

***In the Senate of the United States,***

*October 1, 1997.*

*Resolved*, That the bill from the House of Representatives (H.R. 2267) entitled “An Act 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.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *Departments of Commerce, Justice, and State, the Judici-*  
4 *ary, and related agencies programs for the fiscal year end-*  
5 *ing September 30, 1998, and for other purposes, namely:*

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1           *TITLE I—DEPARTMENT OF JUSTICE*2                           *GENERAL ADMINISTRATION*3                                   *SALARIES AND EXPENSES*

4           *For expenses necessary for the administration of the*  
5   *Department of Justice, \$79,373,000; of which not to exceed*  
6   *\$3,317,000 is for the Facilities Program 2000, to remain*  
7   *available until expended: Provided, That not to exceed 43*  
8   *permanent positions and 44 full-time equivalent workyears*  
9   *and \$7,860,000 shall be expended for the Department Lead-*  
10   *ership Program exclusive of augmentation that occurred in*  
11   *these offices in fiscal year 1997: Provided further, That not*  
12   *to exceed 41 permanent positions and 48 full-time equiva-*  
13   *lent workyears and \$4,660,000 shall be expended for the Of-*  
14   *fices of Legislative Affairs and Public Affairs.*

15                                   *COUNTERTERRORISM FUND*

16           *For necessary expenses, as determined by the Attorney*  
17   *General, \$29,450,000 to remain available until expended,*  
18   *to reimburse any Department of Justice organization for*  
19   *(1) the costs incurred in reestablishing the operational ca-*  
20   *pability of an office or facility which has been damaged*  
21   *or destroyed as a result of any domestic or international*  
22   *terrorist incident, (2) the costs of providing support to*  
23   *counter, investigate or prosecute domestic or international*  
24   *terrorism, including payment of rewards in connection*  
25   *with these activities, and (3) the costs of conducting a ter-*  
26   *rorism threat assessment of Federal agencies and their fa-*

1 *cilities: Provided, That funds provided under this section*  
 2 *shall be available only after the Attorney General notifies*  
 3 *the Committees on Appropriations of the House of Rep-*  
 4 *resentatives and the Senate in accordance with section 605*  
 5 *of this Act.*

6 *ADMINISTRATIVE REVIEW AND APPEALS*

7 *For expenses necessary for the administration of par-*  
 8 *don and clemency petitions and immigration related activi-*  
 9 *ties, \$20,007,000.*

10 *VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE*  
 11 *REVIEW AND APPEALS*

12 *For activities authorized by section 130005 of the Vio-*  
 13 *lent Crime Control and Law Enforcement Act of 1994 (Pub-*  
 14 *lic Law 103–322), as amended, \$59,251,000, to remain*  
 15 *available until expended, which shall be derived from the*  
 16 *Violent Crime Reduction Trust Fund.*

17 *OFFICE OF INSPECTOR GENERAL*

18 *For necessary expenses of the Office of Inspector Gen-*  
 19 *eral in carrying out the provisions of the Inspector General*  
 20 *Act of 1978, as amended, \$33,211,000; including not to ex-*  
 21 *ceed \$10,000 to meet unforeseen emergencies of a confiden-*  
 22 *tial character, to be expended under the direction of, and*  
 23 *to be accounted for solely under the certificate of, the Attor-*  
 24 *ney General; and for the acquisition, lease, maintenance,*  
 25 *and operation of motor vehicles, without regard to the gen-*  
 26 *eral purchase price limitation for the current fiscal year.*

1 *UNITED STATES PAROLE COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the United States Parole*  
4 *Commission as authorized by law, \$5,009,000.*

5 *LEGAL ACTIVITIES*6 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

7 *For expenses, necessary for the legal activities of the*  
8 *Department of Justice, not otherwise provided for, includ-*  
9 *ing not to exceed \$20,000 for expenses of collecting evidence,*  
10 *to be expended under the direction of, and to be accounted*  
11 *for solely under the certificate of, the Attorney General; and*  
12 *rent of private or Government-owned space in the District*  
13 *of Columbia; \$437,178,000; of which not to exceed*  
14 *\$10,000,000 for litigation support contracts shall remain*  
15 *available until expended: Provided, That of the funds avail-*  
16 *able in this appropriation, not to exceed \$24,555,000 shall*  
17 *remain available until expended for office automation sys-*  
18 *tems for the legal divisions covered by this appropriation,*  
19 *and for the United States Attorneys, the Antitrust Division,*  
20 *and offices funded through "Salaries and Expenses", Gen-*  
21 *eral Administration: Provided further, That of the total*  
22 *amount appropriated, not to exceed \$1,000 shall be avail-*  
23 *able to the United States National Central Bureau,*  
24 *INTERPOL, for official reception and representation ex-*  
25 *penses: Provided further, That not to exceed 4 permanent*

14 *VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL*  
15 *ACTIVITIES*

22 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

**HR 2267 EAS**

1 lected for pre-merger notification filings under the Hart-  
 2 Scott-Rodino Antitrust Improvements Act of 1976 (15  
 3 U.S.C. 18(a)) shall be retained and used for necessary ex-  
 4 penses in this appropriation, and shall remain available  
 5 until expended: Provided further, That the sum herein ap-  
 6 propriated from the General Fund shall be reduced as such  
 7 offsetting collections are received during fiscal year 1998,  
 8 so as to result in a final fiscal year 1998 appropriation  
 9 from the General Fund estimated at not more than  
 10 \$12,447,000: Provided further, That any fees received in ex-  
 11 cess of \$70,000,000 in fiscal year 1998, shall remain avail-  
 12 able until expended, but shall not be available for obligation  
 13 until October 1, 1998.

14 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

15 *For necessary expenses of the Office of the United*  
 16 *States Attorneys, including intergovernmental and coopera-*  
 17 *tive agreements, \$986,404,000; of which not to exceed*  
 18 *\$2,500,000 shall be available until September 30, 1999, for*  
 19 *(1) training personnel in debt collection, (2) locating debt-*  
 20 *ors and their property, (3) paying the net costs of selling*  
 21 *property, and (4) tracking debts owed to the United States*  
 22 *Government: Provided, That of the total amount appro-*  
 23 *priated, not to exceed \$8,000 shall be available for official*  
 24 *reception and representation expenses: Provided further,*  
 25 *That not to exceed \$10,000,000 of those funds available for*  
 26 *automated litigation support contracts shall remain avail-*

1 *able until expended: Provided further, That not to exceed*  
 2 *\$8,000,000 for the design, development, and implementation*  
 3 *of an information systems strategy for D.C. Superior Court*  
 4 *shall remain available until expended: Provided further,*  
 5 *That not to exceed \$2,500,000 for the operation of the Na-*  
 6 *tional Advocacy Center shall remain available until ex-*  
 7 *pended: Provided further, That not to exceed \$10,000,000*  
 8 *shall remain available until expended to support Violent*  
 9 *Crime Task Forces in United States Attorneys Offices, of*  
 10 *which \$5,000,000 shall be available for the expansion of sev-*  
 11 *eral existing Task Forces into regionally-diverse demonstra-*  
 12 *tion projects, including inter-governmental, inter-local, co-*  
 13 *operative, and task-force agreements, however denominated,*  
 14 *and contracts with State and local prosecutorial and law*  
 15 *enforcement agencies engaged in the investigation and pros-*  
 16 *ecution of violent crimes, including bank robbery and*  
 17 *carjacking, and drug trafficking: Provided further, That, in*  
 18 *addition to reimbursable full-time equivalent workyears*  
 19 *available to the Office of the United States Attorneys, not*  
 20 *to exceed 8,652 positions and 8,936 full-time equivalent*  
 21 *workyears shall be supported from the funds appropriated*  
 22 *in this Act for the United States Attorneys.*

23 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*  
 24 *ATTORNEYS*

25 *For activities authorized by sections 40114, 130005,*  
 26 *190001(b), 190001(d) and 250005 of the Violent Crime Con-*

1 *trol and Law Enforcement Act of 1994 (Public Law 103–*  
 2 *322), as amended, and section 815 of the Antiterrorism and*  
 3 *Effective Death Penalty Act of 1996 (Public Law 104–132),*  
 4 *\$46,128,000, to remain available until expended, which*  
 5 *shall be derived from the Violent Crime Reduction Trust*  
 6 *Fund, of which \$11,408,000 shall be available for Southwest*  
 7 *Border Control and \$9,747,000 for expeditious deportation*  
 8 *of denied asylum applicants.*

9 *UNITED STATES TRUSTEE SYSTEM FUND*

10 *For necessary expenses of the United States Trustee*  
 11 *Program, as authorized by 28 U.S.C. 589a(a),*  
 12 *\$116,721,000, to remain available until expended and to*  
 13 *be derived from the United States Trustee System Fund:*  
 14 *Provided, That notwithstanding any other provision of law,*  
 15 *deposits to the Fund shall be available in such amounts as*  
 16 *may be necessary to pay refunds due depositors: Provided*  
 17 *further, That notwithstanding any other provision of law,*  
 18 *\$116,721,000 of offsetting collections derived from fees col-*  
 19 *lected pursuant to 28 U.S.C. 589a(b) shall be retained and*  
 20 *used for necessary expenses in this appropriation and re-*  
 21 *main available until expended: Provided further, That the*  
 22 *sum herein appropriated from the Fund shall be reduced*  
 23 *as such offsetting collections are received during fiscal year*  
 24 *1998, so as to result in a final fiscal year 1998 appropria-*  
 25 *tion from the Fund estimated at \$0: Provided further, That*  
 26 *any such fees collected in excess of \$116,721,000 in fiscal*



1 *year 1998 shall remain available until expended, but shall*  
 2 *not be available for obligation until October 1, 1998.*

3 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*

4 *COMMISSION*

5 *For expenses necessary to carry out the activities of*  
 6 *the Foreign Claims Settlement Commission, including serv-*  
 7 *ices as authorized by 5 U.S.C. 3109, \$1,226,000.*

8 *SALARIES AND EXPENSES, UNITED STATES MARSHALS*

9 *SERVICE*

10 *For necessary expenses of the United States Marshals*  
 11 *Service; including the acquisition, lease, maintenance, and*  
 12 *operation of vehicles and aircraft, and the purchase of pas-*  
 13 *senger motor vehicles for police-type use, without regard to*  
 14 *the general purchase price limitation for the current fiscal*  
 15 *year, \$471,786,000, as authorized by 28 U.S.C. 561(i); of*  
 16 *which not to exceed \$6,000 shall be available for official*  
 17 *reception and representation expenses; and of which not to*  
 18 *exceed \$4,000,000 for development, implementation, main-*  
 19 *tenance and support, and training for an automated pris-*  
 20 *oner information system, and not to exceed \$2,200,000 to*  
 21 *support the Justice Prisoner and Alien Transportation Sys-*  
 22 *tem, shall remain available until expended: Provided, That,*  
 23 *for fiscal year 1998 and thereafter, the service of maintain-*  
 24 *ing and transporting State, local, or territorial prisoners*  
 25 *shall be considered a specialized or technical service for pur-*  
 26 *poses of 31 U.S.C. 6505, and any prisoners so transported*

1 *shall be considered persons (transported for other than com-*  
 2 *mercial purposes) whose presence is associated with the per-*  
 3 *formance of a governmental function for purposes of* 49  
 4 *U.S.C. 40102: Provided further, That not to exceed 6 per-*  
 5 *manent positions and 6 full-time equivalent workyears and*  
 6 *\$350,000 shall be expended for the Offices of Legislative Af-*  
 7 *fairs and Public Affairs: Provided further, That the latter*  
 8 *two aforementioned offices shall not be augmented by per-*  
 9 *sonnel details, temporary transfers of personnel on either*  
 10 *a reimbursable or nonreimbursable basis or any other type*  
 11 *of formal or informal transfer or reimbursement of person-*  
 12 *nel or funds on either a temporary or long-term basis.*

13 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*

14 *MARSHALS SERVICE*

15 *For activities authorized by section 190001(b) of the*  
 16 *Violent Crime Control and Law Enforcement Act of 1994*  
 17 *(Public Law 103–322), as amended, \$25,553,000, to remain*  
 18 *available until expended, which shall be derived from the*  
 19 *Violent Crime Reduction Trust Fund.*

20 *FEDERAL PRISONER DETENTION*

21 *For expenses, related to United States prisoners in the*  
 22 *custody of the United States Marshals Service as authorized*  
 23 *in 18 U.S.C. 4013, but not including expenses otherwise*  
 24 *provided for in appropriations available to the Attorney*  
 25 *General, \$405,262,000, as authorized by 28 U.S.C. 561(i),*  
 26 *to remain available until expended.*

1 *FEES AND EXPENSES OF WITNESSES*

2 *For expenses, mileage, compensation, and per diems*  
3 *of witnesses, for expenses of contracts for the procurement*  
4 *and supervision of expert witnesses, for private counsel ex-*  
5 *penses, and for per diems in lieu of subsistence, as author-*  
6 *ized by law, including advances, \$75,000,000, to remain*  
7 *available until expended; of which not to exceed \$4,750,000*  
8 *may be made available for planning, construction, renova-*  
9 *tions, maintenance, remodeling, and repair of buildings,*  
10 *and the purchase of equipment incident thereto, for pro-*  
11 *ected witness safesites; of which not to exceed \$1,000,000*  
12 *may be made available for the purchase and maintenance*  
13 *of armored vehicles for transportation of protected wit-*  
14 *nesses; and of which not to exceed \$4,000,000 may be made*  
15 *available for the purchase, installation and maintenance of*  
16 *a secure, automated information network to store and re-*  
17 *trieve the identities and locations of protected witnesses.*

18 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*

19 *For necessary expenses of the Community Relations*  
20 *Service, established by title X of the Civil Rights Act of*  
21 *1964, \$5,319,000: Provided, That notwithstanding any*  
22 *other provision of law, upon a determination by the Attor-*  
23 *ney General that emergent circumstances require additional*  
24 *funding for conflict prevention and resolution activities of*  
25 *the Community Relations Service, the Attorney General*  
26 *may transfer such amounts to the Community Relations*

1 *Service, from available appropriations for the current fiscal*  
 2 *year for the Department of Justice, as may be necessary*  
 3 *to respond to such circumstances: Provided further, That*  
 4 *any transfer pursuant to this paragraph shall be treated*  
 5 *as a reprogramming under section 605 of this Act and shall*  
 6 *not be available for obligation or expenditure except in com-*  
 7 *pliance with the procedures set forth in that section.*

8 *ASSETS FORFEITURE FUND*

9 *For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii),*  
 10 *(B), (F), and (G), as amended, \$23,000,000, to be derived*  
 11 *from the Department of Justice Assets Forfeiture Fund.*

12 *RADIATION EXPOSURE COMPENSATION*

13 *ADMINISTRATIVE EXPENSES*

14 *For necessary administrative expenses in accordance*  
 15 *with the Radiation Exposure Compensation Act,*  
 16 *\$2,000,000.*

17 *PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST*  
 18 *FUND*

19 *For payments to the Radiation Exposure Compensa-*  
 20 *tion Trust Fund, \$4,381,000.*

21 *INTERAGENCY LAW ENFORCEMENT*

22 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

23 *For necessary expenses for the detection, investigation,*  
 24 *and prosecution of individuals involved in organized crime*  
 25 *drug trafficking not otherwise provided for, to include inter-*  
 26 *governmental agreements with State and local law enforce-*

1 *ment agencies engaged in the investigation and prosecution*  
2 *of individuals involved in organized crime drug trafficking,*  
3 *\$294,967,000, to remain available until expended: Pro-*  
4 *vided, That any amounts obligated from appropriations*  
5 *under this heading may be used under authorities available*  
6 *to the organizations reimbursed from this appropriation:*  
7 *Provided further, That any unobligated balances remaining*  
8 *available at the end of the fiscal year shall revert to the*  
9 *Attorney General for reallocation among participating or-*  
10 *ganizations in succeeding fiscal years, subject to the re-*  
11 *programming procedures described in section 605 of this*  
12 *Act.*

13 *FEDERAL BUREAU OF INVESTIGATION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Federal Bureau of Inves-*  
16 *tigation for detection, investigation, and prosecution of*  
17 *crimes against the United States; including purchase for*  
18 *police-type use of not to exceed 3,094 passenger motor vehi-*  
19 *cles, of which 2,270 will be for replacement only, without*  
20 *regard to the general purchase price limitation for the cur-*  
21 *rent fiscal year, and hire of passenger motor vehicles; acqui-*  
22 *sition, lease, maintenance, and operation of aircraft; and*  
23 *not to exceed \$70,000 to meet unforeseen emergencies of a*  
24 *confidential character, to be expended under the direction*  
25 *of, and to be accounted for solely under the certificate of,*

