AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Statement on Signing the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998

November 26, 1997

Today I have signed into law H.R. 2267, the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998.''

This Act provides over $31 billion in discretionary budget authority for vital law enforcement, international affairs, economic development, and environmental programs, I am pleased that the Act supports many of my priorities, particularly in the areas of law enforcement and crime prevention.

For instance, H.R. 2267 provides for my request of $1.4 billion for the Community Oriented Policing Services (COPS) program, helping us to achieve the goal of hiring 100,000 additional police officers by the year 2000. The Act also increases funding for programs to combat violence against women, and, finally, in the important area of juvenile crime prevention, the Act provides $489 million for juvenile justice, which includes a $250 million juvenile justice block grant. I am pleased that the block grant provides targeted funding for prosecutorial grants, which support prosecutors' efforts to reduce gang violence, as well as targeted funding for violent juvenile court assistance, which helps expedite the handling of juvenile offenders.

I am deeply disappointed, however, that the Congress did not enact legislation to capitalize on all of our work this year to craft a broadly supported package of reforms for the United Nations system and to provide the related arrears funding. Recent events in Iraq have underscored the need for strong U.S. leadership in the United Nations and in other international organizations that would have been supported by this legislation.

I regret that the Act does not contain the multi-year funding of the arrears package consistent with the Balanced Budget Agreement (BBA), and that the first $100 million is not available until Congress passes implementing legislation. Before the current adjournment, the Congress could have passed such legislation, but it was tied to extraneous conditions. With the United Nations making critical decisions this December on reform and funding issues, this implementing legislation would have put the United States in a good position to achieve international agreement on the kind of financial and other reforms we are seeking and to clear our arrears. Our negotiators in New York are now handicapped and must struggle to build majority support for these changes among the more than 185 members of the United Nations without being able to clearly signal the Congress' intention.

I hope that the Congress will work with me to pass swiftly upon its return such implementing legislation that firmly signals to the rest of the world community U.S. commitment to the U.N. system, our intent to honor our international obligations, and our desire to make these organizations more effective and efficient as they work for us on critical issues. Such legislation should be free of extraneous issues.

The Act does provide strong support for the operational accounts of the Department of State, including provisions to put in place the new International Cooperative Administrative Support Services (ICASS) program and to utilize revenues from Machine Readable visa fees. This support will allow the Department to modernize its technology, improve operations that support all U.S. agencies operating overseas, and continue to carry out its role in our Nation's important Border Security Program.

This Act contains provisions that raise serious constitutional concerns. For example, section 609 unconstitutionally constrains the President's authority with respect to the conduct of diplomacy and section 610 unconstitutionally constrains the President's diplomatic authority and Commander in Chief authority. I will apply these provisions consistent with my constitutional responsibilities.

The Act also includes provisions relating to the census. These provisions arose out of a disagreement whether the widely accepted statistical method known as sampling may be used in connection with the decennial census, consistent with the Constitution and the Census Act.

It is my strong conviction, and it is the opinion of the Department of Justice, that

sampling complies with both the Constitution and the Census Act. Although H.R. 2267 includes a congressional finding that sampling ''poses the risk of an inaccurate, invalid and unconstitutional census,'' I understand this language to mean only that the Congress believes the use of sampling raises an issue of constitutional interpretation appropriate for judicial review. Any census method, of course, poses a risk of inaccuracy, particularly if the method is not used correctly. But it is precisely to avoid inaccuracies in the census that sampling is justified. Given the history of undercounting children, minorities, and others in the census, inaccuracy and unfairness would result if the Congress prohibited sampling and instead mandated other methods.

I support the Act because it provides the funding necessary for the Department of Commerce to prepare for the 2000 Census and, in particular, to conduct the critically important dress rehearsal scheduled for 1998. This is a dramatic improvement over an earlier version of the bill, which would have effectively banned sampling by delaying planning operations during litigation.

Nonetheless, I have two concerns. First, under the Act the 2000 Census remains, as it must, a one number census for the purposes of apportionment and redistricting. All official documents relating to the census will produce one final, accurate count of the population. In addition, the raw data collected by the Bureau of the Census will be available to interested parties. These raw data are not usable for apportionment and redistricting.

Second, in providing for a right of action to challenge the use of sampling before completion of the 2000 Census, the Act does not, nor could it, modify the ''immutable requirements'' of Article III of the Constitution regarding ripeness and standing to sue. Representatives of my Administration informed the Congress while it was considering the census provisions of their doubts whether the right to sue in the Act satisfies Article III requirements. Opponents of sampling in the 2000 Census will have the opportunity to attempt to persuade the courts that it does, but the Department of Justice is obligated to challenge any suits that fail to meet applicable justiciability requirements.

