the end of fiscal year 1997, \$17,620,000 was transferred from the Contributions to International Peacekeeping account to this account to prepay a portion of the U.N. dues payable in fiscal year 1998, and additional prepayments were made from funds reserved for International Conferences and Contingencies that would otherwise have lapsed. Finally, approximately \$4,600,000 of the amount requested for assessments is not required to be paid out, because U.S. membership in two new organizations has not been ratified, the U.S. has announced its withdrawal from a small organization paid for out of the Organization for Economic Cooperation and Development assessment, and the contribution to the Interparliamentary Union is to be limited to \$5,000 because that organization has not resolved a disputed assessment increase. The conferees agree that no funding is to be provided to the five organizations for which funding was not provided in fiscal years 1996 and 1997. To the extent that foreign currency exchange rates change, the conferees expect that there are sufficient mechanisms in place or pending in authorization language to make up any difference or to assure that excess funding does not lapse.

*Transfer to International Conferences and Contingencies.*—Not to exceed \$12,000,000 is to be transferred from the Contributions to International Organizations account to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission. Transferred funds are to be obligated and expended only for Com-

mission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing international monitoring systems involved in cooperative data sharing agreements with the United States as of the date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty. If the Treaty is ratified, then the limitation on what these funds can be expended for would no longer be in effect.

The conferees adopt by reference the language in the House report concerning the Framework Convention on Climate Change.

The conferees agree that no funding is provided for world-wide conferences. The conferees understand that the United States could lose its vote in some international organizations due to arrears, such as the current situation with the INRO. The conferees are agreed that the Department of State should take action to maintain the U.S. Government's vote in these organizations and should expeditiously submit a reprogramming to pay off shortfalls, if necessary.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides \$256,000,000 for Contributions for International Peacekeeping Activities, instead of \$261,000,000, as proposed in the House bill, and \$200,320,000 as proposed in the Senate bill.

The conference agreement includes \$46,000,000 for payment of arrearages, as included in both bills, and makes payment of arrearages contingent upon enactment of an authorization subject to the same conditions applicable to payment of arrearages described under the previous account, Contributions to International Organizations, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the 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 a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference language in the House report requiring reprogramming requirements for certain missions that may continue, but for which information has either not been provided or is under consideration.

## INTERNATIONAL CONFERENCES AND CONTINGENCIES

The conference agreement does not include funding for International Conferences and Contingencies, as proposed in the Senate bill, instead of \$1,500,000 as proposed in the House bill. The conference agreement includes the transfer of up to \$12,000,000 to this account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, for specified activities.

## INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES  
AND MEXICO

## SALARIES AND EXPENSES

The conference agreement includes \$17,490,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), as proposed in the House bill, instead of \$18,200,000 as proposed in the Senate bill.

The conference agreement provides that not to exceed \$6,000 may be used by the Commission for representation expenses, as proposed in the House bill, instead of \$10,000 as proposed in the Senate bill.

## CONSTRUCTION

The conference agreement includes \$6,463,000 for the Construction account of the IBWC, as proposed in both the House and Senate bills.

## AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes \$5,490,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as provided in the House bill, instead of \$5,010,000 as provided in the Senate bill.

Within the total, \$761,000 is provided for the International Boundary Commission, United States and Canada, as proposed in the House bill, instead of \$785,000 as proposed in the Senate bill; \$3,189,000 is provided for the International Joint Commission, instead of \$3,128,000 as proposed in the House bill and \$3,225,000 as proposed in the Senate bill; and \$1,540,000 for the Border Environment Cooperation Commission, instead of \$1,601,000 as proposed in the House bill, and \$960,000 as proposed in the Senate bill. No funds are provided for the Bering Straits Commission, as proposed in the House bill, instead of \$40,000 as proposed in the Senate bill. This issue is addressed in the Statement of Managers under the Diplomatic and Consular Programs heading.

The conference agreement provides \$9,000 for representation expenses, as proposed in the House bill, instead of \$9,900 as proposed in the Senate bill.

## INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes \$14,549,000 for the U.S. share of the expenses of the International Fisheries Commissions



and related activities, as proposed in the Senate bill, instead of \$14,490,000 as proposed in the House bill.

#### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes \$8,000,000 for the Payment to the Asia Foundation account, the amount provided in the House bill, instead of \$5,000,000, as provided in the Senate bill.

#### RELATED AGENCIES

##### ARMS CONTROL AND DISARMAMENT AGENCY

##### ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes \$41,500,000 for the Arms Control and Disarmament Agency (ACDA), as proposed in the House bill, instead of \$32,613,000 as proposed in the Senate bill. Funds are provided for operating expenses of ACDA, with the expectation that \$1,000,000 will not be required for operations and will be available for the Comprehensive Test Ban Treaty Preparatory Commission. These funds are to be expended subject to the same conditions as the funds provided for this purpose under Contributions to International Organizations for transfer to International Conferences and Contingencies. The Agency is directed to provide a detailed financial plan to the Committees within 30 days of enactment of this Act, setting forth how these funds will be distributed to fund basic operating expenses and the Preparatory Commission. Funding for activities other than basic operating expenses and the aforementioned amount for CTBT that are identified in the financial plan will be subject to section 605 of this Act. Any variation from the plan that falls within the reprogramming criteria of section 605, including spending for activities that do not constitute operating expenses, shall be subject to reprogramming. If the Agency is contemplating changes to its financial plan, the Agency is expected to consult with the Committees to determine whether those changes fall within the reprogramming criteria prior to undertaking such changes.