1 *the Attorney General; \$2,837,268,000, of which not to exceed*  
2 *\$50,000,000 for automated data processing and tele-*  
3 *communications and technical investigative equipment and*  
4 *not to exceed \$1,000,000 for undercover operations shall re-*  
5 *main available until September 30, 1999; of which not less*  
6 *than \$257,601,000 shall be for counterterrorism investiga-*  
7 *tions, foreign counterintelligence, and other activities relat-*  
8 *ed to our national security; of which not to exceed*  
9 *\$84,400,000 for the automation of fingerprint identification*  
10 *services and related costs and not to exceed \$14,000,000 for*  
11 *research and development related to investigative activities*  
12 *shall remain available until expended; and of which not to*  
13 *exceed \$10,000,000 is authorized to be made available for*  
14 *making advances for expenses arising out of contractual or*  
15 *reimbursable agreements with State and local law enforce-*  
16 *ment agencies while engaged in cooperative activities relat-*  
17 *ed to violent crime, terrorism, organized crime, and drug*  
18 *investigations; and of which \$1,500,000 shall be available*  
19 *to maintain an independent program office dedicated solely*  
20 *to the relocation of the Criminal Justice Information Serv-*  
21 *ices Division and the automation of fingerprint identifica-*  
22 *tion services: Provided, That not to exceed \$60,000 shall be*  
23 *available for official reception and representation expenses:*  
24 *Provided further, That not to exceed 59 permanent positions*  
25 *and 59 full-time equivalent workyears and \$5,470,000 shall*

1 *be expended for the Office of Legislative Affairs and Public*  
 2 *Affairs: Provided further, That the latter two aforemen-*  
 3 *tioned offices shall not be augmented by personnel details,*  
 4 *temporary transfers of personnel on either a reimbursable*  
 5 *or nonreimbursable basis or any other type of formal or*  
 6 *informal transfer or reimbursement of personnel or funds*  
 7 *on either a temporary or long-term basis.*

8 *VIOLENT CRIME REDUCTION PROGRAMS*

9 *For activities authorized by the Violent Crime Control*  
 10 *and Law Enforcement Act of 1994 (Public Law 103–322)*  
 11 *as amended (“the 1994 Act”), and the Antiterrorism and*  
 12 *Effective Death Penalty Act of 1996 (“the Antiterrorism*  
 13 *Act”), \$179,121,000, to remain available until expended,*  
 14 *which shall be derived from the Violent Crime Reduction*  
 15 *Trust Fund; of which \$102,127,000 shall be for activities*  
 16 *authorized by section 190001(c) of the 1994 Act and section*  
 17 *811 of the Antiterrorism Act; \$57,994,000 shall be for ac-*  
 18 *tivities authorized by section 190001(b) of the 1994 Act;*  
 19 *\$4,000,000 shall be for training and investigative assistance*  
 20 *authorized by section 210501 of the 1994 Act; \$9,500,000*  
 21 *shall be for grants to States, as authorized by section 811(b)*  
 22 *of the Antiterrorism Act; and \$5,500,000 shall be for estab-*  
 23 *lishing DNA quality-assurance and proficiency-testing*  
 24 *standards, establishing an index to facilitate law enforce-*  
 25 *ment exchange of DNA identification information, and re-*  
 26 *lated activities authorized by section 210501 of the 1994*

1 *Act: Provided, That notwithstanding any other law relating*  
 2 *to employee classification, pay, and performance, the Direc-*  
 3 *tor, Federal Bureau of Investigation may, with the ap-*  
 4 *proval of the Attorney General, design and implement a*  
 5 *system of personnel management providing for the classi-*  
 6 *fication, pay, and performance of non-Senior Executive*  
 7 *Service employees of the Federal Bureau of Investigation.*  
 8 *Except as otherwise provided by law, no employee com-*  
 9 *pensated under this system may be paid in excess of the*  
 10 *rate of basic pay payable for Level IV of the Executive*  
 11 *Schedule. Payments to employees under this system shall*  
 12 *be subject to the limitation on payments to General Sched-*  
 13 *ule employees set forth in section 5307 of title 5, United*  
 14 *States Code.*

#### 15 CONSTRUCTION

16 *For necessary expenses to construct or acquire build-*  
 17 *ings and sites by purchase, or as otherwise authorized by*  
 18 *law (including equipment for such buildings); conversion*  
 19 *and extension of federally-owned buildings; and prelimi-*  
 20 *nary planning and design of projects; \$59,006,000, to re-*  
 21 *main available until expended.*

#### 22 DRUG ENFORCEMENT ADMINISTRATION

##### 23 SALARIES AND EXPENSES

24 *For necessary expenses of the Drug Enforcement Ad-*  
 25 *ministration, including not to exceed \$70,000 to meet un-*  
 26 *foreseen emergencies of a confidential character, to be ex-*



1 *pended under the direction of, and to be accounted for solely*  
2 *under the certificate of, the Attorney General; expenses for*  
3 *conducting drug education and training programs, includ-*  
4 *ing travel and related expenses for participants in such pro-*  
5 *grams and the distribution of items of token value that pro-*  
6 *mote the goals of such programs; purchase of not to exceed*  
7 *1,602 passenger motor vehicles, of which 1,410 will be for*  
8 *replacement only, for police-type use without regard to the*  
9 *general purchase price limitation for the current fiscal year;*  
10 *and acquisition, lease, maintenance, and operation of air-*  
11 *craft; \$639,265,000, of which not to exceed \$1,800,000 for*  
12 *research and \$15,000,000 for transfer to the Drug Diversion*  
13 *Control Fee Account for operating expenses shall remain*  
14 *available until expended, and of which not to exceed*  
15 *\$4,000,000 for purchase of evidence and payments for infor-*  
16 *mation, not to exceed \$10,000,000 for contracting for auto-*  
17 *mated data processing and telecommunications equipment,*  
18 *and not to exceed \$2,000,000 for laboratory equipment,*  
19 *\$4,000,000 for technical equipment, and \$2,000,000 for air-*  
20 *craft replacement, retrofit and parts, shall remain available*  
21 *until September 30, 1999; and of which not to exceed*  
22 *\$50,000 shall be available for official reception and rep-*  
23 *resentation expenses: Provided, That not to exceed 29 per-*  
24 *manent positions and 29 full-time equivalent workyears*  
25 *and \$2,134,000 shall be expended for the Office of Legisla-*

1 *tive Affairs and Public Affairs: Provided further, That the*  
 2 *latter two aforementioned offices shall not be augmented by*  
 3 *personnel details, temporary transfers of personnel on either*  
 4 *a reimbursable or nonreimbursable basis or any other type*  
 5 *of formal or informal transfer or reimbursement of person-*  
 6 *nel or funds on either a temporary or long-term basis.*

7 *VIOLENT CRIME REDUCTION PROGRAMS*

8 *For activities authorized by sections 180104 and*  
 9 *190001(b) of the Violent Crime Control and Law Enforce-*  
 10 *ment Act of 1994 (Public Law 103–322), as amended, and*  
 11 *section 814 of the Antiterrorism and Effective Death Pen-*  
 12 *alty Act of 1996 (Public Law 104–132), and for the pur-*  
 13 *chase of not to exceed 1,602 passenger motor vehicles, of*  
 14 *which 1,410 will be for replacement only, for police-type*  
 15 *use without regard to the general purchase price limitation*  
 16 *for the current fiscal year, \$441,117,000, to remain avail-*  
 17 *able until expended, which shall be derived from the Violent*  
 18 *Crime Reduction Trust Fund.*

19 *CONSTRUCTION*

20 *For necessary expenses to construct or acquire build-*  
 21 *ings and sites by purchase, or as otherwise authorized by*  
 22 *law (including equipment for such buildings); conversion*  
 23 *and extension of federally-owned buildings; and prelimi-*  
 24 *nary planning and design of projects; \$10,500,000, to re-*  
 25 *main available until expended.*

1        *IMMIGRATION AND NATURALIZATION SERVICE*2                    *SALARIES AND EXPENSES*3                    *(INCLUDING TRANSFER OF FUNDS)*

4        *For expenses, not otherwise provided for, necessary for*  
5 *the administration and enforcement of the laws relating to*  
6 *immigration, naturalization, and alien registration, in-*  
7 *cluding not to exceed \$50,000 to meet unforeseen emer-*  
8 *gencies of a confidential character, to be expended under*  
9 *the direction of, and to be accounted for solely under the*  
10 *certificate of, the Attorney General; purchase for police type*  
11 *use (not to exceed 2,574, of which 1,711 are for replacement*  
12 *only), without regard to the general purchase price limita-*  
13 *tion for the current fiscal year, and hire of passenger motor*  
14 *vehicles; acquisition, lease, maintenance and operation of*  
15 *aircraft; research related to immigration enforcement; and*  
16 *for the care and housing of Federal detainees held in the*  
17 *joint INS and United States Marshals Service's Buffalo De-*  
18 *tention Facility; \$1,430,199,000, of which not to exceed*  
19 *\$400,000 for research shall remain available until ex-*  
20 *pended; of which not to exceed \$5,000,000 is for payments*  
21 *or advances arising out of contractual or reimbursable*  
22 *agreements with State and local law enforcement agencies*  
23 *while engaged in cooperative activities related to immigra-*  
24 *tion; and of which not to exceed \$5,000,000 is to fund or*  
25 *reimburse other Federal agencies for the costs associated*  
26 *with the care, maintenance, and repatriation of smuggled*

1 *illegal aliens: Provided, That the Attorney General may re-*  
2 *allocate to the INS training program from other INS pro-*  
3 *grams such amounts as may be necessary for direct expendi-*  
4 *ture for immigration officer basic training: Provided fur-*  
5 *ther, That none of the funds appropriated or otherwise*  
6 *made available to the Immigration and Naturalization*  
7 *Service may be used to accept, process, or forward to the*  
8 *Federal Bureau of Investigation any FD-258 fingerprint*  
9 *card, or any other means used to transmit fingerprints, for*  
10 *the purpose of conducting a criminal background check on*  
11 *any applicant for any benefit under the Immigration and*  
12 *Nationality Act unless the applicant's fingerprints have*  
13 *been taken by an office of the Immigration and Naturaliza-*  
14 *tion Service or by a law enforcement agency, which may*  
15 *collect a fee for the service of taking and forwarding the*  
16 *fingerprints: Provided further, That none of the funds avail-*  
17 *able to the INS shall be available to pay any employee over-*  
18 *time pay in an amount in excess of \$25,000 during the*  
19 *calendar year beginning January 1, 1998, except in such*  
20 *instances when the commissioner determines that enforcing*  
21 *this overtime provision would harm enforcement activities:*  
22 *Provided further, That uniforms may be purchased without*  
23 *regard to the general purchase price limitation for the cur-*  
24 *rent fiscal year: Provided further, That not to exceed \$5,000*  
25 *shall be available for official reception and representation*

1 *expenses: Provided further, That the Land Border Fee Pilot*  
 2 *Project scheduled to end September 30, 1996, is extended*  
 3 *hereafter, for projects on both the northern and southern*  
 4 *borders of the United States, except that no pilot program*  
 5 *may implement a universal land border crossing toll: Pro-*  
 6 *vided further, That not to exceed 20 permanent positions,*  
 7 *of which not less than 11 permanent positions are case-*  
 8 *workers, and 20 full-time equivalent workyears and*  
 9 *\$1,737,000 shall be expended for the Office of Legislative*  
 10 *Affairs and Public Affairs: Provided further, That the latter*  
 11 *two aforementioned offices shall not be augmented by per-*  
 12 *sonnel details, temporary transfers of personnel on either*  
 13 *a reimbursable or nonreimbursable basis or any other type*  
 14 *of formal or informal transfer or reimbursement of person-*  
 15 *nel or funds on either a temporary or long-term basis.*

16 *VIOLENT CRIME REDUCTION PROGRAMS*

17 *For activities authorized by sections 130002, 130005,*  
 18 *130006, 130007, and 190001(b) of the Violent Crime Con-*  
 19 *trol and Law Enforcement Act of 1994 (Public Law 103–*  
 20 *322), as amended, and section 813 of the Antiterrorism and*  
 21 *Effective Death Penalty Act of 1996 (Public Law 104–132),*  
 22 *\$719,898,000, to remain available until expended, which*  
 23 *will be derived from the Violent Crime Reduction Trust*  
 24 *Fund.*

## 1 CONSTRUCTION

2 *For planning, construction, renovation, equipping,*  
3 *and maintenance of buildings and facilities necessary for*  
4 *the administration and enforcement of the laws relating to*  
5 *immigration, naturalization, and alien registration, not*  
6 *otherwise provided for, \$73,559,000, to remain available*  
7 *until expended.*

## 8 FEDERAL PRISON SYSTEM

## 9 SALARIES AND EXPENSES

10 *For expenses necessary for the administration, oper-*  
11 *ation, and maintenance of Federal penal and correctional*  
12 *institutions, including purchase (not to exceed 834, of which*  
13 *599 are for replacement only) and hire of law enforcement*  
14 *and passenger motor vehicles, and for the provision of tech-*  
15 *nical assistance and advice on corrections related issues to*  
16 *foreign governments; \$2,933,900,000: Provided, That the*  
17 *Attorney General may transfer to the Health Resources and*  
18 *Services Administration such amounts as may be necessary*  
19 *for direct expenditures by that Administration for medical*  
20 *relief for inmates of Federal penal and correctional institu-*  
21 *tions: Provided further, That the Director of the Federal*  
22 *Prison System (FPS), where necessary, may enter into con-*  
23 *tracts with a fiscal agent/fiscal intermediary claims proc-*  
24 *essor to determine the amounts payable to persons who, on*  
25 *behalf of the FPS, furnish health services to individuals*

1 committed to the custody of the FPS: Provided further, That  
 2 uniforms may be purchased without regard to the general  
 3 purchase price limitation for the current fiscal year: Pro-  
 4 vided further, That not to exceed \$6,000 shall be available  
 5 for official reception and representation expenses: Provided  
 6 further, That not to exceed \$90,000,000 for the activation  
 7 of new facilities shall remain available until September 30,  
 8 1999: Provided further, That of the amounts provided for  
 9 Contract Confinement, not to exceed \$20,000,000 shall re-  
 10 main available until expended to make payments in ad-  
 11 vance for grants, contracts and reimbursable agreements,  
 12 and other expenses authorized by section 501(c) of the Refu-  
 13 gee Education Assistance Act of 1980, as amended, for the  
 14 care and security in the United States of Cuban and Hai-  
 15 tian entrants: Provided further, That notwithstanding sec-  
 16 tion 4(d) of the Service Contract Act of 1965 (41 U.S.C.  
 17 353(d)), FPS may enter into contracts and other agree-  
 18 ments with private entities for periods of not to exceed 3  
 19 years and 7 additional option years for the confinement  
 20 of Federal prisoners.

21 VIOLENT CRIME REDUCTION PROGRAMS

22 For substance abuse treatment in Federal prisons as  
 23 authorized by section 32001(e) of the Violent Crime Control  
 24 and Law Enforcement Act of 1994 (Public Law 103-322),  
 25 as amended, \$6,135,000, to remain available until ex-

1 *pending, which shall be derived from the Violent Crime Re-*  
2 *duction Trust Fund.*

3 *BUILDINGS AND FACILITIES*

4 *For planning, acquisition of sites and construction of*  
5 *new facilities; leasing the Oklahoma City Airport Trust Fa-*  
6 *cility; purchase and acquisition of facilities and remodel-*  
7 *ing, and equipping of such facilities for penal and correc-*  
8 *tional use, including all necessary expenses incident thereto,*  
9 *by contract or force account; and constructing, remodeling,*  
10 *and equipping necessary buildings and facilities at existing*  
11 *penal and correctional institutions, including all necessary*  
12 *expenses incident thereto, by contract or force account;*  
13 *\$267,833,000, to remain available until expended, of which*  
14 *not to exceed \$14,074,000 shall be available to construct*  
15 *areas for inmate work programs: Provided, That labor of*  
16 *United States prisoners may be used for work performed*  
17 *under this appropriation: Provided further, That not to ex-*  
18 *ceed 10 percent of the funds appropriated to “Buildings and*  
19 *Facilities” in this Act or any other Act may be transferred*  
20 *to “Salaries and Expenses”, Federal Prison System, upon*  
21 *notification by the Attorney General to the Committees on*  
22 *Appropriations of the House of Representatives and the*  
23 *Senate in compliance with provisions set forth in section*  
24 *605 of this Act: Provided further, That of the total amount*  
25 *appropriated, not to exceed \$2,300,000 shall be available*



1 *for the renovation and construction of United States Mar-*  
2 *shals Service prisoner-holding facilities.*

3 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

4 *The Federal Prison Industries, Incorporated, is hereby*  
5 *authorized to make such expenditures, within the limits of*  
6 *funds and borrowing authority available, and in accord*  
7 *with the law, and to make such contracts and commitments,*  
8 *without regard to fiscal year limitations as provided by sec-*  
9 *tion 9104 of title 31, United States Code, as may be nec-*  
10 *essary in carrying out the program set forth in the budget*  
11 *for the current fiscal year for such corporation, including*  
12 *purchase of (not to exceed five for replacement only) and*  
13 *hire of passenger motor vehicles.*

14 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*  
15 *PRISON INDUSTRIES, INCORPORATED*

16 *Not to exceed \$3,042,000 of the funds of the corporation*  
17 *shall be available for its administrative expenses, and for*  
18 *services as authorized by 5 U.S.C. 3109, to be computed*  
19 *on an accrual basis to be determined in accordance with*  
20 *the corporation's current prescribed accounting system, and*  
21 *such amounts shall be exclusive of depreciation, payment*  
22 *of claims, and expenditures which the said accounting sys-*  
23 *tem requires to be capitalized or charged to cost of commod-*  
24 *ities acquired or produced, including selling and shipping*  
25 *expenses, and expenses in connection with acquisition, con-*  
26 *struction, operation, maintenance, improvement, protec-*

tion, 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, \$160,165,000, 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.