I hope that the Congress will join me, the National Academy of Sciences, the General Accounting Office, the Department of Commerce Inspector General, and the vast majority of the professional statistical community, in supporting the use of sampling in the decennial census. It is our responsibility to count every American, and we must not allow politics to prevent us from living up to that responsibility.

I am pleased with the $4.3 billion in funding for the Department of Commerce, and am grateful that funds for Global Learning and Observations to Benefit the Environment program (GLOBE) program were restored in conference. GLOBE was developed to increase our understanding of the Earth, and has forged partnerships with over 2,500 U.S. schools and 35 other countries, involving thousands of students across the United States and worldwide. I am disappointed, however, that the National Institutes of Standards and Technology is funded $15 million below the level agreed to in the BBA. This cut comes at the expense of the Advanced Technology Program, which supports the development of pre-competitive, basic technology, and helps the United States remain on the cutting edge of the global economy.

Fortunately, H.R. 2267 does not split the Ninth Circuit Court into two separate circuits—as earlier versions of the bill would have—but instead establishes a commission to study the organization of the Federal Courts of Appeals more broadly. This is a far more reasoned approach than the split of the Circuit contained in an earlier version of the appropriations bill, and it will permit all affected parties to voice their views.

I am pleased that H.R. 2267 will continue to permit eligible individuals to obtain lawful permanent resident status without leaving the country. While we sought a permanent extension of section 245(I) of the Immigration and Nationality Act, in its current form these provisions will help ensue that families remain together and businesses are not disrupted while persons already in the United States go through the immigration process.

The Act also includes authority for the Federal Bureau of Investigation to develop a 3-year pilot program for compensation of

non-Special Agents in scientific, technical, and similar positions. In addition, the bill gives the Department of the Treasury authority to implement demonstration programs for such positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service. While I strongly support efforts to ensure the highest quality work force for these critical law enforcement agencies, this new authority does not appear necessary. There is no evidence of recruitment and retention problems for these occupational categories that could not be solved through existing authorities. In addition, the budget impact of implementing these provisions is not known. I am, therefore, directing the two departments to work with the Office of Management and Budget and the Office of Personnel Management to resolve these issues before developing any plan to implement this new authority.

As a number of lower courts have recognized, the automatic stay provision of the Prison Litigation Reform Act raises a significant constitutional issue. Section 123 of H.R. 2267 amends this provision in a manner that may affect the constitutional issue and the position that my Administration will need to take in litigation. The Department of Justice will evaluate the amended provision further, and, if necessary, propose remedies to ameliorate any constitutional problems.

I am pleased that the Congress rejected efforts to reduce funding for the Legal Services Corporation (LSC), thus ensuring that disadvantaged Americans continue to have access to the judicial system. But, I remain concerned about the erosion of financial support for the LSC over time, and I am hopeful that the Congress will approve increases for this program in the future.

Finally, the Act provides $6 million in contingent Department of Agriculture emergency funding for indemnity payments to farmers and ranchers who suffered livestock losses in the West due to the unusually early and heavy winter snowstorm in October. I will soon transmit a budget request to make these funds available.

William J. Clinton

The White House,
November 26, 1997.

NOTE: H.R. 2267, approved November 26, was assigned Public Law No. 105–119.

Digest of Other White House Announcements

The following list includes the President's public schedule and other items of general interest announced by the Office of the Press Secretary and not included elsewhere in this issue.

November 22

In the morning, the President had a telephone conversation from the Oval Office with President Boris Yeltsin of Russia concerning the situation in Iraq. Later, he traveled to Denver, CO. On arrival, the President met with 97-year-old Daisy Anderson, the last surviving widow of a Civil War veteran.

In the afternoon, the President traveled to Seattle, WA, and in the evening he traveled to Vancouver, British Columbia, Canada.

November 23

In the morning, the President played golf with Prime Minister Jean Chretien of Canada and Prime Minister Goh Chok Tong of Singapore at the Shaughnessy Golf Course in Vancouver.

November 24

In the morning, at the Waterfront Centre Hotel, the President hosted a breakfast with leaders of the Association of Southeast Asian Nations and later met with President Soeharto of Indonesia.

In the afternoon, at the Vancouver Trade and Convention Center, the President attended an APEC leaders' agenda briefing and a dialog with APEC Business Advisory