##### ARMS CONTROL AND DISARMAMENT AGENCY

##### ARMS CONTROL AND DISARMAMENT ACTIVITIES

##### (RESCISSION)

The conference agreement includes a rescission of \$700,000 of no-year funds available to ACDA that were not expended as of the end of fiscal year 1997. This rescission was not included in either the House or Senate bills.

##### UNITED STATES INFORMATION AGENCY

##### INTERNATIONAL INFORMATION PROGRAMS

The conference agreement includes \$427,097,000 for International Information Programs of the United States Information Agency (USIA) as proposed in the Senate bill, instead of

\$430,597,000, as proposed in the House bill. All other bill language, which is identical in the House and Senate bills, is included in the conference agreement, except for one modification to assure that fees from educational advising and counseling, and exchange visitor program services may be credited to this appropriation in the absence of an authorization. The conferees intend that the remaining program direction included in both the House and Senate reports be followed.

#### TECHNOLOGY FUND

The conference agreement includes \$5,050,000 for the Technology Fund, as proposed in the House bill, instead of \$10,000,000 as proposed in the Senate bill. The conferees intend that the program direction included in the House Report be followed.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes \$197,731,000 for Educational and Cultural Exchange Programs, instead of \$193,731,000 as proposed in the House bill, and instead of \$200,000,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed \$800,000 may be credited to this appropriation from fees and other payments. The conference agreement includes bill language which ensures that fees from educational advising and counseling may be credited to this appropriation in the absence of an authorization.

The conferees intend that within this amount, \$94,236,000 shall be for Fulbright Academic Exchanges, and \$103,495,000 shall be for other exchange programs and support. USIA shall provide funds for the Mansfield Fellowships, the Irish Management Center, and the U.S./Mexico Conflict Resolution Center at the levels provided in the Senate report.

The conferees expect that a proposal for the distribution of the available resources among exchange programs will be submitted through the normal reprogramming process prior to final decisions being made. This distribution should include funding, to the maximum extent possible, for all programs specifically mentioned in the House and Senate reports. In addition, the conferees encourage USIA to consider proposals to fund exchanges and exchange-related activities in support of the Women's World Cup and the Vietnam Challenge multi-sport event.

With respect to exchanges with the newly independent states of the former Soviet Union, the conferees expect that funding will be distributed equitably among high-school, college, graduate, and post-graduate programs.

The conferees understand that USIA plans to open up the administration of the Fulbright senior scholar program for competition in 1998. The conferees encourage USIA to conduct this and future competitions in such a way as to take maximum advantage of the unique competitive strengths of eligible exchange organizations that have expertise and experience in specific regions of the world.

The conferees expect that USIA will ensure that Federal funding for exchange programs will be used to support the actual exchange of participants to the maximum extent possible by cost-sharing with other governments, by entering into partnerships

with private organizations that make available non-governmental resources, and by eliminating funding of administrative costs that do not demonstrably enhance the number or duration of exchanges.

#### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1998 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

#### ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1998 to be used for necessary expenses of the Israeli Arab Scholarship Program.

#### INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes \$364,415,000 for International Broadcasting Operations, instead of \$391,550,000 as proposed in the House bill, and instead of \$339,655,000 as proposed in the Senate bill. The conference agreement adopts the approach proposed in the Senate bill for broadcasting to Cuba. No funds for broadcasting to Cuba are included under this account, as proposed by the House, but rather, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate, consistent with the fiscal year 1997 appropriations Act.

The conference agreement includes \$24,960,000 for the expansion of broadcasting to China by Radio Free Asia and the Voice of America. The conference agreement includes bill language making \$12,100,000 of this amount available until expended for one-time capital costs associated with this initiative. The conference agreement does not include the Senate report language earmarking \$20,000,000 for Radio Free Asia. USIA and the Broadcasting Board of Governors shall provide the Committees with a detailed plan for expenditure of funds for the expansion of broadcasting to China for consideration under usual reprogramming procedures.

Within the total amount provided for international broadcasting operations, the conferees agree that \$4,000,000 shall be for the development of a Farsi-language surrogate broadcasting service to Iran.

The conference agreement does not include language in the Senate bill making not to exceed \$10,000,000 available only on a dollar-for-dollar basis when matched with the proceeds of sales of advertising air time. The conference agreement includes bill language providing not to exceed \$2,000,000 from advertising receipts and revenue from business ventures; not to exceed \$500,000 in receipts from cooperating international organizations; and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as proposed in the House bill. The conference agreement includes a modification to the House bill language to ensure that receipts may be credited to this appropriation in the absence of an authorization.

The conferees expect that the Committees will be notified of the final distribution of funding among the activities under this account pursuant to the normal reprogramming procedures. To the extent that reductions are necessary, the conferees urge that priority be given to reductions to administrative costs and functions which do not have direct impacts on language service broadcast hours.

#### BROADCASTING TO CUBA

The conference agreement includes \$22,095,000 for Broadcasting to Cuba under a separate account, as proposed in the Senate bill, instead of the same amount within the total for International Broadcasting Operations, as proposed in the House bill.

#### RADIO CONSTRUCTION

The conference agreement includes \$40,000,000 for Radio Construction, as proposed in the House bill, instead of \$32,710,000, as proposed in the Senate bill. This account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conference agreement includes \$10,000,000 to support the expansion of broadcasting to China, and includes the guidance and reporting requirements contained in the House report.

#### EAST-WEST CENTER

The conference agreement includes \$12,000,000 for operations of the East-West Center, instead of no funds, as proposed in the House bill, and \$22,000,000, as proposed in the Senate bill. Within this amount, the conferees agree that \$125,000 shall be for a grant to support efforts by the Maui Pacific Center to help Pacific nations maintain fish stocks.