For an additional amount, \$23,000,000, to remain available until expended; of which \$5,000,000 shall be for Local Firefighter and Emergency Services Training Grants as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"); of which \$14,000,000 shall be for development of counterterrorism technologies to help State and local law enforcement combat terrorism, as authorized by section 821 of the Antiterrorism Act; and of which \$4,000,000 shall be for specialized multi-agency response training.

1        *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

2        *For grants, contracts, cooperative agreements, and*  
3 *other assistance authorized by part E of title I of the Omni-*  
4 *bus Crime Control and Safe Streets Act of 1968, as amend-*  
5 *ed, for State and Local Narcotics Control and Justice As-*  
6 *sistance Improvements, notwithstanding the provisions of*  
7 *section 511 of said Act, \$451,500,000, to remain available*  
8 *until expended, as authorized by section 1001 of title I of*  
9 *said Act, as amended by Public Law 102–534 (106 Stat.*  
10 *3524), of which \$75,000,000 shall be available to carry out*  
11 *the provisions of chapter A of subpart 2 of part E of title*  
12 *I of said Act, for discretionary grants under the Edward*  
13 *Byrne Memorial State and Local Law Enforcement Assist-*  
14 *ance Programs, of which \$6,200,000 shall be for the Na-*  
15 *tional Center for Missing and Exploited Children, of which*  
16 *\$2,000,000 shall be for National Neighborhood Crime and*  
17 *Drug Abuse Prevention Programs, of which \$2,097,000*  
18 *shall be available to the Executive Office of United States*  
19 *Attorneys to support the National District Attorneys Asso-*  
20 *ciation’s participation in legal education training at the*  
21 *National Advocacy Center, of which \$100,000 shall be avail-*  
22 *able for a grant to Roberts County, South Dakota, for estab-*  
23 *lishment of a 911 emergency system; and of which \$900,000*  
24 *shall be available for a grant to the South Dakota Division*  
25 *of Criminal Investigation for the procurement of equipment*

1 *for law enforcement telecommunications, emergency com-*  
 2 *munications, and the State forensic laboratory.*

3 *VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL*  
 4 *LAW ENFORCEMENT ASSISTANCE*

5 *For assistance (including amounts for administrative*  
 6 *costs for management and administration, which amounts*  
 7 *shall be transferred to and merged with the “Justice Assist-*  
 8 *ance” account) authorized by the Violent Crime Control and*  
 9 *Law Enforcement Act of 1994 (Public Law 103–322), as*  
 10 *amended (“the 1994 Act”); the Omnibus Crime Control and*  
 11 *Safe Streets Act of 1968, as amended (“the 1968 Act”); and*  
 12 *the Victims of Child Abuse Act of 1990, as amended (“the*  
 13 *1990 Act”); \$2,154,650,000, to remain available until ex-*  
 14 *pended, which shall be derived from the Violent Crime Re-*  
 15 *duction Trust Fund; of which \$503,000,000 shall be for*  
 16 *Local Law Enforcement Block Grants, pursuant to H.R.*  
 17 *728 as passed by the House of Representatives on February*  
 18 *14, 1995, of which \$25,000,000 shall be for grants to States*  
 19 *for programs and activities to enforce State laws prohibit-*  
 20 *ing the sale of alcoholic beverages to minors or the purchase*  
 21 *or consumption of alcoholic beverages by minors: Provided,*  
 22 *That of the amount made available for Local Law Enforce-*  
 23 *ment Block Grants under this heading, \$10,000,000 shall*  
 24 *be for the Community Policing to Combat Domestic Vio-*  
 25 *lence Program established pursuant to section 1701(d) of*  
 26 *part Q of the Omnibus Crime Control and Safe Streets Act*

1 of 1968: *Provided further, That for the purpose of eligibility*  
2 *for the Local Law Enforcement Block Grant Program in*  
3 *the State of Louisiana, parish sheriffs and district attor-*  
4 *neys are to be considered the unit of local government under*  
5 *section 108 of H.R. 728: Provided further, That no funds*  
6 *provided under this heading may be used as matching funds*  
7 *for any other Federal grant program: Provided further,*  
8 *That \$2,400,000 of this amount shall be for discretionary*  
9 *grants for State and local law enforcement to form special-*  
10 *ized cyber units to investigate and prevent child sexual ex-*  
11 *ploitation: Provided further, That \$20,000,000 of this*  
12 *amount shall be for Boys and Girls Clubs in public housing*  
13 *facilities and other areas in cooperation with State and*  
14 *local law enforcement: Provided further, That funds may*  
15 *also be used to defray the costs of indemnification insurance*  
16 *for law enforcement officers; of which \$45,000,000 shall be*  
17 *for grants to upgrade criminal records, as authorized by*  
18 *section 106(b) of the Brady Handgun Violence Prevention*  
19 *Act of 1993, as amended, and section 4(b) of the National*  
20 *Child Protection Act of 1993; of which \$128,500,000 shall*  
21 *be available as authorized by section 1001 of title I of the*  
22 *1968 Act to carry out the provisions of subpart 1, part E*  
23 *of title I of the 1968 Act notwithstanding section 511 of*  
24 *said Act for the Edward Byrne Memorial State and Local*  
25 *Law Enforcement Assistance Programs; of which*

1 \$350,000,000 shall be for the State Criminal Alien Assist-  
2 ance Program, as authorized by section 242(j) of the Immi-  
3 gration and Nationality Act, as amended; of which  
4 \$740,500,000 shall be for Violent Offender Incarceration  
5 and Truth in Sentencing Incentive Grants pursuant to sub-  
6 title A of title II of the 1994 Act, of which \$150,000,000  
7 shall be available for payments to States for incarceration  
8 of criminal aliens, of which \$35,000,000 shall be available  
9 for the Cooperative Agreement Program, and of which  
10 \$5,000,000 shall be reserved by the Attorney General for fis-  
11 cal year 1998 under section 20109(a) of subtitle A of title  
12 II of the 1994 Act; of which \$7,000,000 shall be for the  
13 Court Appointed Special Advocate Program, as authorized  
14 by section 218 of the 1990 Act; of which \$2,000,000 shall  
15 be for Child Abuse Training Programs for Judicial Person-  
16 nel and Practitioners, as authorized by section 224 of the  
17 1990 Act; of which \$160,000,000 shall be for Grants to Com-  
18 bat Violence Against Women, to States, units of local gov-  
19 ernment, and Indian tribal governments, as authorized by  
20 section 1001(a)(18) of the 1968 Act; of which \$59,000,000  
21 shall be for Grants to Encourage Arrest Policies to States,  
22 units of local government, and Indian tribal governments,  
23 as authorized by section 1001(a)(19) of the 1968 Act; of  
24 which \$25,000,000 shall be for Rural Domestic Violence and  
25 Child Abuse Enforcement Assistance Grants, as authorized

1 *by section 40295 of the 1994 Act; of which \$7,000,000 shall*  
2 *be for training programs to assist probation and parole offi-*  
3 *cers who work with released sex offenders, as authorized by*  
4 *section 40152(c) of the 1994 Act; of which \$1,000,000 shall*  
5 *be for grants for televised testimony, as authorized by sec-*  
6 *tion 1001(a)(7) of the 1968 Act; of which \$2,750,000 shall*  
7 *be for national stalker and domestic violence reduction, as*  
8 *authorized by section 40603 of the 1994 Act; of which*  
9 *\$61,200,000 shall be for grants for residential substance*  
10 *abuse treatment for State prisoners as authorized by section*  
11 *1001(a)(17) of the 1968 Act; of which \$15,000,000 shall be*  
12 *for grants to States and units of local government for*  
13 *projects to improve DNA analysis, as authorized by section*  
14 *1001(a)(22) of the 1968 Act; of which \$900,000 shall be for*  
15 *the Missing Alzheimer's Disease Patient Alert Program, as*  
16 *authorized by section 240001(c) of the 1994 Act; of which*  
17 *\$3,800,000 shall be for Motor Vehicle Theft Prevention Pro-*  
18 *grams, as authorized by section 220002(h) of the 1994 Act;*  
19 *of which \$40,000,000 shall be for Drug Courts, as author-*  
20 *ized by title V of the 1994 Act; of which \$1,000,000 shall*  
21 *be for Law Enforcement Family Support Programs, as au-*  
22 *thorized by section 1001(a)(21) of the 1968 Act; and of*  
23 *which \$2,000,000 shall be for public awareness programs*  
24 *addressing marketing scams aimed at senior citizens as au-*  
25 *thorized by section 250005(3) of the 1994 Act: Provided fur-*

1 *ther, That funds made available in fiscal year 1998 under*  
 2 *subpart 1 of part E of title I of the 1968 Act may be obli-*  
 3 *gated for programs to assist States in the litigation process-*  
 4 *ing of death penalty Federal habeas corpus petitions: Pro-*  
 5 *vided further, That section 20105(c) of subtitle A of title*  
 6 *II of the 1994 Act (42 U.S.C. 13705(c)) is amended to read*  
 7 *as follows: “Notwithstanding any other provision of this*  
 8 *subtitle, States may use grant funds to build or expand*  
 9 *State or local juvenile correctional facilities and boot*  
 10 *camps, for violent and non-violent juvenile offenders.”.*

11 *WEED AND SEED PROGRAM FUND*

12 *For necessary expenses, including salaries and related*  
 13 *expenses of the Executive Office for Weed and Seed, to im-*  
 14 *plement “Weed and Seed” program activities, \$33,500,000,*  
 15 *which shall be derived from discretionary grants provided*  
 16 *under the Edward Byrne Memorial State and Local Law*  
 17 *Enforcement Assistance Programs, to remain available*  
 18 *until expended for intergovernmental agreements, including*  
 19 *grants, cooperative agreements, and contracts, with State*  
 20 *and local law enforcement agencies engaged in the inves-*  
 21 *tigation and prosecution of violent crimes and drug offenses*  
 22 *in “Weed and Seed” designated communities, and for either*  
 23 *reimbursements or transfers to appropriation accounts of*  
 24 *the Department of Justice and other Federal agencies which*  
 25 *shall be specified by the Attorney General to execute the*  
 26 *“Weed and Seed” program strategy: Provided, That funds*



1 *designated by Congress through language for other Depart-*  
 2 *ment of Justice appropriation accounts for “Weed and*  
 3 *Seed” program activities shall be managed and executed by*  
 4 *the Attorney General through the Executive Office for Weed*  
 5 *and Seed: Provided further, That the Attorney General may*  
 6 *direct the use of other Department of Justice funds and per-*  
 7 *sonnel in support of “Weed and Seed” program activities*  
 8 *only after the Attorney General notifies the Committees on*  
 9 *Appropriations of the House of Representatives and the*  
 10 *Senate in accordance with section 605 of this Act.*

11 *COMMUNITY ORIENTED POLICING SERVICES*

12 *VIOLENT CRIME REDUCTION PROGRAMS*

13 *For activities authorized by the Violent Crime Control*  
 14 *and Law Enforcement Act of 1994, Public Law 103–322*  
 15 *(“the 1994 Act”) (including administrative costs),*  
 16 *\$1,400,000,000, to remain available until expended, which*  
 17 *shall be derived from the Violent Crime Reduction Trust*  
 18 *Fund, for Public Safety and Community Policing Grants*  
 19 *pursuant to title I of the 1994 Act: Provided, That not to*  
 20 *exceed 270 permanent positions and 228 full-time equiva-*  
 21 *lent workyears and \$24,669,000 shall be expended for pro-*  
 22 *gram management and administration.*

23 *In addition, for activities authorized by the 1994 Act,*  
 24 *\$40,000,000 for the Police Corps program to remain avail-*

1 *able until expended, which shall be derived from the Violent*  
 2 *Crime Reduction Trust Fund.*

3 *JUVENILE JUSTICE PROGRAMS*

4 *For grants, contracts, cooperative agreements, and*  
 5 *other assistance authorized by the Juvenile Justice and De-*  
 6 *linquency Prevention Act of 1974, as amended, including*  
 7 *salaries and expenses in connection therewith to be trans-*  
 8 *ferred to and merged with the appropriations for Justice*  
 9 *Assistance, \$230,922,000, to remain available until ex-*  
 10 *pended, as authorized by section 299 of part I of title II,*  
 11 *as amended by Public Law 102–586, of which (1) notwith-*  
 12 *standing any other provision of law, \$5,922,000 shall be*  
 13 *available for expenses authorized by part A of title II of*  
 14 *the Act, \$86,500,000 shall be available for expenses author-*  
 15 *ized by part B of title II of the Act, and \$29,500,000 shall*  
 16 *be available for expenses authorized by part C of title II*  
 17 *of the Act; (2) \$12,000,000 shall be available for expenses*  
 18 *authorized by sections 281 and 282 of part D of title II*  
 19 *of the Act for prevention and treatment programs relating*  
 20 *to juvenile gangs; (3) \$10,000,000 shall be available for ex-*  
 21 *penses authorized by section 285 of part E of title II of*  
 22 *the Act; (4) \$12,000,000 shall be available for expenses au-*  
 23 *thorized by part G of title II of the Act for juvenile*  
 24 *mentoring programs; and (5) \$75,000,000 shall be available*  
 25 *for the Anti-Truancy, School Violence and Crime Interven-*  
 26 *tion Program.*

1        *In addition, for grants, contracts, cooperative agree-*  
 2 *ments, and other assistance authorized by the Victims of*  
 3 *Child Abuse Act of 1990, as amended, \$4,500,000, to remain*  
 4 *available until expended, as authorized by sections 214B*  
 5 *of the Act.*

6                                *JUVENILE BLOCK GRANTS*

7                                *VIOLENT CRIME REDUCTION PROGRAMS*

8        *For activities of the Juvenile Justice Block Grant Pro-*  
 9 *gram, \$145,000,000, to remain available until expended,*  
 10 *which shall be derived from the Violent Crime Reduction*  
 11 *Trust Fund: Provided, That none of the funds appropriated*  
 12 *or otherwise made available by this Act for “Juvenile Block*  
 13 *Grants” may be obligated or expended unless such obliga-*  
 14 *tion or expenditure is expressly authorized by the enactment*  
 15 *of a subsequent Act.*

16                                *PUBLIC SAFETY OFFICERS BENEFITS*

17        *To remain available until expended, for payments au-*  
 18 *thorized by part L of title I of the Omnibus Crime Control*  
 19 *and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended,*  
 20 *such sums as are necessary, as authorized by section 6093*  
 21 *of Public Law 100–690 (102 Stat. 4339–4340); and*  
 22 *\$2,000,000 for the Federal Law Enforcement Education As-*  
 23 *sistance Program, as authorized by section 1212 of said Act.*

24                                *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

25        *SEC. 101. In addition to amounts otherwise made*  
 26 *available in this title for official reception and representa-*

1 tion expenses, a total of not to exceed \$45,000 from funds  
2 appropriated to the Department of Justice in this title shall  
3 be available to the Attorney General for official reception  
4 and representation expenses in accordance with distribu-  
5 tions, procedures, and regulations established by the Attor-  
6 ney General.