#### NORTH/SOUTH CENTER

The conference agreement includes \$1,500,000 for operations of the North/South Center, instead of no funds, as proposed in the House bill, and \$3,000,000, as proposed in the Senate bill.

#### NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes \$30,000,000 for the National Endowment for Democracy, as proposed in both the House and Senate bills.

#### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Section 401.—The conference agreement includes section 401, as provided in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate bill contained a similar provision, with minor technical changes.

Sec. 402.—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The

Senate bill contained a similar provision, with minor technical changes.

Sec. 403.—The conference agreement includes section 403, waiving provisions of existing legislation that require authorizations to be in place for the State Department, the United States Information Agency, including International Broadcasting Operations, and the Arms Control and Disarmament Agency prior to the expenditure of any appropriated funds. The Senate bill included a provision under section 403 stating that the U.S. Commissioner of the International Boundary Commission, U.S. and Canada, can be compensated only for actual hours worked. This provision is not included in the conference agreement, since the language included in the fiscal year 1997 appropriations Act on this matter was permanent in effect. The House bill contained no provision on either of these matters.

Sec. 404.—The conference agreement includes a provision similar to provisions included in the House bill as sections 403 and 404 and in the Senate bill as section 406, establishing procedures and amounts for implementation of the International Cooperative Administrative Support Services (ICASS) program. The conference agreement provision provides for a transfer of \$2,800,000 less than was included in the House and Senate bills, and reduces the amounts transferred to other agencies by a like amount to take account of foreign exchange rate gains. The transfer of \$109,662,000 to other appropriations in fiscal year 1998 provides the necessary additional resources for administrative expenses paid out of those accounts in order to permanently shift ongoing budgetary responsibility to them.

The Senate bill contained as section 404 a provision that required costs incurred from personnel reductions taken in response to funding reductions in this Title to be absorbed within the total resources available to the agencies under this Title, and, subject to reprogramming procedures, permitting funds to be transferred between accounts to cover such costs. The House bill did not contain a similar provision. The conference agreement includes a provision that provides these authorities for all agencies funded under this Act under Title VI.

Sec. 405.—The conference agreement includes a provision to allow payment of a border equalization adjustment to approximately 20 employees of the Department of State and other agencies who are not members of the Foreign Service, live in the United States, but commute to work in locations in Mexico and Canada. This section will equalize pay for these employees based on the locality pay rates paid for service performed in the United States within the locality pay areas closest to the employees' foreign duty station.

The Senate bill included a provision under section 405 relating to certification of activities relating to Vietnam's cooperation on issues relating to prisoners of war and missing in action. The conference agreement addresses this issue under Title VI.

The conference agreement includes a short title for Title IV of the bill, as included in the Senate bill. The House bill did not include a short title.

TITLE V—RELATED AGENCIES  
DEPARTMENT OF TRANSPORTATION  
MARITIME ADMINISTRATION  
OPERATING-DIFFERENTIAL SUBSIDIES  
(LIQUIDATION OF CONTRACT AUTHORITY)

The conference agreement includes \$51,030,000 for payment of obligations incurred for the Maritime Administration (MARAD) operating differential subsidy program, as proposed in the House bill, instead of \$135,000,000 as proposed in the Senate bill.

MARITIME SECURITY PROGRAM

The conference agreement includes \$35,500,000 for the Maritime Security Program (MSP) as proposed in the House bill, instead of \$35,000,000 as proposed in the Senate bill. This program, funded under the allocation for national security programs, provides payments to maintain and preserve a U.S.-flag merchant fleet for the national security needs of the United States.

OPERATIONS AND TRAINING

The conference agreement includes \$67,600,000 for the Maritime Administration Operations and Training account instead of \$65,000,000 as proposed in the House bill instead of \$69,000,000 as proposed in the Senate bill. Within this amount, the conferees intend that \$31,500,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, and that \$7,100,000 shall be for State Maritime Academies. The conference agreement does not specifically allocate the balance of the funds in this account among operating programs, general administration and additional training. The conferees expect that MARAD will submit to the Committees on Appropriations a plan for the expenditure of resources under this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides \$32,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of \$35,000,000 as proposed in the House bill, and \$29,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than \$1,000,000,000 as proposed in both the House and Senate bills.

The conferees have also included \$3,725,000 for administrative expenses associated with the Maritime Guaranteed Loan Program, instead of \$3,450,000 as proposed in the House bill, and \$4,000,000 as proposed in the Senate bill. These amounts may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions contained in both the House and Senate bills involving Government property controlled by MARAD, the accounting for certain funds received by

MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE  
ABROAD

SALARIES AND EXPENSES

The conference agreement provides \$250,000 for the Commission for the Preservation of America's Heritage Abroad as proposed in the House bill, instead of \$206,000 as proposed in the Senate bill.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes \$8,740,000 for the salaries and expenses of the Commission on Civil Rights, as proposed in both the House and Senate bills.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

The conference agreement includes \$459,000 for the Commission on Immigration Reform as proposed in the Senate bill, instead of \$496,000 as proposed in the House bill.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes \$1,090,000 for the Commission on Security and Cooperation in Europe, as proposed in both the House and Senate bills.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$242,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission as proposed in the Senate bill, instead of \$239,740,000 as proposed in the House bill.

Within the total amount, the conference agreement includes \$27,500,000 for payments to State and local enforcement agencies for services to the Commission, as provided in both the House and Senate bills.

The conferees agree with concerns expressed in both the House and Senate reports about the large backlog of cases, and about the allocation of scarce resources to litigation by the Commission in discrimination cases where complainants are already adequately represented by counsel in other fora. The conferees expect that the Commission's first priority will be the processing of charges, and urge that the Commission target its manpower and financial resources toward the prosecution of cases in which the underlying facts are not the subject of independent litigation before the private

bar. The conferees further expect the Commission to submit reports as indicated in the House report.

#### FEDERAL COMMUNICATIONS COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes a total of \$186,514,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of \$177,079,000 as proposed in the House bill, and \$185,949,000 as proposed in the Senate bill. Of the amounts provided, \$162,523,000 is to be derived from offsetting fee collections, as proposed in the Senate bill, instead of \$152,523,000 recommended in the House bill, resulting in a net direct appropriation of \$23,991,000, instead of \$24,556,000 included in the House bill, and \$23,426,000 included in the Senate bill.

The conference agreement includes language in both the House and Senate bills, and included in previous appropriations Acts, allowing fees in excess of the amounts specified to remain available for expenditure in future years. In addition, language is also included, as recommended in the House bill and included in previous appropriations Acts, allowing funds provided for research and policy studies to remain available for two years. The Senate bill made such funds available for one year.

The conferees are concerned about allegations which have been made regarding the proposed move of the FCC to the Portals building. Among the issues concerning the conferees are the recent actions by the FCC and the General Services Administration (GSA) to increase the size of the space to be occupied at the Portals above the congressionally-approved prospectus. This expansion has significantly increased the cost of the FCC's lease. The conferees are also concerned about the significant delays in the construction schedule. In the fiscal year 1997 budget submission, the FCC expected to be moved into the new Portals building in December 1997. The move is now slated to begin in March 1998. Therefore, the conferees request that the General Accounting Office (GAO) review these and other concerns about the Portals lease and the proposed FCC move and report back to the Congress no later than January 31, 1998.

#### FEDERAL MARITIME COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$14,000,000 for the salaries and expenses of the Federal Maritime Commission, instead of \$13,500,000 as proposed in the House bill and \$14,300,000 as proposed in the Senate bill.

#### FEDERAL TRADE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes a total operating level of \$106,500,000 for the Federal Trade Commission, instead of \$105,000,000 as proposed in the House bill and \$108,000,000 as proposed in the Senate bill. The conference agreement assumes



that of the amount provided, \$70,000,000 will be derived from fees collected in fiscal year 1998 and \$18,000,000 will be derived from estimated unobligated fee collections available from 1997. These actions result in a final appropriated level of \$18,500,000, instead of \$19,000,000 as proposed in the House bill and \$28,000,000 as proposed in the Senate bill.

Use of any unobligated fee collections from 1997 above \$18,000,000 are subject to the reprogramming requirements outlined in section 605 of this Act.

The conferees urge the Commission to retain the current standard for "Made in U.S.A." as stated in the House report.

The conferees are aware of concerns about the impact of alcohol advertising on underage drinking, and understand that the FTC is engaged in the ongoing monitoring of the advertising and marketing practices of manufacturers of beverage alcohol. The conferees expect the FTC to emphasize these activities, investigate when problematic practices are discovered, encourage the development of effective voluntary advertising codes, and report their findings back to the Committees on Appropriations.

#### GAMBLING IMPACT STUDY COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$1,000,000 for the salaries and expenses of the Gambling Impact Study Commission as proposed in the Senate bill, instead of no funding, as proposed in the House bill.

#### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$283,000,000 for payment to the Legal Services Corporation, instead of \$250,000,000 as proposed in the House bill, and \$300,000,000 as proposed in the Senate bill.

The conference agreement provides \$274,400,000 for grants to basic field programs and independent audits, \$7,100,000 for management and administration, and \$1,500,000 for the Office of the Inspector General.

##### ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, included in both the House and Senate bills, continuing all statutory requirements and restrictions included in the fiscal year 1997 appropriations Act.

In addition, the conference agreement includes new provisions in section 501, as contained in the House bill, providing additional authority to the Corporation to terminate a grant award and institute a new grant competition if the existing grantee has been found to be in violation of statutory and regulatory requirements and restrictions. The Senate bill contained similar provisions. In addition, provisions are included in section 504, as contained in the House bill, to allow the Corporation to debar grantees from the competitive bid process in certain circumstances. The Senate bill contained similar provisions.

The conference agreement includes a provision, section 505, proposed in the House bill but not addressed in the Senate bill, requiring certain public disclosure reporting requirements related to litigation initiated by grantees of the Legal Services Corporation.

The conference agreement also includes a provision, section 506, proposed in the Senate bill but not addressed in the House bill, to ensure that income eligibility determinations in cases of domestic violence are made only on the basis of the assets and income of the individual. The conferees are aware that the current statute and regulations of the Legal Services Corporation already provide for such determinations to be made in all cases, including domestic violence. However, given concerns regarding access to the legal system for victims of domestic violence, the conferees have included this provision to provide greater clarity regarding this matter. However, the conferees do not intend to in any way preclude such eligibility determinations in other cases made in accordance with current regulations and statute.

The conference agreement makes several technical changes to correct statutory citations and other technical differences included in the House and Senate bills.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$1,185,000 for the salaries and expenses of the Marine Mammal Commission instead of \$1,000,000 as proposed in the House bill, and \$1,240,000 as proposed in the Senate bill.

#### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes a total operating level of \$315,000,000 for the Securities and Exchange Commission as proposed in the House bill, instead of \$317,412,000, as proposed in the Senate bill. The conference agreement includes bill language providing offsetting fees in accord with levels authorized in the National Securities Markets Improvement Act of 1996. These offsetting fees are expected to provide \$249,523,000 in fiscal year 1998. In addition, the conference agreement assumes the use of \$32,000,000 in carryover funds from fiscal year 1997. These offsets result in a net direct appropriation of \$33,477,000 as proposed in the House bill, instead of \$35,889,000, as proposed in the Senate bill.