7       *SEC. 102. Authorities contained in the Department of*  
8 *Justice Appropriation Authorization Act, Fiscal Year 1980*  
9 *(Public Law 96–132, 93 Stat. 1040 (1979)), as amended,*  
10 *shall remain in effect until the termination date of this Act*  
11 *or until the effective date of a Department of Justice Appro-*  
12 *priation Authorization Act, whichever is earlier.*

13       *SEC. 103. None of the funds appropriated by this title*  
14 *shall be available to pay for an abortion, except where the*  
15 *life of the mother would be endangered if the fetus were car-*  
16 *ried to term, or in the case of rape: Provided, That should*  
17 *this prohibition be declared unconstitutional by a court of*  
18 *competent jurisdiction, this section shall be null and void.*

19       *SEC. 104. None of the funds appropriated under this*  
20 *title shall be used to require any person to perform, or fa-*  
21 *cilitate in any way the performance of, any abortion.*

22       *SEC. 105. Nothing in the preceding section shall re-*  
23 *move the obligation of the Director of the Bureau of Prisons*  
24 *to provide escort services necessary for a female inmate to*  
25 *receive such service outside the Federal facility: Provided,*

1 *That nothing in this section in any way diminishes the*  
2 *effect of section 104 intended to address the philosophical*  
3 *beliefs of individual employees of the Bureau of Prisons.*

4       *SEC. 106. Notwithstanding any other provision of law,*  
5 *not to exceed \$10,000,000 of the funds made available in*  
6 *this Act may be used to establish and publicize a program*  
7 *under which publicly-advertised, extraordinary rewards*  
8 *may be paid, which shall not be subject to spending limita-*  
9 *tions contained in sections 3059 and 3072 of title 18, Unit-*  
10 *ed States Code: Provided, That any reward of \$100,000 or*  
11 *more, up to a maximum of \$2,000,000, may not be made*  
12 *without the personal approval of the President or the Attor-*  
13 *ney General and such approval may not be delegated.*

14       *SEC. 107. Not to exceed 5 percent of any appropriation*  
15 *made available for the current fiscal year for the Depart-*  
16 *ment of Justice in this Act, including those derived from*  
17 *the Violent Crime Reduction Trust Fund, may be trans-*  
18 *ferred between such appropriations, but no such appropria-*  
19 *tion, except as otherwise specifically provided, shall be in-*  
20 *creased by more than 10 percent by any such transfers: Pro-*  
21 *vided, That any transfer pursuant to this section shall be*  
22 *treated as a reprogramming of funds under section 605 of*  
23 *this Act and shall not be available for obligation except in*  
24 *compliance with the procedures set forth in that section.*

1        *SEC. 108. Section 524(c)(8)(E) of title 28, United*  
2        *States Code, is amended by striking the year in the date*  
3        *therein contained and replacing the same with “1997 and*  
4        *thereafter”.*

5        *SEC. 109. The Director, Federal Bureau of Investiga-*  
6        *tion, is authorized to carry out a 2-year demonstration*  
7        *project showing the viability for the defensive arming of se-*  
8        *lect non-agent personnel: Provided, That the Director, Fed-*  
9        *eral Bureau of Investigation, may authorize to carry fire-*  
10       *arms not more than 50 non-agent investigative specialists*  
11       *assigned to special surveillance groups supporting inves-*  
12       *tigations, counterintelligence and counterterrorism activi-*  
13       *ties: Provided further, That personnel designated under this*  
14       *authority shall meet selection criteria established by the Di-*  
15       *rector, Federal Bureau of Investigation, and successfully*  
16       *complete training for firearms proficiency, defensive tactics,*  
17       *and deadly force policy: Provided further, That personnel*  
18       *designated under this authority shall not be deemed law en-*  
19       *forcement officers under Title 5, United States Code, for*  
20       *pay, retirement, position classification, or other purposes:*  
21       *Provided further, That the Director, Federal Bureau of In-*  
22       *vestigation, shall submit to the Committees on the Judici-*  
23       *ary of both the House and the Senate, by March 31, 1999,*  
24       *a report on the viability of the defensive arming demonstra-*  
25       *tion project along with recommendations for permanent au-*

1 *thority for non-agent personnel or discontinuance of the*  
 2 *demonstraton project.*

3 *SEC. 110. The Immigration and Nationality Act of*  
 4 *1952, as amended, is further amended—*

5 *(a) by striking entirely section 286(s);*

6 *(b) in section 286(r) by—*

7 *(1) adding “, and amount described in sec-*  
 8 *tion 245(i)(3)(b)” after “recovered by the De-*  
 9 *partment of Justice” in subsection (2);*

10 *(2) replacing “Immigration and Natu-*  
 11 *ralization Service” with “Attorney General” in*  
 12 *subsection (3); and*

13 *(3) striking subsection (4), and replacing it*  
 14 *with, “The amounts required to be refunded from*  
 15 *the Fund for fiscal year 1998 and thereafter*  
 16 *shall be refunded in accordance with estimates*  
 17 *made in the budget request of the President for*  
 18 *those fiscal years. Any proposed changes in the*  
 19 *amounts designated in such budget requests shall*  
 20 *only be made after Congressional reprogramming*  
 21 *notification in accordance with the reprogram-*  
 22 *ming guidelines for the applicable fiscal year.”;*  
 23 *and*

24 *(c) in section 245(i)(3)(B), by replacing “Immi-*  
 25 *gration Detention Account established under section*

1       286(s)” with “*Breached Bond/Detention Fund estab-*  
 2       *lished under section 286(r)*”.

3       SEC. 111. *Section 506(c) of the Departments of Com-*  
 4       *merce, Justice, and State, the Judiciary, and Related Agen-*  
 5       *cies Appropriations Act, 1995 (8 U.S.C. 1182 note, 1255*  
 6       *note) is amended by deleting everything after “1994”.*

7       SEC. 112. (a) *SHORT TITLE.—This section may be*  
 8       *cited as the “Philippine Army, Scouts, and Guerilla Veter-*  
 9       *ans of World War II Naturalization Act of 1997”.*

10       (b) *IN GENERAL.—Section 405 of the Immigration*  
 11       *and Nationality Act of 1990 (8 U.S.C. 1440 note) is amend-*  
 12       *ed—*

13               (1) *by striking subparagraph (B) of subsection*  
 14       *(a)(1) and inserting the following:*

15                       “(B) *who—*

16                               “(i) *is listed on the final roster pre-*  
 17                               *pared by the Recovered Personnel Division*  
 18                               *of the United States Army of those who*  
 19                               *served honorably in an active duty status*  
 20                               *within the Philippine Army during the*  
 21                               *World War II occupation and liberation of*  
 22                               *the Philippines,*

23                               “(ii) *is listed on the final roster pre-*  
 24                               *pared by the Guerilla Affairs Division of*  
 25                               *the United States Army of those who re-*



1           *ceived recognition as having served honor-*  
2           *ably in an active duty status within a rec-*  
3           *ognized guerilla unit during the World War*  
4           *II occupation and liberation of the Phil-*  
5           *ippines, or*

6           *“(iii) served honorably in an active*  
7           *duty status within the Philippine Scouts or*  
8           *within any other component of the United*  
9           *States Armed Forces in the Far East (other*  
10          *than a component described in clause (i) or*  
11          *(ii)) at any time during the period begin-*  
12          *ning September 1, 1939, and ending Decem-*  
13          *ber 31, 1946.”;*

14          *(2) by adding at the end of subsection (a) the fol-*  
15          *lowing new paragraph:*

16          *“(3)(A) For purposes of the second sentence of*  
17          *section 329(a) and section 329(b)(3) of the Immigra-*  
18          *tion and Nationality Act, the executive department*  
19          *under which a person served shall be—*

20                 *“(i) in the case of an applicant claiming to*  
21                 *have served in the Philippine Army, the United*  
22                 *States Department of the Army;*

23                 *“(ii) in the case of an applicant claiming*  
24                 *to have served in a recognized guerilla unit, the*  
25                 *United States Department of the Army or, in the*

1        *event the Department of the Army has no record*  
2        *of military service of such applicant, the General*  
3        *Headquarters of the Armed Forces of the Phil-*  
4        *ippines; or*

5                *“(iii) in the case of an applicant claiming*  
6        *to have served in the Philippine Scouts or any*  
7        *other component of the United States Armed*  
8        *Forces in the Far East (other than a component*  
9        *described in clause (i) or (ii)) at any time dur-*  
10       *ing the period beginning September 1, 1939, and*  
11       *ending December 31, 1946, the United States ex-*  
12       *ecutive department (or successor thereto) that ex-*  
13       *ercised supervision over such component.*

14               *“(B) An executive department specified in sub-*  
15       *paragraph (A) may not make a determination under*  
16       *the second sentence of section 329(a) with respect to*  
17       *the service or separation from service of a person de-*  
18       *scribed in paragraph (1) except pursuant to a request*  
19       *from the Service.”; and*

20               *(3) by adding at the end the following new sub-*  
21       *section:*

22               *“(d) IMPLEMENTATION.—(1) Notwithstanding any*  
23       *other provision of law, for purposes of the naturalization*  
24       *of natives of the Philippines under this section—*

1           “(A) *the processing of applications for natu-*  
 2           *ralization, filed in accordance with the provisions of*  
 3           *this section, including necessary interviews, shall be*  
 4           *conducted in the Philippines by employees of the*  
 5           *Service designated pursuant to section 335(b) of the*  
 6           *Immigration and Nationality Act; and*

7           “(B) *oaths of allegiance for applications for nat-*  
 8           *uralization under this section shall be administered*  
 9           *in the Philippines by employees of the Service des-*  
 10          *ignated pursuant to section 335(b) of that Act.*

11          “(2) *Notwithstanding paragraph (1), applications for*  
 12          *naturalization, including necessary interviews, may con-*  
 13          *tinue to be processed, and oaths of allegiance may continue*  
 14          *to be taken in the United States.”.*

15          (c) *REPEAL.—Section 113 of the Departments of Com-*  
 16          *merce, Justice, and State, the Judiciary, and Related Agen-*  
 17          *cies Appropriations Act, 1993 (8 U.S.C. 1440 note), is re-*  
 18          *pealed.*

19          (d) *EFFECTIVE DATE; TERMINATION DATE.—*

20                 (1) *APPLICATION TO PENDING APPLICATIONS.—*  
 21                 *The amendments made by subsection (b) shall apply*  
 22                 *to applications filed before February 3, 1995.*

23                 (2) *TERMINATION DATE.—The authority pro-*  
 24                 *vided by the amendments made by subsection (b) shall*  
 25                 *expire February 3, 2001.*

1       *SEC. 113. (a) Section 101(a)(27)(J) of the Immigra-*  
2       *tion and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is*  
3       *amended to read as follows:*

4               *“(J) an immigrant—*

5               *“(i) who is present in the United*  
6               *States without having been admitted or pa-*  
7               *roled, or who has been paroled into the*  
8               *United States by the Attorney General spe-*  
9               *cifically for the purpose of obtaining special*  
10              *immigrant status pursuant to this subpara-*  
11              *graph;*

12              *“(ii)(I) who has been declared depend-*  
13              *ent on a juvenile court located in the Unit-*  
14              *ed States if the dependency order is issued*  
15              *pursuant to a request made on behalf of the*  
16              *alien, the court notifies the Attorney Gen-*  
17              *eral of the request for the order, and the At-*  
18              *torney General expressly consents to the*  
19              *court hearing the request; or*

20              *“(II) whom the juvenile court has le-*  
21              *gally committed to, or placed under the cus-*  
22              *tody of, an agency or department of a State*  
23              *and who has been deemed eligible by that*  
24              *court for long-term foster care, except that*  
25              *while the alien is in the actual or construc-*

1           *tive custody of the Attorney General, the*  
2           *court shall have jurisdiction to determine*  
3           *the custody status of the alien only if the*  
4           *Attorney General expressly consents to that*  
5           *jurisdiction; and*

6           *“(iii) for whom it has been determined*  
7           *in administrative or judicial proceedings*  
8           *that it would not be in the alien’s best in-*  
9           *terest to be returned to the alien’s or par-*  
10          *ent’s previous country of nationality or*  
11          *country of last habitual residence; except*  
12          *that no natural parent or prior adoptive*  
13          *parent of any alien provided special immi-*  
14          *grant status under this subparagraph shall*  
15          *thereafter, by virtue of such parentage, be*  
16          *accorded any right, privilege, or status*  
17          *under this Act.”.*

18          **(b) ADJUSTMENT OF STATUS.**—*Section 245(h) of the*  
19          *Immigration and Nationality Act (8 U.S.C. 1255(h)) is*  
20          *amended by striking the period at the end and inserting*  
21          *the following: “, unless the alien was paroled into the Unit-*  
22          *ed States by the Attorney General specifically in order to*  
23          *apply for such special immigrant status. Nothing in this*  
24          *subsection or section 101(a)(27)(J) shall be construed to re-*

1 *quire the Attorney General to parole into the United States*  
2 *any alien specifically for this purpose.”.*

3 *SEC. 114. (a) Section 1402 of the Victims of Crime*  
4 *Act of 1984, (42 U.S.C. 10601), is amended in subsection*  
5 *(d) by—*

6 *(1) replacing “judicial branch administrative*  
7 *costs; grant program percentages” in the heading with*  
8 *“grant programs”;*

9 *(2) striking paragraph (1);*

10 *(3) replacing “the next” in paragraph (2) with*  
11 *“The first”; and*

12 *(4) redesignating paragraphs (2) through (4) as*  
13 *paragraphs (1) through (3), respectively.*

14 *(b) Any unobligated sums hitherto available to the ju-*  
15 *dicial branch pursuant to the paragraph repealed by section*  
16 *(a) shall be deemed to be deposits into the Crime Victims*  
17 *Fund as of the effective date hereof and may be used by*  
18 *the Director of the Office for Victims of Crime to improve*  
19 *services for the benefit of crime victims, including the proc-*  
20 *essing and tracking of criminal monetary penalties and re-*  
21 *lated litigation activities, in the federal criminal justice*  
22 *system.*

23 *SEC. 115. Not to exceed \$200,000 of funds appro-*  
24 *priated under section 1304 of title 31, United States Code,*  
25 *shall be available for payment pursuant to the Hearing Of-*

1 *ficer's Report in United States Court of Federal Claims No.*  
 2 *93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7,*  
 3 *1996)).*

4 *SEC. 116. (a) IN GENERAL.—Section 170101(a) of the*  
 5 *Violent Crime Control and Law Enforcement Act of 1994*  
 6 *(42 U.S.C. 14071(a)) is amended—*

7 *(1) in paragraph (1)—*

8 *(A) in subparagraph (A), by striking “with*  
 9 *a designated State law enforcement agency”; and*

10 *(B) in subparagraph (B), by striking “with*  
 11 *a designated State law enforcement agency”; and*

12 *(2) by striking paragraph (2), and inserting the*  
 13 *following:*

14 *“(2) DETERMINATION BY STATE BOARDS.—*

15 *“(A) IN GENERAL.—A determination that a*  
 16 *person is a sexually violent predator or a deter-*  
 17 *mination that a person is no longer a sexually*  
 18 *violent predator for purposes of this section shall*  
 19 *be made by the sentencing court, after consider-*  
 20 *ing—*

21 *“(i) the recommendations of the appro-*  
 22 *priate State board or boards under sub-*  
 23 *paragraph (B)(iii); or*

24 *“(ii) with respect to a State described*  
 25 *in subparagraph (C), the recommendations*

1           *of the State, which shall be made in accord-*  
2           *ance with the procedures described in that*  
3           *subparagraph.*

4           “(B) *STATE BOARDS.*—

5                 “(i) *IN GENERAL.*—*Except as provided*  
6           *in subparagraph (C), not later than 2 years*  
7           *after the date of enactment of the Jacob*  
8           *Wetterling Crimes Against Children and*  
9           *Sexually Violent Offenders Registration Im-*  
10          *provements Act of 1997, each State shall es-*  
11          *tablish 1 or more State boards in accord-*  
12          *ance with this subparagraph.*

13                 “(ii) *MEMBERSHIP.*—*Each State board*  
14           *established under this subparagraph shall be*  
15           *composed of—*

16                         “(I) *experts in the behavior and*  
17                         *treatment of sex offenders;*

18                         “(II) *victims’ rights advocates;*  
19                         *and*

20                         “(III) *representatives of law en-*  
21                         *forcement agencies.*

22                 “(iii) *RECOMMENDATIONS.*—*Upon the*  
23           *request of a sentencing court, a State board*  
24           *established under this subparagraph shall*  
25           *make a recommendation to the sentencing*



1           *court regarding whether a person is a sexu-*  
2           *ally violent predator or whether a person is*  
3           *no longer a sexually violent predator for*  
4           *purposes of this section.*

5           “(C) *WAIVER.—The Attorney General of the*  
6           *United States may waive the requirement that a*  
7           *State establish 1 or more boards in accordance*  
8           *with subparagraph (B), if the State demonstrates*  
9           *to the satisfaction of the Attorney General that*  
10          *the State—*

11                “(i) *has established alternative proce-*  
12                *dures for making recommendations to a sen-*  
13                *tencing court for purposes of subparagraph*  
14                *(A); and*

15                “(ii) *will make a recommendation de-*  
16                *scribed in clause (i) with respect to any*  
17                *person, upon the request of the sentencing*  
18                *court.”.*

19          (b) *REQUIREMENTS UPON RELEASE, PAROLE, SUPER-*  
20          *VED RELEASE, OR PROBATION.—Section 170101(b) of the*  
21          *Violent Crime Control and Law Enforcement Act of 1994*  
22          *(42 U.S.C. 14071(b)) is amended—*

23                (1) *in paragraph (1)—*

24                    (A) *by striking the paragraph designation*  
25                    *and heading and inserting the following:*

1 “(1) *DUTIES OF RESPONSIBLE OFFICIALS.—*”;

2 (B) *in subparagraph (A)—*

3 (i) *in the matter preceding clause (i),*  
4 *by striking “or in the case of probation, the*  
5 *court” and inserting “a designated State*  
6 *agency, the court, or other responsible offi-*  
7 *cial”;*

8 (ii) *in clause (ii), by striking “give”*  
9 *and all that follows before the semicolon and*  
10 *inserting “report the change of address as*  
11 *provided by State law”; and*

12 (iii) *in clause (iii), by striking “shall*  
13 *register” and all that follows before the*  
14 *semicolon and inserting “shall report the*  
15 *change of address as provided by State law*  
16 *and comply with any registration require-*  
17 *ment in the new State of residence”; and*

18 (C) *in subparagraph (B), by striking “or*  
19 *the court” and inserting “, the designated State*  
20 *agency, the court, or other responsible official”;*

21 (2) *by striking paragraph (2) and inserting the*  
22 *following:*

23 “(2) *TRANSFER OF INFORMATION TO FEDERAL*  
24 *BUREAU OF INVESTIGATION AND TO STATE.—*

1           “(A) *IN GENERAL.*—A designated State  
2           agency, the court, or other responsible official,  
3           shall forward the registration information to the  
4           agency responsible for registration under State  
5           law, in accordance with State procedures that  
6           meet the requirements of subparagraph (B).