The conference agreement does not contain a provision in the House bill that fees collected in excess of \$249,523,000 shall remain available until expended, but shall not be available for obligation until October 1, 1998. These fees will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

## SMALL BUSINESS ADMINISTRATION

## SALARIES AND EXPENSES

The conference agreement provides an appropriation of \$254,200,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of \$235,047,000 as proposed in the House bill, and \$246,100,000 as proposed in the Senate bill.

In addition to amounts made available under this heading, the conference agreement includes \$94,000,000 for administrative expenses under the Business Loans Program Account and \$150,000,000 for administrative expenses under the Disaster Loans Program account. These amounts are transferred to and merged with amounts available under Salaries and Expenses, resulting in total funding of \$498,200,000 for SBA operating programs, non-credit and other initiatives.

The conference agreement provides a total of \$133,250,000 for SBA's regular operating expenses under this account, an increase of \$13,049,000 above the fiscal year 1997 level. This increase is provided as follows: \$2,000,000 is for necessary expenses to implement the HUBZone proposal; \$3,049,000 is for adjustments to base, including the full amount requested for Low Documentation processing centers; and \$8,000,000 is provided for initiatives to improve SBA's management and oversight of its loan portfolio. The increase for portfolio management and oversight is to be distributed as follows: (1) \$1,750,000 for staff and training for the Office of the Chief Financial Officer; (2) \$200,000 for SBA to contract with a private entity to provide technical and management support in developing and implementing a plan for modernization of SBA's information resource management systems; and (3) \$6,050,000 for information resource management systems. The conferees direct the SBA to submit a spending plan in accordance with section 605 of this Act prior to the expenditure of funds provided for these initiatives. Further, the conferees direct the SBA, with the exception of the Disaster Loans program, to reduce its travel by 50 percent from the fiscal year 1997 level.

The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers .....	\$75,800,000
SBDC Defense Transition .....	2,000,000
7(j) Technical Assistance .....	2,600,000
SCORE .....	3,500,000
Business Information Centers .....	500,000
Women's Demonstration .....	4,000,000
Women's Council .....	350,000
EZ/EC One Stop Capital Shops .....	3,100,000
Microloan Technical Assistance .....	14,500,000
US Export Assistance Centers .....	3,100,000
Regulatory Fairness Boards .....	500,000
Total .....	109,950,000

*Small Business Development Centers (SBDC).*—Of the amounts provided for SBDCs, the conferees have included \$1,000,000 to be used for the Environmental Compliance Project as directed in the House report, and \$35,000 for an Internet commerce study as directed in the Senate report. In addition, the conference agreement provides a \$1,300,000 increase to be used to provide a minimum al-

location of \$500,000 for all States able to meet the appropriate matching requirements. The conferees do not intend for any State's allocation to be reduced from its fiscal year 1997 allocation under the current funding formula, and direct SBA to submit a reprogramming if additional funds are required to ensure that all eligible states receive the \$500,000 minimum allocation without reducing other States' funding.

In addition, the conference agreement includes language, as proposed in the House bill, making funds for the SBDC program available for two years.

*Women's Demonstration and Women's Council.*—The conferees provide funding for the Women's Demonstration Business Centers program at the requested level of \$4,000,000. The conferees intend that fourth year funding be provided for eligible existing sites subject to authorization, that new centers started in fiscal year 1997 will be funded at no less than their current level, and that three new sites will be added.

Of the amounts provided for the Women's Council, \$100,000 is to be used for federal procurement research projects included in the Senate report. In addition, the conferees direct that no more than 10% of the total amount provided for Women's Council activities be used for SBA administrative expenses and overhead charges.

*Microloan Technical Assistance.*—The conference agreement provides a total availability of \$16,500,000 for the Microloan Technical Assistance program in fiscal year 1998, the same level as recommended in both the House and Senate bills. Of these amounts, \$14,500,000 is provided in direct appropriations and \$2,000,000 is to be derived by transfer from the unobligated balances in the Microloan Direct loan program, as provided in the House bill and requested in the budget. The Senate bill provided \$16,500,000 in direct appropriations and did not assume this transfer of funds.

The conference agreement provides no funds for Advocacy Research. However, the conferees would be willing to entertain a reprogramming subject to section 605 of this Act to maintain activities approved in fiscal year 1997. In addition, the conference agreement includes no funds for the Survey of Women Owned Businesses, but would be willing to entertain a reprogramming subject to section 605 of this Act for this activity.

The conference agreement adopts language included in the House report directing the SBA to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

In addition, the conference agreement includes the following small business initiatives: \$3,000,000 for infrastructure to develop a facility for small business development; \$3,000,000 for continuation of an outreach program to assist small business development; \$2,000,000 to develop a facility to increase small business opportunities and economic development; \$1,500,000 to develop a facility and operate an institute for small business and workforce development; \$1,000,000 for continuation of a small business incubator; and \$500,000 for continuation of a program for small business consulting and technical assistance.

Further, the conferees expect that all procurement center representatives will report to the Area Directors of the Government Contracting Area Offices.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$10,000,000 for the SBA Office of Inspector General, instead of \$9,490,000 as proposed in the House bill and \$10,600,000 recommended in the Senate bill.

Further, as proposed in both the House and Senate bills, an additional \$500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the disaster loans program.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes \$181,232,000 in subsidy appropriations under the SBA Business Loans Program Account, the same amount recommended in the Senate bill, instead of \$187,100,000 as proposed in the House bill, and \$173,235,000 as requested in the budget. Of these amounts, \$45,000,000 is to remain available for two years, as proposed in the House bill.

*7(a) General Business Loans.*—The conference agreement provides \$161,000,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, as proposed in the Senate bill, instead of \$167,000,000 as proposed in the House bill, and \$153,003,000 requested in the budget. When combined with \$35,700,000 in prior year unobligated balances and additional recoveries, this amount will subsidize a program level of \$10,191,710,000 at the fiscal year 1997 subsidy rate of 1.93%, instead of an \$8,500,000,000 program level requested in the President's budget. In addition, the conference agreement includes a new provision, not included in either the House or Senate bills requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than \$10,000,000,000.

*Small Business Investment Companies (SBIC).*—The conference agreement provides \$20,232,000 for the SBIC debenture and participating securities programs, as proposed in the Senate bill, instead of \$20,100,000 as proposed in the House bill. Of these amounts, for the participating securities program, \$11,580,000 is provided in subsidy appropriations which, when combined with \$5,800,000 in prior year carryover, will result in a total program level of \$684,253,000 in fiscal year 1998. In addition, for the debentures program, \$8,652,000 is provided which, when combined with \$3,800,000 in prior year carryover, will result in a total program level of \$541,391,000 in fiscal year 1998.

*Microloan Direct and Guaranty Programs.*—The conference agreement does not include new appropriations for the Microloan Direct Loan Program or the Microloan Guaranty Program, as none was requested. The conferees assume that \$2,000,000 of the \$6,000,000 in carryover in the Direct Loan Program will be transferred to the Salaries and Expenses Account for Microloan Technical Assistance Grants, with the remainder to be used for direct loans in fiscal year 1998. In addition, the conferees assume that

the \$3,800,000 in carryover in the Guaranty Program will be used for guaranteed loans in fiscal year 1998. The conferees expect the SBA to follow the reporting requirement included in the House report regarding this program.

In addition, the conference agreement includes \$94,000,000 for administrative expenses to carry out the direct and guaranteed loan programs, as proposed in both the House and Senate bills, and makes such funds available to be transferred to and merged with the appropriations for Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of \$173,200,000 for this account, of which \$23,200,000 is for the subsidy costs for disaster loans, and \$150,000,000 is for associated administrative expenses. The Senate bill provided \$173,200,000 only for administrative expenses, as requested in the budget, while the House bill provided a total of \$199,100,000 for both loan subsidy costs and associated administrative expenses.

For disaster loans, the conference agreement assumes that the \$23,200,000 subsidy appropriation, when combined with \$185,000,000 in carryover balances, will provide a total disaster loan program level of \$887,468,000. The conferees note that the budget requested no funds for the disaster loan program, proposed to increase the interest rate charged to disaster loan victims, a proposal which has been rejected previously by the Congress, and requested a program level of only \$785,000,000, a level well below the average need in previous fiscal years. The conferees believe the Administration should take actions to more realistically assess the level of need for the disaster loans program and budget accordingly. Therefore, to ensure sufficient funds are available for disaster victims, the conferees have included additional appropriations in fiscal year 1998 for disaster loans, while reducing the amounts available for administrative overhead.

The conference agreement includes \$150,000,000 for administrative expenses for the disaster loans program, instead of \$173,200,000 as requested in the budget. The conferees expect any shortfall in these funds to be made up through additional recoveries throughout the year. The conferees remind SBA that such recoveries are subject to the reprogramming procedures set forth in section 605 of this Act.

Of the amounts provided for administrative expenses, \$500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the disaster loans program.

#### SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides \$3,500,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as proposed in both the House and Senate bills.

## ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts, as provided in both the House and Senate bills.

## STATE JUSTICE INSTITUTE

## SALARIES AND EXPENSES

The conference agreement provides \$6,850,000 for the salaries and expenses of the State Justice Institute (SJI) instead of \$3,000,000 as proposed by the House, and \$13,550,000 as proposed by the Senate.

## TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Section 601.—The conference agreement includes section 601, identical in both the House and Senate versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House and Senate versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House and Senate versions of the bill, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, identical in both the House and Senate versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605, as included in the House version of the bill and similar to the provision in the Senate version of the bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606.—The conference agreement includes section 606, identical in both the House and Senate versions of the bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607 regarding the purchase of American-made products, as provided in both the House and Senate bills.

Sec. 608.—The conference agreement includes section 608 which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993, as provided in both the House and Senate bills.

Sec. 609.—The conference agreement includes a provision, which modifies language proposed in the House bill as section 609 and in the Senate bill as section 405, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification

that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The conference agreement applies this provision to this fiscal year and to funds provided in this Act, as proposed in the House bill, instead of permanent and to funds provided in this or any other Act, as proposed in the Senate bill.

It requires that the President make the certification within 60 days, as proposed in the House bill, instead of within 60 days of the beginning of each fiscal year, as proposed in the Senate bill.

It requires that the President certify that Vietnam is fully cooperating in good faith, instead of cooperating in full faith as proposed in the House bill, and fully cooperating as proposed in the Senate bill.

It requires that the certification be based on all information available to the United States Government as proposed in the House bill instead of based on a formal assessment of all information available to the United States Government as proposed in the Senate bill.