7           “(B) *STATE PROCEDURES.*—State proce-  
8           dures shall ensure that, as promptly as prac-  
9           ticable—

10           “(i) the registration information is  
11           provided and made available to a law en-  
12           forcement agency having jurisdiction where  
13           the person expects to reside;

14           “(ii) the registration information is  
15           entered into the appropriate State records  
16           or data system; and

17           “(iii) conviction data and fingerprints  
18           for registered persons are transmitted to the  
19           Federal Bureau of Investigation.”;

20           (3) in paragraph (3)(A)—

21           (A) in the matter preceding clause (i), by  
22           inserting after “(a)(1)” the following: “with re-  
23           spect to any person required to register under  
24           subsection (a)(1)(A), State procedures shall pro-  
25           vide for verification of address not less than an-

1           nually. Such verification may be effected by pro-  
2           viding that,”;

3           (B) in clause (i), by striking “The des-  
4           ignated State law enforcement” and inserting “A  
5           designated”;

6           (C) in clause (ii), by striking “State law  
7           enforcement”;

8           (D) in clause (iii), by striking “to the des-  
9           ignated State law enforcement agency”; and

10          (E) in clause (iv), by striking “State law  
11          enforcement”;

12          (4) in paragraph (4), by striking “section re-  
13          ported” and all that follows before the period at the  
14          end and inserting “section shall be reported by the  
15          person in the manner provided by State law. State  
16          procedures shall ensure that the updated address in-  
17          formation is provided promptly to a law enforcement  
18          agency having jurisdiction over the location at which  
19          the person will reside and that the information is en-  
20          tered into the appropriate State records or data sys-  
21          tem”;

22          (5) in paragraph (5), by striking “shall register”  
23          and all that follows before the period at the end and  
24          inserting “and who moves to another State, shall re-  
25          port the change of address to the responsible agency

1       *in the State the person is leaving, and shall comply*  
 2       *with any registration requirement in the new State of*  
 3       *residence. The procedures of the State the person is*  
 4       *leaving shall ensure that notice is provided promptly*  
 5       *to an agency responsible for registration in the new*  
 6       *State, if that State requires registration”; and*

7               *(6) by adding at the end the following:*

8               “(7) *OFFENDERS CROSSING STATE BORDERS.*—

9                       “(A) *IN GENERAL.*—

10                               “(i) *REGISTRATION UNDER LAWS OF*  
 11                               *CERTAIN STATES.*—*Any person who is re-*  
 12                               *quired to register in that person’s State of*  
 13                               *residence under this section shall also reg-*  
 14                               *ister in accordance with the law that gov-*  
 15                               *erns the registration, verification, and noti-*  
 16                               *fication of sex offenders of each State in*  
 17                               *which that person is—*

18                                       “(I) *employed or carries on a vo-*  
 19                                       *cation; or*

20                                       “(II) *enrolled as a student.*

21                               “(ii) *DEFINITIONS.*—*In this subpara-*  
 22                               *graph—*

23                                       “(I) *the term ‘employed or carries*  
 24                                       *on a vocation’ includes employment*  
 25                                       *that is full-time or part-time, for a pe-*

1                    *riod of time exceeding 14 days or for*  
 2                    *an aggregate period of time exceeding*  
 3                    *30 days during any calendar year,*  
 4                    *whether financially compensated, vol-*  
 5                    *unteered, or for the purpose of govern-*  
 6                    *ment or educational benefit; and*

7                    *“(II) the term ‘student’ includes*  
 8                    *any person who is enrolled on a full-*  
 9                    *or part-time basis, in any public or*  
 10                   *private educational institution, includ-*  
 11                   *ing any secondary school, trade or pro-*  
 12                   *fessional institution, or institution of*  
 13                   *higher education.*

14                   *“(B) NOTIFICATION REQUIREMENTS.—The*  
 15                   *State authority responsible for the registration of*  
 16                   *sex offenders in each State shall ensure that each*  
 17                   *person who is required to register under this*  
 18                   *paragraph is notified of the requirements of this*  
 19                   *paragraph and the potential consequences of a*  
 20                   *failure to comply with those requirements.*

21                   *“(8) RELOCATING STATE PROBATIONERS AND PA-*  
 22                   *ROLEES.—*

23                   *“(A) IN GENERAL.—Notwithstanding any*  
 24                   *conflicting terms of a probation, parole, or trans-*  
 25                   *fer agreement, any person who is serving a sen-*

1        *tence of probation, parole, or other supervised re-*  
2        *lease for conviction of an offense that requires*  
3        *registration under this section, and who is resid-*  
4        *ing in any State other than the State in which*  
5        *that person was sentenced for that offense, shall*  
6        *register in accordance with the law of the State*  
7        *of residence of the offender that governs the reg-*  
8        *istration and notification of sex offenders, re-*  
9        *gardless of any registration or notification obli-*  
10       *gation under the law of the State in which that*  
11       *person was sentenced for the offense.*

12       “(B) *EFFECT OF FAILURE TO COMPLY.—A*  
13       *person required to register under subparagraph*  
14       *(A) who knowingly fails to comply with this*  
15       *paragraph, not later than 10 days after the date*  
16       *on which the person establishes residence in a*  
17       *State other than the State in which the person*  
18       *was sentenced as described in subparagraph*  
19       *(A)—*

20                *“(i) shall be subject to punishment by*  
21                *a State with respect to which the person is*  
22                *registered under subparagraph (A); and*

23                *“(ii) shall be guilty of an extraditable*  
24                *offense, for which a Federal warrant for un-*

1           *lawful flight to avoid prosecution is avail-*  
2           *able.*

3           “(C) *NOTIFICATION REQUIREMENTS.—Each*  
4           *State authority responsible for the registration of*  
5           *sex offenders who reside in that State—*

6                   “(i) *shall ensure, during the course of*  
7                   *verification of registration information,*  
8                   *that each person who is required to register*  
9                   *under this paragraph is notified of the re-*  
10                  *quirements of this paragraph and the poten-*  
11                  *tial consequences of a failure to comply*  
12                  *with those requirements; and*

13                  “(ii) *whether the relocation of a sex of-*  
14                  *fender described in this paragraph occurs*  
15                  *under courtesy supervision or otherwise,*  
16                  *shall—*

17                       “(I) *notify the authority respon-*  
18                       *sible for sex offender registration and*  
19                       *notification in the State of relocation*  
20                       *of the pending arrival of the offender*  
21                       *in that State of relocation; and*

22                       “(II) *provide the authority re-*  
23                       *sponsible for sex offender registration*  
24                       *and notification in the State of reloca-*



1                    *tion with information relating to the*  
2                    *sex offender, including—*

3                    *“(aa) the social security*  
4                    *number, physical description,*  
5                    *criminal record, terms of super-*  
6                    *vision, and any alias of the sex of-*  
7                    *fender; and*

8                    *“(bb) the address, telephone*  
9                    *number, and any place of employ-*  
10                    *ment of the sex offender in the*  
11                    *State of relocation.*

12                    *“(9) REPORTING REQUIREMENT.—Not later than*  
13                    *July 1, 1999, a State shall submit a report to the At-*  
14                    *torney General that sets forth existing or proposed*  
15                    *laws, including penalty provisions, regarding stalking*  
16                    *crimes against individuals 16 years of age or young-*  
17                    *er.”.*

18                    *(c) RELEASE OF INFORMATION.—Section 170101(d)(3)*  
19                    *of the Violent Crime Control and Law Enforcement Act of*  
20                    *1994 (42 U.S.C. 14071(d)(3)) is amended—*

21                    *(1) by striking “the designated” and all that fol-*  
22                    *lows through “State agency” and inserting “the State*  
23                    *or any agency authorized by the State”;*

24                    *(2) by inserting “to be disclosed only for crimi-*  
25                    *nal justice purposes” after “private data”; and*

1           (3) by adding at the end the following: “The sale  
2           or exchange of such information for profit or remun-  
3           eration is prohibited and shall be subject to prosecu-  
4           tion under State law.”.

5           (d) *IMMUNITY FOR GOOD FAITH CONDUCT*.—Section  
6 170101(e) of the Violent Crime Control and Law Enforce-  
7 ment Act of 1994 (42 U.S.C. 14071(e)) is amended by strik-  
8 ing “and State officials” and inserting “independent con-  
9 tractors acting at the direction of those agencies, and State  
10 officials”.

11          (e) *FEDERAL OFFENDERS AND MILITARY PERSON-*  
12 *NEL*.—Section 170102(g)(3) of the Violent Crime Control  
13 and Law Enforcement Act of 1994 (42 U.S.C. 14072(g)(3))  
14 is amended—

15           (1) by redesignating subparagraphs (A) and (B)  
16           as clauses (i) and (ii) and indenting each clause 2  
17           ems to the right;

18           (2) by striking “A person” and inserting the fol-  
19           lowing:

20                   “(A) *IN GENERAL*.—A person”; and

21           (3) by adding at the end the following:

22                   “(B) *FEDERAL OFFENDERS*.—

23                           “(i) *IN GENERAL*.—A person who is re-  
24                           leased from prison, or placed on parole, su-  
25                           pervised release, or probation—

1                   “(I) *who is convicted under Fed-*  
2                   *eral law of—*

3                   “(aa) *a criminal offense*  
4                   *against a victim who is a minor;*  
5                   *or*

6                   “(bb) *a sexually violent of-*  
7                   *fense; or*

8                   “(II) *who has been determined to*  
9                   *be a sexually violent predator,*  
10                  *shall, in addition to complying with the*  
11                  *registration requirement in paragraph (2),*  
12                  *register in accordance with the law of the*  
13                  *State of residence of that person.*

14                  “(ii) *NOTIFICATION REQUIREMENTS.—*  
15                  *The Director of the Bureau of Prisons shall*  
16                  *ensure that each person who is required to*  
17                  *register under this subparagraph is notified*  
18                  *of the requirements of this subparagraph*  
19                  *and the potential consequences of a failure*  
20                  *to comply with those requirements.*

21                  “(C) *MILITARY PERSONNEL.—*

22                  “(i) *IN GENERAL.—*

23                  “(I) *REGISTRATION UNDER LAWS*  
24                  *OF STATE OF RESIDENCE.—A member*

1 *of the Armed Forces of the United*  
2 *States who has—*

3 *“(aa) been convicted of a*  
4 *criminal offense against a victim*  
5 *who is a minor;*

6 *“(bb) been convicted of a sex-*  
7 *ually violent offense; or*

8 *“(cc) been determined to be a*  
9 *sexually violent predator,*  
10 *by a court of the United States, a court*  
11 *of a State, or a court-martial under*  
12 *the Uniform Code of Military Justice,*  
13 *shall register with the entities referred*  
14 *to in subclause (II).*

15 *“(II) ENTITIES.—The entities re-*  
16 *ferred to in this subclause are—*

17 *“(aa) the FBI; and*

18 *“(bb) the State of residence of*  
19 *the member, and if different from*  
20 *the State of residence, the State in*  
21 *which the member is permanently*  
22 *assigned.*

23 *“(III) DETERMINATION OF STATE*  
24 *OF RESIDENCE.—For purposes of sub-*  
25 *clause (II)(bb), the State of residence of*

1           *a member of the Armed Forces of the*  
2           *United States is—*

3                     *“(aa) in the case of a mem-*  
4                     *ber whose permanent duty station*  
5                     *is in a State (including such a*  
6                     *member who resides on a military*  
7                     *installation or is serving aboard a*  
8                     *vessel at sea), the State where the*  
9                     *member resides whenever the*  
10                    *member is present at that perma-*  
11                    *nent duty station; and*

12                    *“(bb) in the case of a member*  
13                    *whose permanent duty station is*  
14                    *outside the United States, the*  
15                    *State of the member’s home of*  
16                    *record (as determined under regu-*  
17                    *lations prescribed by the Sec-*  
18                    *retary of the military department*  
19                    *concerned).*

20                    *“(ii) EFFECT OF FAILURE TO COM-*  
21                    *PLY.—A person who is required to register*  
22                    *under this subparagraph and who know-*  
23                    *ingly fails to comply with this section may*  
24                    *be punished—*

25                    *“(I) under section 170102(i)(1);*

1                   “(II) under the Uniform Code of  
2                   Military Justice; or

3                   “(III) in accordance with the ap-  
4                   plicable laws of the State with respect  
5                   to which that person is registered.

6                   “(iii)       NOTIFICATION       REQUIRE-  
7                   MENTS.—The Secretary of Defense shall en-  
8                   sure that each member of the Armed Forces  
9                   of the United States who is required to reg-  
10                  ister under this paragraph is notified of the  
11                  requirements of this paragraph and the po-  
12                  tential consequences of a failure to comply  
13                  with those requirements.”.

14       (f) SENSE OF SENATE.—It is the sense of the Senate  
15       that each State should have in effect a law that makes it  
16       a crime to stalk an individual under the age of 16 without  
17       requiring that such individual be physically harmed before  
18       a stalker is restrained or punished.

19       SEC. 117. (a) IN GENERAL.—Section 610(b) of the De-  
20       partments of Commerce, Justice, and State, the Judiciary,  
21       and Related Agencies Appropriations Act, 1993 (8 U.S.C.  
22       1153; Public Law 102–395) is amended—

23               (1) by striking “300” and inserting “3,000”; and  
24               (2) by striking “five years” and inserting “seven  
25       years”.

1       (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 2 *section (a)(2) shall be deemed to have become effective on*  
 3 *October 6, 1992.*

4       *SEC. 118. The Director of the United States Marshals*  
 5 *Service shall provide a magnetometer and not less than one*  
 6 *qualified guard at each entrance to the real property (in-*  
 7 *cluding offices, buildings, and related grounds and facili-*  
 8 *ties) that is leased to the United States as a place of employ-*  
 9 *ment for Federal employees at 625 Silver, S.W., in Albu-*  
 10 *querque, New Mexico.*

11       *SEC. 119. Section 203(p)(1) of the Federal Property*  
 12 *and Administrative Services Act of 1949 (40 U.S.C.*  
 13 *484(p)(1)) is amended—*

14               (1) *by inserting “(A)” after “(1)”;* and

15               (2) *by adding at the end the following new sub-*  
 16 *paragraph:*

17               “(B)(i) *The Administrator may exercise the au-*  
 18 *thority under subparagraph (A) with respect to such*  
 19 *surplus real and related property needed by the trans-*  
 20 *feree or grantee for—*

21                       “(I) *law enforcement purposes, as deter-*  
 22 *mined by the Attorney General; or*

23                       “(II) *emergency management response pur-*  
 24 *poses, including fire and rescue services, as de-*

1           *terminated by the Director of the Federal Emer-*  
2           *gency Management Agency.*

3           “(ii) *The authority provided under this subpara-*  
4           *graph shall terminate on December 31, 1999.”.*

5           *SEC. 120. Of the amounts made available under this*  
6           *title under the heading “OFFICE OF JUSTICE PRO-*  
7           *GRAMS” under the subheading “STATE AND LOCAL LAW*  
8           *ENFORCEMENT ASSISTANCE”, not more than 90 percent of*  
9           *the amount otherwise to be awarded to an entity under the*  
10          *Local Law Enforcement Block Grant Program shall be*  
11          *made available to that entity, if it is made known to the*  
12          *Federal official having authority to obligate or expend such*  
13          *amounts that the entity employs a public safety officer (as*  
14          *that term is defined in section 1204 of title I of the Omnibus*  
15          *Crime Control and Safe Streets Act of 1968) does not pro-*  
16          *vide an employee who is public safety officer and who re-*  
17          *tires or is separated from service due to injury suffered as*  
18          *the direct and proximate result of a personal injury sus-*  
19          *tained in the line of duty while responding to an emergency*  
20          *situation or a hot pursuit (as such terms are defined by*  
21          *State law) with the same or better level of health insurance*  
22          *benefits that are otherwise paid by the entity to a public*  
23          *safety officer at the time of retirement or separation.*

24          *SEC. 121. PUBLIC DISCLOSURE OF COURT APPOINTED*  
25          *ATTORNEYS’ FEES.—Section 3006A(d) of title 18, United*



1 *States Code, is amended by striking paragraph (4) and in-*  
2 *serting the following:*

3 “(4) *DISCLOSURE OF FEES.*—

4 “(A) *IN GENERAL.*—Subject to subpara-  
5 *graphs (B) through (E), the amounts paid under*  
6 *this subsection for services in any case shall be*  
7 *made available to the public by the court upon*  
8 *the court’s approval of the payment.*

9 “(B) *PRE-TRIAL OR TRIAL IN PROGRESS.*—  
10 *If a trial is in pre-trial status or still in*  
11 *progress and after considering the defendant’s*  
12 *interests as set forth in subparagraph (D), the*  
13 *court shall—*

14 “(i) *redact any detailed information*  
15 *on the payment voucher provided by defense*  
16 *counsel to justify the expenses to the court;*  
17 *and*

18 “(ii) *make public only the amounts ap-*  
19 *proved for payment to defense counsel by di-*  
20 *viding those amounts into the following cat-*  
21 *egories:*

22 “(I) *Arraignment and or plea.*

23 “(II) *Bail and detention hearings.*

24 “(III) *Motions.*

25 “(IV) *Hearings.*

1 “(V) *Interviews and conferences.*

2 “(VI) *Obtaining and reviewing*  
3 *records.*

4 “(VII) *Legal research and brief*  
5 *writing.*

6 “(VIII) *Travel time.*

7 “(IX) *Investigative work.*

8 “(X) *Experts.*

9 “(XI) *Trial and appeals.*

10 “(XII) *Other.*

11 “(C) *TRIAL COMPLETED.—*

12 “(i) *IN GENERAL.—If a request for*  
13 *payment is not submitted until after the*  
14 *completion of the trial and subject to con-*  
15 *sideration of the defendant’s interests as set*  
16 *forth in subparagraph (D), the court shall*  
17 *make available to the public an unredacted*  
18 *copy of the expense voucher.*

19 “(ii) *PROTECTION OF THE RIGHTS OF*  
20 *THE DEFENDANT.—If the court determines*  
21 *that defendant’s interests as set forth in sub-*  
22 *paragraph (D) require a limited disclosure,*  
23 *the court shall disclose amounts as provided*  
24 *in subparagraph (B).*

1           “(D) *CONSIDERATIONS.*—*The interests re-*  
2           *ferred to in subparagraphs (B) and (C) are—*

3                     “(i) *to protect any person’s 5th amend-*  
4                     *ment right against self-incrimination;*

5                     “(ii) *to protect the defendant’s 6th*  
6                     *amendment rights to effective assistance of*  
7                     *counsel;*

8                     “(iii) *the defendant’s attorney-client*  
9                     *privilege;*

10                    “(iv) *the work product privilege of the*  
11                    *defendant’s counsel;*

12                    “(v) *the safety of any person; and*

13                    “(vi) *any other interest that justice*  
14                    *may require.*

15           “(E) *NOTICE.*—*The court shall provide rea-*  
16           *sonable notice of disclosure to the counsel of the*  
17           *defendant prior to the approval of the payments*  
18           *in order to allow the counsel to request redaction*  
19           *based on the considerations set forth in subpara-*  
20           *graph (D). Upon completion of the trial, the*  
21           *court shall release unredacted copies of the*  
22           *vouchers provided by defense counsel to justify*  
23           *the expenses to the court. If there is an appeal,*  
24           *the court shall not release unredacted copies of*  
25           *the vouchers provided by defense counsel to jus-*

1           *tify the expenses to the court until such time as*  
2           *the appeals process is completed, unless the court*  
3           *determines that none of the defendant's interests*  
4           *set forth in subparagraph (D) will be com-*  
5           *promised."*

6           *SEC. 122. (a) Section 1(d) of the Foreign Agents Reg-*  
7           *istration Act of 1938, as amended (22 U.S.C. 611(d)) is*  
8           *amended by inserting after "The term 'agent of a foreign*  
9           *principal' " the following: "(1) includes an entity described*  
10          *in section 170(b)(1)(A)(vi) of the Internal Revenue Code of*  
11          *1986 that receives, directly or indirectly, from a government*  
12          *of a foreign country (or more than one such government)*  
13          *in any 12-month period contributions in a total amount*  
14          *in excess of \$10,000, and that conducts public policy re-*  
15          *search, education, or information dissemination and that*  
16          *is not included in any other subsection of 170(b) (1)(A),*  
17          *and (2)".*

18          *(b) Section 3(d) of such Act (22 U.S.C. 613(d)) is*  
19          *amended by inserting " , other than an entity referred to*  
20          *in section 1(d)(1)," after "Any person".*

21          *SEC. 123. The Administrative Office of the United*  
22          *States Courts, in consultation with the Judicial Conference,*  
23          *shall conduct a study of the average costs incurred in de-*  
24          *fending and presiding over Federal capital cases from the*  
25          *initial appearance of the defendant through the final ap-*

1 *peal, and shall submit a written report to the Chairman*  
2 *and Ranking Members of the Senate and House Committees*  
3 *on Appropriations and the Judiciary on or before July 1,*  
4 *1998, containing recommendations on measures to contain*  
5 *costs in such cases, with constitutional requirements.*

6       *SEC. 124. The Attorney General shall review the prac-*  
7 *tices of United States Attorneys' Offices and relevant inves-*  
8 *tigating agencies in investigating and prosecuting Federal*  
9 *capital cases, including before the initial appearance of the*  
10 *defendant through final appeal, and shall submit a written*  
11 *report to the Chairman and Ranking Members of the Senate*  
12 *and House Committees on Appropriations and the Judici-*  
13 *ary on or before July 1, 1998, containing recommendations*  
14 *on measures to contain costs in such cases, consistent with*  
15 *constitutional requirements, and outlining a protocol for*  
16 *the effective, fiscally responsible prosecution of Federal cap-*  
17 *ital cases.*

18       *SEC. 125. There shall be no restriction on the use of*  
19 *Public Safety and Community Policing Grants, authorized*  
20 *under title I of the 1994 Act, to support innovative pro-*  
21 *grams to improve the safety of elementary and secondary*  
22 *school children and reduce crime on or near elementary or*  
23 *secondary school grounds.*

1        *SEC. 126. Section 1701(b)(2)(A) of title I of the Omni-*  
 2        *bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.*  
 3        *3796dd) is amended to read as follows—*

4                *“(A) may not exceed 20 percent of the funds*  
 5        *available for grants pursuant to this subsection in*  
 6        *any fiscal year.”.*

7        *SEC. 127. WAIVER OF CERTAIN VACCINATION RE-*  
 8        *QUIREMENTS. (a) IN GENERAL.—Section 212 of the Immi-*  
 9        *gration and Nationality Act (8 U.S.C. 1182) is amended*  
 10        *by adding at the end the following:*

11                *“(p) The Attorney General should exercise the waiver*  
 12        *authority provided for in subsection (g)(2)(B) for any alien*  
 13        *orphan applying for an IR3 or IR4 category visa.”.*

14                *(b) REPORT.—The Attorney General, in conjunction*  
 15        *with the Secretaries of Health and Human Services and*  
 16        *State, shall report to Congress within 6 months of the date*  
 17        *of enactment of this Act on how to establish an enforcement*  
 18        *program to ensure that immigrants who receive waivers*  
 19        *from the immunization requirement pursuant to section*  
 20        *212 of the Immigration and Nationality Act comply with*  
 21        *the requirement of that section after the immigrants enter*  
 22        *the United States, except when such immunizations would*  
 23        *not be medically appropriate in the United States or would*  
 24        *be contrary to the alien’s religious or moral convictions.*

1        *SEC. 128. Section 233(d) of the Antiterrorism and Ef-*  
 2        *fective Death Penalty Act of 1996 (110 Stat. 1245) is*  
 3        *amended by striking “1 year after the date of enactment*  
 4        *of this Act” and inserting “October 1, 1999”.*

5        *SEC. 129. REPORT ON COLLECTING DNA SAMPLES*  
 6        *FROM SEX OFFENDERS. (a) DEFINITIONS.—In this sec-*  
 7        *tion—*

8                *(1) the terms “criminal offense against a victim*  
 9                *who is a minor”, “sexually violent offense”, and “sex-*  
 10                *ually violent predator” have the meanings given those*  
 11                *terms in section 170101(a) of the Violent Crime Con-*  
 12                *trol and Law Enforcement Act of 1994 (42 U.S.C.*  
 13                *14071(a));*

14                *(2) the term “DNA” means deoxyribonucleic*  
 15                *acid; and*

16                *(3) the term “sex offender” means an individual*  
 17                *who—*

18                        *(A) has been convicted in Federal court of—*

19                                *(i) a criminal offense against a victim*  
 20                                *who is a minor; or*

21                                *(ii) a sexually violent offense; or*

22                        *(B) is a sexually violent predator.*

23        *(b) REPORT.—From amounts made available to the*  
 24        *Department of Justice under this title, not later than 180*  
 25        *days after the date of enactment of this Act, the Attorney*

1 *General shall submit to Congress a report, which shall in-*  
2 *clude a plan for the implementation of a requirement that,*  
3 *prior to the release (including probation, parole, or any*  
4 *other supervised release) of any sex offender from Federal*  
5 *custody following a conviction for a criminal offense*  
6 *against a victim who is a minor or a sexually violent of-*  
7 *fense, the sex offender shall provide a DNA sample to the*  
8 *appropriate law enforcement agency for inclusion in a na-*  
9 *tional law enforcement DNA database.*

10 *(c) PLAN REQUIREMENTS.—The plan submitted under*  
11 *subsection (b) shall include recommendations concerning—*

12 *(1) a system for—*

13 *(A) the collection of DNA samples from any*  
14 *sex offender;*

15 *(B) the analysis of the collected samples for*  
16 *DNA and other genetic typing analysis; and*

17 *(C) making the DNA and other genetic typ-*  
18 *ing information available for law enforcement*  
19 *purposes only;*

20 *(2) guidelines for coordination with existing*  
21 *Federal and State DNA and genetic typing informa-*  
22 *tion databases and for Federal cooperation with State*  
23 *and local law in sharing this information;*



1           (3) *addressing constitutional, privacy, and relat-*  
 2           *ed concerns in connection with the mandatory sub-*  
 3           *mission of DNA samples; and*

4           (4) *procedures and penalties for the prevention of*  
 5           *improper disclosure or dissemination of DNA or other*  
 6           *genetic typing information.*

7           *SEC. 130. EXTENSION OF VIOLENT CRIME REDUCTION*  
 8           *TRUST FUND. (a) Section 310001(b) of the Violent Crime*  
 9           *Control and Law Enforcement Act of 1994 (42 U.S.C.*  
 10          *14211(b)) is amended—*

11           (1) *in paragraph (5), by striking “and” at the*  
 12          *end;*

13           (2) *in paragraph (6), by striking the period at*  
 14          *the end and inserting a semicolon; and*

15           (3) *by adding at the end the following—*

16           “(7) *for fiscal year 2001, \$4,355,000,000; and*

17           “(8) *for fiscal year 2002, \$4,455,000,000.*

18          (b) *Beginning on the date of enactment of this legisla-*  
 19          *tion, the discretionary spending limits contained in section*  
 20          *201 of H. Con. Res. 84 (One Hundred Fifth Congress) are*  
 21          *reduced as follows—*

22           (1) *for fiscal year 2001, \$4,355,000,000 in new*  
 23          *budget authority and \$5,936,000,000 in outlays;*

24           (2) *for fiscal year 2002, \$4,455,000,000 in new*  
 25          *budget authority and \$4,485,000,000 in outlays.*

1       *SEC. 131. SPECIAL MASTERS FOR CIVIL ACTIONS*  
2       *CONCERNING PRISON CONDITIONS. Section 3626(f) of title*  
3       *18, United States Code, is amended—*

4               *(1) by striking the subsection heading and in-*  
5       *serting the following:*

6       *“(f) SPECIAL MASTERS FOR CIVIL ACTIONS CONCERN-*  
7       *ING PRISON CONDITIONS.—”; and*

8               *(2) in paragraph (4)—*

9                     *(A) by inserting “(A)” after “(4)”;*

10                    *(B) in subparagraph (A), as so designated,*  
11       *by adding at the end the following: “In no event*  
12       *shall a court require a party to a civil action*  
13       *under this subsection to pay the compensation,*  
14       *expenses, or costs of a special master. Notwith-*  
15       *standing any other provision of law (including*  
16       *section 306 of the Act entitled ‘An Act making*  
17       *appropriations for the Departments of Com-*  
18       *merce, Justice, and State, the Judiciary, and re-*  
19       *lated agencies for the fiscal year ending Septem-*  
20       *ber 30, 1997,’ contained in section 101(a) of title*  
21       *I of division A of the Act entitled ‘An Act mak-*  
22       *ing omnibus consolidated appropriations for the*  
23       *fiscal year ending September 30, 1997’ (110*  
24       *Stat. 3009–201)) and except as provided in sub-*  
25       *paragraph (B), the requirement under the pre-*

1        *ceding sentence shall apply to the compensation*  
 2        *and payment of expenses or costs of a special*  
 3        *master for any action that is commenced, before,*  
 4        *on, or after the date of enactment of the Prison*  
 5        *Litigation Reform Act of 1995.”; and*

6                *(C) by adding at the end the following:*

7        *“(B) The payment requirements under subparagraph*  
 8        *(A) shall not apply to the payment to a special master who*  
 9        *was appointed before the date of enactment of the Prison*  
 10        *Litigation Reform Act of 1995 (110 Stat. 1321–165 et seq.)*  
 11        *of compensation, expenses, or costs relating to activities of*  
 12        *the special master under this subsection that were carried*  
 13        *out during the period beginning on the date of enactment*  
 14        *of the Prison Litigation Reform Act of 1995 and ending*  
 15        *on the date of enactment of this subparagraph.”.*

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

18        *TITLE II—DEPARTMENT OF COMMERCE AND*

19                *RELATED AGENCIES*

20                *TRADE AND INFRASTRUCTURE DEVELOPMENT*

21                *RELATED AGENCIES*

22        *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*

23                *SALARIES AND EXPENSES*

24        *For necessary expenses of the Office of the United*  
 25        *States Trade Representative, including the hire of passenger*

1 *motor vehicles and the employment of experts and consult-*  
 2 *ants as authorized by 5 U.S.C. 3109, \$22,092,000, of which*  
 3 *\$2,500,000 shall remain available until expended: Provided,*  
 4 *That not to exceed \$98,000 shall be available for official*  
 5 *reception and representation expenses: Provided further,*  
 6 *That the number of political appointees on board as of May*  
 7 *1, 1998, shall constitute not more than fifteen percentum*  
 8 *of the total full-time equivalent positions at the Office of*  
 9 *the United States Trade Representative.*

10 *INTERNATIONAL TRADE COMMISSION*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the International Trade*  
 13 *Commission, including hire of passenger motor vehicles,*  
 14 *and services as authorized by 5 U.S.C. 3109, and not to*  
 15 *exceed \$2,500 for official reception and representation ex-*  
 16 *penses, \$41,000,000 to remain available until expended.*

17 *DEPARTMENT OF COMMERCE*

18 *INTERNATIONAL TRADE ADMINISTRATION*

19 *OPERATIONS AND ADMINISTRATION*

20 *For necessary expenses for international trade activi-*  
 21 *ties of the Department of Commerce provided for by law,*  
 22 *and engaging in trade promotional activities abroad, in-*  
 23 *cluding expenses of grants and cooperative agreements for*  
 24 *the purpose of promoting exports of United States firms,*  
 25 *without regard to 44 U.S.C. 3702 and 3703; full medical*