And it requires that an additional issue be included in the certification, namely, that relevant material associated with prisoners of war and missing in action recovered from Southeast Asia and available to the U.S. government is being thoroughly analyzed by the appropriate laboratories with the intent of providing 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, as proposed in the Senate bill, instead of no language on this issue, as proposed in the House bill. The conferees note that preparing material with the intent to provide does not mean actually providing such material, if doing so would violate existing laws or national security concerns. The conferees do not intend that actions taken with respect to the directives in the bill on the intent to provide unclassified and unredacted materials to family members violate either existing laws or national security policies. The purpose of this last certification criterion is to reinforce the valuable and important work that is being carried out by the individuals, task forces and laboratories under the most difficult of circumstances, and to ensure that they have sufficient resources to carry out their work. With sufficient resources, these laboratories can carry out their mission of analyzing evidence and providing information to surviving relatives, a mission they are currently carrying out with great professionalism and dedication.

Sec. 610.—The conference agreement includes section 610, which repeats language contained in the fiscal years 1996 and 1997 appropriations Acts, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 611.—The conference agreement includes section 611 which prohibits the use of funds to provide certain amenities for Federal prisoners as provided for in both the House and Senate bills.



Sec. 612.—The conference agreement includes a modified version of section 612 restricting the use of funds provided under the National Oceanic and Atmospheric Administration Fleet Modernization account proposed in the House bill. The Senate bill deleted this provision. The modification permits NOAA to develop long term plans to support its fisheries research requirements.

Sec. 613.—The conference agreement includes section 613, as proposed in the House bill, which requires agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or Department. The Senate bill included this same provision as section 610.

Sec. 614.—The conference agreement includes section 614, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material to a prisoner when it is made known that such information or material is sexually explicit or features nudity. Both the House and the Senate bills included this section, but the Senate bill included this as section 611.

Sec. 615.—The conference agreement includes section 615, similar to language proposed by the House bill and proposed by the Senate bill under section 120, which limits funding under the Local Law Enforcement Block Grant to 90 percent, to an entity that does not provide public safety officers injured in the line of duty and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The language has been modified to clarify the expected level of health benefits intended by the provision.

Sec. 616.—The conference agreement includes section 616, which prohibits funds available in this Act from being used to issue or renew a fishing permit or authorization for any vessel more than 165 feet long or greater than 750 gross tons, and with more than 3,000 shaft horsepower to engage in fishing for Atlantic mackerel or herring. In addition, vessels above these thresholds are prohibited from engaging in the catching, taking, or harvesting of fish in any other fishery within the United States exclusive economic zone (EEZ) (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 endorsement is still valid. In addition, language is included to nullify any fishing permit or authorization issued prior to enactment of this Act for vessels prohibited under this section from engaging in the fishing of Atlantic mackerel or herring, and prohibiting funds from being expended to issue a new permit or authorization to allow such a vessel whose Atlantic mackerel or herring permit has been nullified under this section from engaging in the catching, taking, or harvesting of fish in any other fishery within the U.S. EEZ. The House bill contained a provision prohibiting vessels of such length from fishing in the Atlantic herring or mackerel fishery. The Senate bill contained no provision addressing these matters.

Sec. 617.—The conference agreement includes section 617, similar to language proposed in the House bill, that allows persons who prevail in a Federal criminal case to recover attorney's fees and other litigation costs if the court finds that the position of the

United States was vexatious, frivolous or in bad faith. The conferees understand that a grand jury finding of probable cause to support an indictment does not preclude a judge from finding that the government's position was vexatious, frivolous or in bad faith. The provision provides that the procedures and limitations of the Equal Access to Justice Act apply, except with regard to burden of proof, and that certain evidence may be received *ex parte* and *in camera* and kept under seal for the court to make this determination. Fees and expenses awarded under this provision shall be paid by the agency over which the party prevails, from any funds made available by appropriation to the Department of Justice.

Sec. 618.—The conference agreement includes a provision, Section 618, as contained in the House bill, prohibiting funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type.

The conferees do not intend for this provision to prevent the United States Government from taking necessary actions in accordance with the requirements and remedies available under applicable U.S. trade laws and international trade agreements to ensure non-discriminatory treatment of U.S. products. Further, the conferees do not intend to prohibit the use of funds for routine international trade services available to all U.S. citizens such as the provision of publicly available information on foreign country conditions and policies, information or assistance that may help U.S. firms or individuals comply with foreign government laws or regulations, the processing of export trade certificate of review applications, and assistance in assuring fair treatment of U.S. companies by foreign governments in transactions such as customs clearance and intellectual property rights enforcement.

Sec. 619.—The conference agreement includes a provision prohibiting the use of funds to pay for the expenses of an election officer appointed by the court to oversee the election of any officer or trustee of the International Brotherhood of Teamsters, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 620.—The conference agreement includes section 620, numbered as section 612 in the Senate bill, which repeals a portion of a 1900 appropriations Act which prohibited telegraph or cable lines owned by foreign citizens or foreign corporations or governments from being established or permitted to enter Alaska. The House bill contained no similar provision.

Sec. 621.—The conference agreement includes section 621, similar to section 613 of the Senate bill, which prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti. Specifically, the provision prohibits issuance of a visa to any person who (1) has been credibly alleged to have ordered, carried out, or assisted in extrajudicial and political killings of 16 named individuals; (2) was included in the list presented to former President Aristide by former National Security Advisor Anthony Lake; (3) was sought by the FBI in relation to political or extrajudicial killings; (4) was involved in the September

1991 coup or murders occurring between 1991 and 1994; or (5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH. The provision gives the Secretary of State authority to make exceptions on a case-by-case basis. The provision also includes several reporting requirements by the Secretary of State to the House International Relations and Appropriations Committees and the Senate Foreign Relations and Appropriations Committees. The House bill contained no similar provision.