1 coverage for dependent members of immediate families of  
2 employees stationed overseas and employees temporarily  
3 posted overseas; travel and transportation of employees of  
4 the United States and Foreign Commercial Service between  
5 two points abroad, without regard to 49 U.S.C. 1517; em-  
6 ployment of Americans and aliens by contract for services;  
7 rental of space abroad for periods not exceeding ten years,  
8 and expenses of alteration, repair, or improvement; pur-  
9 chase or construction of temporary demountable exhibition  
10 structures for use abroad; payment of tort claims, in the  
11 manner authorized in the first paragraph of 28 U.S.C. 2672  
12 when such claims arise in foreign countries; not to exceed  
13 \$327,000 for official representation expenses abroad; pur-  
14 chase of passenger motor vehicles for official use abroad, not  
15 to exceed \$30,000 per vehicle; obtain insurance on official  
16 motor vehicles; and rent tie lines and teletype equipment;  
17 \$280,736,000, to remain available until expended: Pro-  
18 vided, That the provisions of the first sentence of section  
19 105(f) and all of section 108(c) of the Mutual Educational  
20 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and  
21 2458(c)) shall apply in carrying out these activities without  
22 regard to section 5412 of the Omnibus Trade and Competi-  
23 tiveness Act of 1988 (15 U.S.C. 4912); and that for the pur-  
24 pose of this Act, contributions under the provisions of the  
25 Mutual Educational and Cultural Exchange Act shall in-

1 *clude payment for assessments for services provided as part*  
2 *of these activities.*

3 *EXPORT ADMINISTRATION*

4 *OPERATIONS AND ADMINISTRATION*

5 *For necessary expenses for export administration and*  
6 *national security activities of the Department of Commerce,*  
7 *including costs associated with the performance of export*  
8 *administration field activities both domestically and*  
9 *abroad; full medical coverage for dependent members of im-*  
10 *mediate families of employees stationed overseas; employ-*  
11 *ment of Americans and aliens by contract for services*  
12 *abroad; rental of space abroad for periods not exceeding ten*  
13 *years, and expenses of alteration, repair, or improvement;*  
14 *payment of tort claims, in the manner authorized in the*  
15 *first paragraph of 28 U.S.C. 2672 when such claims arise*  
16 *in foreign countries; not to exceed \$15,000 for official rep-*  
17 *resentation expenses abroad; awards of compensation to in-*  
18 *formers under the Export Administration Act of 1979, and*  
19 *as authorized by 22 U.S.C. 401(b); purchase of passenger*  
20 *motor vehicles for official use and motor vehicles for law*  
21 *enforcement use with special requirement vehicles eligible*  
22 *for purchase without regard to any price limitation other-*  
23 *wise established by law; \$43,126,000, to remain available*  
24 *until expended: Provided, That the provisions of the first*  
25 *sentence of section 105(f) and all of section 108(c) of the*

1 *Mutual Educational and Cultural Exchange Act of 1961*  
2 *(22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying*  
3 *out these activities: Provided further, That payments and*  
4 *contributions collected and accepted for materials or serv-*  
5 *ices provided as part of such activities may be retained for*  
6 *use in covering the cost of such activities, and for providing*  
7 *information to the public with respect to the export admin-*  
8 *istration and national security activities of the Department*  
9 *of Commerce and other export control programs of the Unit-*  
10 *ed States and other governments.*

11 *ECONOMIC DEVELOPMENT ADMINISTRATION*

12 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

13 *For grants for economic development assistance as pro-*  
14 *vided by the Public Works and Economic Development Act*  
15 *of 1965, as amended, Public Law 91-304, and such laws*  
16 *that were in effect immediately before September 30, 1982,*  
17 *and for trade adjustment assistance, \$250,000,000: Pro-*  
18 *vided, That none of the funds appropriated or otherwise*  
19 *made available under this heading may be used directly or*  
20 *indirectly for attorneys' or consultants' fees in connection*  
21 *with securing grants and contracts made by the Economic*  
22 *Development Administration: Provided further, That, not-*  
23 *withstanding any other provision of law, the Secretary of*  
24 *Commerce may provide financial assistance for projects to*  
25 *be located on military installations closed or scheduled for*

1 *closure or realignment to grantees eligible for assistance*  
 2 *under the Public Works and Economic Development Act of*  
 3 *1965, as amended, without it being required that the grant-*  
 4 *ee have title or ability to obtain a lease for the property,*  
 5 *for the useful life of the project, when in the opinion of the*  
 6 *Secretary of Commerce, such financial assistance is nec-*  
 7 *essary for the economic development of the area: Provided*  
 8 *further, That the Secretary of Commerce may, as the Sec-*  
 9 *retary considers appropriate, consult with the Secretary of*  
 10 *Defense regarding the title to land on military installations*  
 11 *closed or scheduled for closure or realignment.*

#### 12 *SALARIES AND EXPENSES*

13 *For necessary expenses of administering the economic*  
 14 *development assistance programs as provided for by law,*  
 15 *\$22,028,000: Provided, That these funds may be used to*  
 16 *monitor projects approved pursuant to title I of the Public*  
 17 *Works Employment Act of 1976, as amended, title II of the*  
 18 *Trade Act of 1974, as amended, and the Community Emer-*  
 19 *gency Drought Relief Act of 1977.*

#### 20 *MINORITY BUSINESS DEVELOPMENT AGENCY*

#### 21 *MINORITY BUSINESS DEVELOPMENT*

22 *For necessary expenses of the Department of Commerce*  
 23 *in fostering, promoting, and developing minority business*  
 24 *enterprise, including expenses of grants, contracts, and*  
 25 *other agreements with public or private organizations,*  
 26 *\$27,811,000.*



1        *ECONOMIC AND INFORMATION INFRASTRUCTURE*2                *ECONOMIC AND STATISTICAL ANALYSIS*3                        *SALARIES AND EXPENSES*

4        *For necessary expenses, as authorized by law, of eco-*  
5 *nomic and statistical analysis programs of the Department*  
6 *of Commerce, \$47,917,000, to remain available until Sep-*  
7 *tember 30, 1999.*

8        *ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING*9                        *FUND*

10        *The Secretary of Commerce is authorized to dissemi-*  
11 *nate economic and statistical data products as authorized*  
12 *by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C.*  
13 *1525–1527) and, notwithstanding section 5412 of the Om-*  
14 *nibus Trade and Competitiveness Act of 1988 (15 U.S.C.*  
15 *4912), charge fees necessary to recover the full costs incurred*  
16 *in their production. Notwithstanding 31 U.S.C. 3302, re-*  
17 *ceipts received from these data dissemination activities*  
18 *shall be credited to this account, to be available for carrying*  
19 *out these purposes without further appropriation.*

20                        *BUREAU OF THE CENSUS*21                        *SALARIES AND EXPENSES*

22        *For expenses necessary for collecting, compiling, ana-*  
23 *lyzing, preparing, and publishing statistics, provided for by*  
24 *law, \$138,056,000.*

1                    *PERIODIC CENSUSES AND PROGRAMS*

2            *For expenses necessary to collect and publish statistics*  
3 *for periodic censuses and programs provided for by law,*  
4 *\$520,726,000, to remain available until expended.*

5            *NATIONAL TELECOMMUNICATIONS AND INFORMATION*

6                    *ADMINISTRATION*

7                    *SALARIES AND EXPENSES*

8            *For necessary expenses, as provided for by law, of the*  
9 *National Telecommunications and Information Adminis-*  
10 *tration (NTIA), \$16,574,000, to remain available until ex-*  
11 *pendent: Provided, That notwithstanding 31 U.S.C. 1535(d),*  
12 *the Secretary of Commerce shall charge Federal agencies for*  
13 *costs incurred in spectrum management, analysis, and op-*  
14 *erations, and related services and such fees shall be retained*  
15 *and used as offsetting collections for costs of such spectrum*  
16 *services, to remain available until expended: Provided fur-*  
17 *ther, That hereafter, notwithstanding any other provision*  
18 *of law, NTIA shall not authorize spectrum use or provide*  
19 *any spectrum functions pursuant to the NTIA Organization*  
20 *Act, 47 U.S.C. §§ 902–903, to any Federal entity without*  
21 *reimbursement as required by NTIA for such spectrum*  
22 *management costs, and Federal entities withholding pay-*  
23 *ment of such cost shall not use spectrum: Provided further,*  
24 *That the Secretary of Commerce is authorized to retain and*  
25 *use as offsetting collections all funds transferred, or pre-*

1 *viously transferred, from other Government agencies for all*  
 2 *costs incurred in telecommunications research, engineering,*  
 3 *and related activities by the Institute for Telecommuni-*  
 4 *cation Sciences of the NTIA, in furtherance of its assigned*  
 5 *functions under this paragraph, and such funds received*  
 6 *from other Government agencies shall remain available*  
 7 *until expended.*

8 *PUBLIC BROADCASTING FACILITIES, PLANNING AND*  
 9 *CONSTRUCTION*

10 *For grants authorized by section 392 of the Commu-*  
 11 *nications Act of 1934, as amended, \$25,000,000, to remain*  
 12 *available until expended as authorized by section 391 of the*  
 13 *Act, as amended: Provided, That not to exceed \$1,500,000*  
 14 *shall be available for program administration as authorized*  
 15 *by section 391 of the Act: Provided further, That notwith-*  
 16 *standing the provisions of section 391 of the Act, the prior*  
 17 *year unobligated balances may be made available for grants*  
 18 *for projects for which applications have been submitted and*  
 19 *approved during any fiscal year: Provided further, That,*  
 20 *notwithstanding any other provision of law, the Pan-Pa-*  
 21 *cific Education and Communication Experiments by Sat-*  
 22 *ellite (PEACESAT) Program is eligible to compete for Pub-*  
 23 *lic Broadcasting Facilities, Planning and Construction*  
 24 *funds.*

1                    *INFORMATION INFRASTRUCTURE GRANTS*

2            *For grants authorized by section 392 of the Commu-*  
 3 *nications Act of 1934, as amended, \$11,000,000, to remain*  
 4 *available until expended as authorized by section 391 of the*  
 5 *Act, as amended: Provided, That not to exceed \$3,000,000*  
 6 *shall be available for program administration and other*  
 7 *support activities as authorized by section 391: Provided*  
 8 *further, That of the funds appropriated herein, not to exceed*  
 9 *5 percent may be available for telecommunications research*  
 10 *activities for projects related directly to the development of*  
 11 *a national information infrastructure: Provided further,*  
 12 *That notwithstanding the requirements of section 392(a)*  
 13 *and 392(c) of the Act, these funds may be used for the plan-*  
 14 *ning and construction of telecommunications networks for*  
 15 *the provision of educational, cultural, health care, public*  
 16 *information, public safety, or other social services.*

17                    *PATENT AND TRADEMARK OFFICE*

18                    *SALARIES AND EXPENSES*

19            *For necessary expenses of the Patent and Trademark*  
 20 *Office or any successor organization, \$656,320,000, to re-*  
 21 *main available until expended: Provided, That*  
 22 *\$629,320,000 of offsetting collections shall be assessed and*  
 23 *collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and*  
 24 *376 and shall be retained and used for necessary expenses*  
 25 *in this appropriation: Provided further, That the sum here-*

1 *in appropriated from the General Fund shall be reduced*  
 2 *as such offsetting collections are received during fiscal year*  
 3 *1998, so as to result in a final fiscal year 1998 appropria-*  
 4 *tion from the General Fund estimated at \$27,000,000: Pro-*  
 5 *vided further, That should legislation establishing an Office*  
 6 *of the Under Secretary of Commerce for Intellectual Prop-*  
 7 *erty Policy be enacted, such funds as are necessary, not to*  
 8 *exceed 2 percent of projected annual revenues of the Patent*  
 9 *and Trademark Office, shall be made available from the*  
 10 *sum appropriated in this paragraph for the staffing, oper-*  
 11 *ation, and support of said office once a plan for this office*  
 12 *has been submitted to the House and Senate Committees*  
 13 *on Appropriations pursuant to section 605 of this Act.*

14 *SCIENCE AND TECHNOLOGY*

15 *TECHNOLOGY ADMINISTRATION*

16 *UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF*

17 *TECHNOLOGY POLICY*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses for the Under Secretary for*  
 20 *Technology/Office of Technology Policy, \$8,800,000.*

21 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

22 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

23 *For necessary expenses of the National Institute of*  
 24 *Standards and Technology, \$276,852,000, to remain avail-*  
 25 *able until expended, of which not to exceed \$500,000 may*  
 26 *be transferred to the "Working Capital Fund".*

1                    *INDUSTRIAL TECHNOLOGY SERVICES*

2            *For necessary expenses of the Manufacturing Exten-*  
3 *sion Partnership of the National Institute of Standards and*  
4 *Technology, \$111,040,000, to remain available until ex-*  
5 *pendent, of which not to exceed \$300,000 may be transferred*  
6 *to the “Working Capital Fund”: Provided, That notwith-*  
7 *standing the time limitations imposed by 15 U.S.C. 278k(c)*  
8 *(1) and (5) on the duration of Federal financial assistance*  
9 *that may be awarded by the Secretary of Commerce to Re-*  
10 *gional Centers for the transfer of Manufacturing Technology*  
11 *(“Centers”), such Federal financial assistance for a Center*  
12 *may continue beyond six years and may be renewed for*  
13 *additional periods, not to exceed one year, at a rate not*  
14 *to exceed one-third of the Center’s total annual costs, subject*  
15 *before any such renewal to a positive evaluation of the Cen-*  
16 *ter and to a finding by the Secretary of Commerce that*  
17 *continuation of Federal funding to the Center is in the best*  
18 *interest of the Regional Centers for the transfer of Manufac-*  
19 *turing Technology Program: Provided further, That the*  
20 *Center’s most recent performance evaluation is positive, and*  
21 *the Center has submitted a reapplication which has success-*  
22 *fully passed merit review.*

23            *In addition, for necessary expenses of the Advanced*  
24 *Technology Program of the National Institute of Standards*  
25 *and Technology, \$200,000,000, to remain available until*

1 *expended, of which not to exceed \$500,000 may be trans-*  
 2 *ferred to the “Working Capital Fund”.*

3 *CONSTRUCTION OF RESEARCH FACILITIES*

4 *For renovation of existing facilities of the National In-*  
 5 *stitute of Standards and Technology, as authorized by 15*  
 6 *U.S.C. 278c–278e, \$16,000,000, to remain available until*  
 7 *expended.*

8 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*

9 *OPERATIONS, RESEARCH, AND FACILITIES*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For necessary expenses of activities authorized by law*  
 12 *for the National Oceanic and Atmospheric Administration,*  
 13 *including acquisition, maintenance, operation, and hire of*  
 14 *aircraft; not to exceed 299 commissioned officers on the ac-*  
 15 *tive list as of September 30, 1998; grants, contracts, or other*  
 16 *payments to nonprofit organizations for the purposes of*  
 17 *conducting activities pursuant to cooperative agreements;*  
 18 *and alteration, modernization, and relocation of facilities*  
 19 *as authorized by 33 U.S.C. 883i; \$1,999,052,000, to remain*  
 20 *available until expended, of which not to exceed \$3,800,000*  
 21 *may be made available to the Secretary of Commerce for*  
 22 *a study on the effect of intentional encirclement, including*  
 23 *chase, on dolphins and dolphin stocks in the eastern tropical*  
 24 *Pacific Ocean purse seine fishery: Provided, That notwith-*  
 25 *standing 31 U.S.C. 3302 but consistent with other existing*  
 26 *law, fees shall be assessed, collected, and credited to this ap-*

1 *propriation as offsetting collections to be available until ex-*  
2 *pended, to recover the costs of administering aeronautical*  
3 *charting programs: Provided further, That the sum herein*  
4 *appropriated from the general fund shall be reduced as such*  
5 *additional fees are received during fiscal year 1998, so as*  
6 *to result in a final general fund appropriation estimated*  
7 *at not more than \$1,996,052,000: Provided further, That*  
8 *any such additional fees received in excess of \$3,000,000*  
9 *in fiscal year 1998 shall not be available for obligation*  
10 *until October 1, 1998: Provided further, That fees and dona-*  
11 *tions received by the National Ocean Service for the man-*  
12 *agement of the national marine sanctuaries may be re-*  
13 *tained and used for the salaries and expenses associated*  
14 *with those activities, notwithstanding 31 U.S.C. 3302: Pro-*  
15 *vided further, That in addition, \$62,381,000 shall be de-*  
16 *rived by transfer from the fund entitled “Promote and De-*  
17 *velop Fishery Products and Research Pertaining to Amer-*  
18 *ican Fisheries”:* *Provided further, That grants to States*  
19 *pursuant to sections 306 and 306A of the Coastal Zone*  
20 *Management Act of 1972, as amended, shall not exceed*  
21 *\$2,000,000. Notwithstanding any other provision of law*  
22 *and pursuant to the fiscal year 1997 Emergency Supple-*  
23 *mental Act (Public Law 105–18) section 2004, funding for*  
24 *the following projects is to be made available from prior*  
25 *year carryover funds: \$200,000 for the Ship Creek facility*