The conference agreement does not include a provision included in the House bill as section 621, which would have prohibited the expenditure of funds to conduct research on the medicinal use or legalization of marijuana or any other schedule I drug. The conferees understand the Department of Justice has no intention of conducting any research of this nature and direct the Attorney General to notify the Committees on Appropriations of both the House and Senate under the reprogramming procedures set forth in section 605 of the Act, should any intention to study this matter arise.

Sec. 622.—The conference agreement includes a provision, section 622, not included in either the House or Senate bills, repealing section 3006 of P.L. 105–33 regarding the withholding of payments to the Universal Service Fund.

Sec. 623.—The conference agreement includes a provision, section 623, not included in either the House or Senate bills, requiring the Federal Communications Commission (FCC) to review and report to the Congress no later than April 10, 1998 regarding implementation of the universal service provisions of the Telecommunications Act of 1996.

Sec. 624.—The conference agreement includes a technical correction relating to the fiscal year 1998 Interior Appropriations bill changing the quorum requirement of the National Council of the Arts to 8.

Sec. 625.—The conference agreement includes a technical correction relating to the fiscal year 1998 Legislative Appropriations bill authorizing the appropriation for the Senate Drug Caucus.

Sec. 626.—The conference agreement includes a provision providing for the sale, at fair market value, of the existing fleet of leased vehicles at the Naval Petroleum Reserve Numbered 1 (Elk Hills) to the successful buyer of the Reserve, with the proceeds from such sales to be returned to the General Services Administration's "General Supply Fund."

Sec. 627.—The conference agreement includes a technical correction relating to the National Indian Gaming Commission in connection with the fiscal year 1998 Interior Appropriations bill.

Sec. 628.—The conference agreement includes a provision regarding relief for an individual who failed to file a timely appeal of dismissal with the Department of Agriculture.

Sec. 629.—The conference agreement includes a provision which permits previously appropriated funds to be used in conjunction with the Small Business Investment Act of 1958.

Sec. 630.—The conference agreement includes a provision to permit the White Mountain National Forest (WMNF) to proceed with developing its next Forest Plan. The conferees recognize that WMNF is a heavily visited National forest and its last Forest Plan

was completed in 1986. The Forest Plan is due to be revised every ten to fifteen years and is essential to the welfare and health of the forest. The WMNF has a long and successful history of achieving a wide consensus balancing wildlife habitat, wilderness protection, clean water and viable timber industry. The conferees allow the WMNF to proceed with revising its Forest Plan.

Sec. 631.—The conference agreement includes a provision to allow the nomination of a Federal Election Commissioner to move forward.

Sec. 632.—The conference agreement includes a provision relating to a land transfer by the Secretary of Energy to Los Alamos County, New Mexico and to the Secretary of Interior, in trust for the Pueblo of San Ildefonso.

Sec. 633.—The conference agreement includes a provision providing authority to the Secretary of Agriculture to use up to \$6,000,000 from the sale of grain in the disaster reserve to implement a livestock indemnity program to pay for losses from natural disasters pursuant to a Presidential or Secretarial declaration.

Sec. 634.—The conference agreement includes a provision providing that up to \$800,000 from funds available to the Department of Defense (DOD) in fiscal year 1998 may be used to compensate for commercial cranberry crop losses resulting from environmental contamination near the Massachusetts Military Reservation (“MMR”), in bogs fed by groundwater contaminated by ethylene dibromide (“EDB”) emanating from MMR. DOD may provide compensation if a claimant demonstrates a commercial loss in 1997 of cranberry crops in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett rivers, respectively, if DOD determines that the loss results from the presence of EDB in or on cranberries in either of those bogs from the EDB-contaminated plumes of groundwater known as “FS 1” or “FS 28.”

## TITLE VII—RESCISSIONS

### DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### WORKING CAPITAL FUND

###### (RESCISSION)

The conference agreement includes a rescission of \$100,000,000 from unobligated balances under this heading, instead of \$30,310,000 as proposed in the Senate bill. The House bill did not include a rescission from this account.

## TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

#### OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$7,000,000 in emergency supplemental appropriations, not included in either the House or Senate bills, to provide emergency 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.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follows:

New budget (obligational) authority, fiscal year 1997 .....	\$30,230,160,000
Budget estimates of new (obligational) authority, fiscal year 1998	35,657,937,000
House bill, fiscal year 1998 .....	31,786,493,000
Senate bill, fiscal year 1998 .....	31,653,555,000
Conference agreement, fiscal year 1998 .....	31,816,907,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997 .....	+1,586,747,000
Budget estimates of new (obligational) authority, fiscal year	
1998 .....	-3,841,030,000
House bill, fiscal year 1998 .....	+30,414,000
Senate bill, fiscal year 1998 .....	+163,352,000

HAROLD ROGERS,  
 JIM KOLBE,  
 RALPH REGULA,  
 MIKE FORBES,  
 TOM LATHAM,  
 BOB LIVINGSTON,  
 ALAN B. MOLLOHAN,  
 DAVID E. SKAGGS  
 (except for sections 209, 210,  
 502, and 505),  
 JULIAN C. DIXON,  
*Managers on the Part of the House.*

JUDD GREGG,  
 TED STEVENS,  
 PETE DOMENICI,  
 MITCH McCONNELL,  
 KAY BAILEY HUTCHISON,  
 BEN NIGHTHORSE CAMPBELL,  
 THAD COCHRAN,  
 FRITZ HOLLINGS,  
 DANIEL INOUE,  
 DALE BUMPERS,  
 FRANK LAUTENBERG,  
 BARBARA A. MIKULSKI,  
 ROBERT C. BYRD,  
*Managers on the Part of the Senate.*