1 *in Anchorage, Alaska; \$1,000,000 for the construction of a*  
 2 *facility on the Gulf Coast in Mississippi; and \$300,000 for*  
 3 *an open ocean aquaculture project and community outreach*  
 4 *programs in Durham, New Hampshire.*

5 *COASTAL ZONE MANAGEMENT FUND*

6 *Of amounts collected pursuant to section 308 of the*  
 7 *Coastal Zone Management Act of 1972 (16 U.S.C. 1456a),*  
 8 *not to exceed \$7,800,000, for purposes set forth in sections*  
 9 *308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.*

10 *CONSTRUCTION*

11 *For repair and modification of, and additions to, ex-*  
 12 *isting facilities and construction of new facilities, and for*  
 13 *facility planning and design and land acquisition not oth-*  
 14 *erwise provided for the National Oceanic and Atmospheric*  
 15 *Administration, \$88,000,000, to remain available until ex-*  
 16 *pended.*

17 *FLEET MAINTENANCE AND PLANNING*

18 *For expenses necessary for the repair, acquisition, leas-*  
 19 *ing, or conversion of vessels, including related equipment*  
 20 *to maintain and modernize the existing fleet and to con-*  
 21 *tinue planning the modernization of the fleet, for the Na-*  
 22 *tional Oceanic and Atmospheric Administration,*  
 23 *\$15,823,000, to remain available until expended.*

24 *FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND*

25 *For carrying out the provisions of section 3 of Public*  
 26 *Law 95–376, not to exceed \$200,000, to be derived from re-*

1 *ceipts collected pursuant to subsections (b) and (f) of section*  
 2 *10 of the Fishermen's Protective Act of 1967 (22 U.S.C.*  
 3 *1980), to remain available until expended.*

4 *FISHERMEN'S CONTINGENCY FUND*

5 *For carrying out the provisions of title IV of Public*  
 6 *Law 95-372, not to exceed \$953,000, to be derived from re-*  
 7 *ceipts collected pursuant to that Act, to remain available*  
 8 *until expended.*

9 *FOREIGN FISHING OBSERVER FUND*

10 *For expenses necessary to carry out the provisions of*  
 11 *the Atlantic Tunas Convention Act of 1975, as amended*  
 12 *(Public Law 96-339), the Magnuson-Stevens Fishery Con-*  
 13 *servation and Management Act of 1976, as amended (Public*  
 14 *Law 100-627), and the American Fisheries Promotion Act*  
 15 *(Public Law 96-561), to be derived from the fees imposed*  
 16 *under the foreign fishery observer program authorized by*  
 17 *these Acts, not to exceed \$189,000, to remain available until*  
 18 *expended.*

19 *FISHING VESSEL OBLIGATIONS GUARANTEES*

20 *For the cost of guaranteed loans, \$338,000, as author-*  
 21 *ized by the Merchant Marine Act of 1936, as amended: Pro-*  
 22 *vided, That such costs, including the cost of modifying such*  
 23 *loans, shall be as defined in section 502 of the Congressional*  
 24 *Budget Act of 1974: Provided further, That none of the*  
 25 *funds made available under this heading may be used to*

1 *guarantee loans for any new fishing vessel that will increase*  
 2 *the harvesting capacity in any United States fishery.*

3 *GENERAL ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For expenses necessary for the general administration*  
 6 *of the Department of Commerce provided for by law, includ-*  
 7 *ing not to exceed \$3,000 for official entertainment,*  
 8 *\$28,490,000.*

9 *OFFICE OF INSPECTOR GENERAL*

10 *For necessary expenses of the Office of Inspector Gen-*  
 11 *eral in carrying out the provisions of the Inspector General*  
 12 *Act of 1978, as amended (5 U.S.C. App. 1–11 as amended*  
 13 *by Public Law 100–504), \$20,140,000.*

14 *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

15 *SEC. 201. During the current fiscal year, applicable*  
 16 *appropriations and funds made available to the Depart-*  
 17 *ment of Commerce by this Act shall be available for the*  
 18 *activities specified in the Act of October 26, 1949 (15 U.S.C.*  
 19 *1514), to the extent and in the manner prescribed by the*  
 20 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*  
 21 *advanced payments not otherwise authorized only upon the*  
 22 *certification of officials designated by the Secretary that*  
 23 *such payments are in the public interest.*

24 *SEC. 202. During the current fiscal year, appropria-*  
 25 *tions made available to the Department of Commerce by*  
 26 *this Act for salaries and expenses shall be available for hire*

1 of passenger motor vehicles as authorized by 31 U.S.C. 1343  
2 and 1344; services as authorized by 5 U.S.C. 3109; and uni-  
3 forms or allowances therefor, as authorized by law (5 U.S.C.  
4 5901–5902).

5       *SEC. 203. None of the funds made available by this*  
6 *Act may be used to support the hurricane reconnaissance*  
7 *aircraft and activities that are under the control of the*  
8 *United States Air Force or the United States Air Force Re-*  
9 *serve.*

10       *SEC. 204. None of the funds provided in this or any*  
11 *previous Act, or hereinafter made available to the Depart-*  
12 *ment of Commerce, shall be available to reimburse the Un-*  
13 *employment Trust Fund or any other fund or account of*  
14 *the Treasury to pay for any expenses paid before October*  
15 *1, 1992, as authorized by section 8501 of title 5, United*  
16 *States Code, for services performed after April 20, 1990, by*  
17 *individuals appointed to temporary positions within the*  
18 *Bureau of the Census for purposes relating to the 1990 de-*  
19 *cennial census of population.*

20       *SEC. 205. Not to exceed 5 percent of any appropriation*  
21 *made available for the current fiscal year for the Depart-*  
22 *ment of Commerce in this Act may be transferred between*  
23 *such appropriations, but no such appropriation shall be in-*  
24 *creased by more than 10 percent by any such transfers: Pro-*  
25 *vided, That any transfer pursuant to this section shall be*

1 *treated as a reprogramming of funds under section 605 of*  
2 *this Act and shall not be available for obligation or expendi-*  
3 *ture except in compliance with the procedures set forth in*  
4 *that section.*

5       *SEC. 206. Any costs incurred by a Department or*  
6 *agency funded under this title resulting from personnel ac-*  
7 *tions taken in response to funding reductions included in*  
8 *this title shall be absorbed within the total budgetary re-*  
9 *sources available to such Department or agency: Provided,*  
10 *That the authority to transfer funds between appropriations*  
11 *accounts as may be necessary to carry out this section is*  
12 *provided in addition to authorities included elsewhere in*  
13 *this Act: Provided further, That use of funds to carry out*  
14 *this section shall be treated as a reprogramming of funds*  
15 *under section 605 of this Act and shall not be available for*  
16 *obligation or expenditure except in compliance with the*  
17 *procedure set forth in that section.*

18       *SEC. 207. The Secretary may award contracts for hy-*  
19 *drographic, geodetic, and photogrammetric surveying and*  
20 *mapping services in accordance with title IX of the Federal*  
21 *Property and Administrative Services Act of 1949 (40*  
22 *U.S.C. 541 et seq.).*

23       *SEC. 208. There is hereby established the Bureau of*  
24 *the Census Working Capital Fund, which shall be available*  
25 *without fiscal year limitation, for expenses and equipment*

1 *necessary for the maintenance and operation of such serv-*  
2 *ices and projects as the Director of the Census Bureau deter-*  
3 *mines may be performed more advantageously when cen-*  
4 *tralized: Provided, That such central services shall, to the*  
5 *fullest extent practicable, be used to make unnecessary the*  
6 *maintenance of separate like services in the divisions and*  
7 *offices of the Bureau: Provided further, That a separate*  
8 *schedule of expenditures and reimbursements, and a state-*  
9 *ment of the current assets and liabilities of the Working*  
10 *Capital Fund as of the close of the last completed fiscal*  
11 *year, shall be prepared each year: Provided further, That*  
12 *notwithstanding 31 U.S.C. 3302, the Working Capital*  
13 *Fund may be credited with advances and reimbursements*  
14 *from applicable appropriations of the Bureau and from*  
15 *funds of other agencies or entities for services furnished pur-*  
16 *suant to law: Provided further, That any inventories, equip-*  
17 *ment, and other assets pertaining to the services to be pro-*  
18 *vided by such funds, either on hand or on order, less the*  
19 *related liabilities or unpaid obligations, and any appro-*  
20 *priations made hereafter for the purpose of providing cap-*  
21 *ital, shall be used to capitalize the Working Capital Fund:*  
22 *Provided further, That the Working Capital Fund shall pro-*  
23 *vide for centralized services at rates which will return in*  
24 *full all expenses of operation, including depreciation of fund*  
25 *plant and equipment, amortization of automated data proc-*

1    essing software and hardware systems, and an amount nec-  
2    essary to maintain a reasonable operating reserve as deter-  
3    mined by the Director.

4       *SEC. 209. None of the funds made available in this*  
5    *Act for fiscal year 1998 may be used by the Department*  
6    *of Commerce to make irreversible plans or preparation for*  
7    *the use of sampling or any other statistical method (includ-*  
8    *ing any statistical adjustment) in taking the 2000 decen-*  
9    *nial census of population for purposes of the*  
10   *appropriationment of Representatives in Congress among*  
11   *the States.*

12       *SEC. 210. (a) Section 401 of title 22, United States*  
13    *Code, is amended—*

14           *(1) in subsection (a), by adding after the first*  
15       *sentence the following: “The Secretary of Commerce*  
16       *may seize and detain any commodity (other than*  
17       *arms or munitions of war) or technology which is in-*  
18       *tended to be or is being exported in violation of laws*  
19       *governing such exports and may seize and detain any*  
20       *vessel, vehicle, or aircraft containing the same or*  
21       *which has been used or is being used in exporting or*  
22       *attempting to export such articles.”; and*

23           *(2) in subsection (b), by adding the following*  
24       *after “and not inconsistent with the provisions here-*  
25       *of.”—*

1           *“However, with respect to seizures and forfeit-*  
2           *ures of property under this section by the Secretary*  
3           *of Commerce, such duties as are imposed upon the*  
4           *customs officer or any other person with respect to the*  
5           *seizure and forfeiture of property under the customs*  
6           *law may be performed by such officers as are des-*  
7           *ignated by the Secretary of Commerce or, upon the re-*  
8           *quest of the Secretary of Commerce, by any other*  
9           *agency that has authority to manage and dispose of*  
10          *seized property.”*

11          *(b) Section 524(c)(11)(B) of title 28, United States*  
12          *Code, is amended by adding at the end thereof “or pursuant*  
13          *to the authority of the Secretary of Commerce”.*

14          *SEC. 211. Notwithstanding any other provision of law,*  
15          *the Economic Development Administration is directed to*  
16          *transfer funds obligated and awarded to the Butte-Silver*  
17          *Bow Consolidated Local Government as Project Number*  
18          *05–01–02822 to the Butte Local Development Corporation*  
19          *Revolving Loan Fund to be administered by the Butte Local*  
20          *Development Corporation, such funds to remain available*  
21          *until expended.*

22          *SEC. 212. The Office of Management and Budget shall*  
23          *designate the Jonesboro-Paragould, Arkansas Metropolitan*  
24          *Statistical Area in lieu of the Jonesboro, Arkansas Metro-*  
25          *politan Statistical Area. The Jonesboro-Paragould, Arkan-*



1 *sas Metropolitan Statistical Area shall include both*  
 2 *Craighead County, Arkansas and Greene County, Arkansas,*  
 3 *in their entirety.*

4 *SEC. 213. In addition to funds provided elsewhere in*  
 5 *this Act for the National Telecommunications and Informa-*  
 6 *tion Administration Information Infrastructure Grants*  
 7 *program, \$10,490,000 is available until expended: Pro-*  
 8 *vided, That this amount shall be offset by proportionate re-*  
 9 *ductions in appropriations provided for the Department of*  
 10 *Commerce in title II of this Act: Provided further, That*  
 11 *no reductions shall be made from any appropriations made*  
 12 *available in this Act for the National Oceanic and Atmos-*  
 13 *pheric Administration, the National Institute of Standards*  
 14 *and Technology and the National Telecommunications and*  
 15 *Information Administration Public Broadcasting Facili-*  
 16 *ties, Planning and Construction program.*

17 *SEC. 214. SENSE OF THE SENATE WITH RESPECT TO*  
 18 *SLAMMING. (a) STATEMENT OF PURPOSE.—The purposes of*  
 19 *this statement of the sense of the Senate are to—*

20 *(1) protect consumers from the fraudulent trans-*  
 21 *fer of their phone service provider;*

22 *(2) allow the efficient prosecution of phone serv-*  
 23 *ice providers who defraud consumers; and*

1           (3) *encourage an environment in which consum-*  
2           *ers can readily select the telephone service provider*  
3           *which best serves them.*

4           (b) *FINDINGS.—The Congress finds the following:*

5           (1) *As the telecommunications industry has*  
6           *moved toward competition in the long distance mar-*  
7           *ket, consumers have increasingly elected to change the*  
8           *company which provides their long-distance phone*  
9           *service. As many as fifty million consumers now*  
10          *change their long distance provider annually.*

11          (2) *The fluid nature of the long distance market*  
12          *has also allowed an increasing number of fraudulent*  
13          *transfers to occur. Such transfers have been termed*  
14          *“slamming”, which constitutes any practice that*  
15          *changes a consumer’s long distance carrier without*  
16          *the consumer’s knowledge or consent.*

17          (3) *Slamming is now the largest single consumer*  
18          *complaint received by the Common Carrier Bureau of*  
19          *the Federal Communications Commission. As many*  
20          *as one million consumers are fraudulently transferred*  
21          *annually to a provider which they have not chosen.*

22          (4) *The increased costs which consumers face as*  
23          *a result of these fraudulent switches threaten to rob*  
24          *consumers of the financial benefits created by a com-*  
25          *petitive marketplace.*

1           (5) *The Telecommunications Act of 1996 sought*  
2           *to combat this problem by directing that any revenues*  
3           *generated by a fraudulent transfer be payable to the*  
4           *company which the consumer has expressly chosen,*  
5           *not the fraudulent transferor. Recently the Federal*  
6           *Communications Commision has exercised its proper*  
7           *authority to implement this rule. Eliminating the fi-*  
8           *nancial incentive to slam will reduce this problem.*

9           (6) *While the Federal Communications Commis-*  
10          *sion has proposed and promulgated regulations on*  
11          *this subject, the Commission has not been able to effec-*  
12          *tively deter the practice of slamming due to a lack of*  
13          *prosecutorial resources as well as the difficulty of*  
14          *proving that a provider failed to obtain the consent*  
15          *of a consumer prior to acquiring that consumer as a*  
16          *new customer. Commission action to date has not*  
17          *adequately protected consumers.*

18          (7) *The majority of consumers who have been*  
19          *fraudulently denied the services of their chosen phone*  
20          *service vendor do not turn to the Federal Communica-*  
21          *tions Commission for assistance. Indeed, section 258*  
22          *of the Communications Act of 1934 directs that State*  
23          *commissions shall be able to enforce regulations man-*  
24          *dating that the consent of a consumer be obtained*  
25          *prior to a switch of service.*

1           (8) *It is essential that Congress provide the Fed-*  
2           *eral Communications Commission, law enforcement,*  
3           *consumers, and consumer agencies with the ability to*  
4           *efficiently and effectively prosecute those companies*  
5           *which slam consumers, thus providing a deterrent to*  
6           *all other firms which provide phone services.*

7           (c) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
8           *ate that—*

9           (1) *the Federal Communications Commission*  
10          *should, within 12 months of the date of enactment of*  
11          *this Act, promulgate regulations, consistent with the*  
12          *Communications Act of 1934 which provide law en-*  
13          *forcement officials dispositive evidence for use in the*  
14          *prosecution of fraudulent transfers of presubscribed*  
15          *customers of long distance and local service; and*

16          (2) *the Senate should examine the issue of slam-*  
17          *ming and take appropriate legislative action in the*  
18          *One Hundred Fifth Congress to better protect consum-*  
19          *ers from unscrupulous practices including, but not*  
20          *limited to, mandating the recording and maintenance*  
21          *of evidence concerning the consent of the consumer to*  
22          *switch phone vendors, including a requirement for*  
23          *third-party verification, establishing higher civil fines*  
24          *for violations, approving the Federal Communications*  
25          *Commission's exercise of its authority to provide by*

1        *rule for slammed consumers to be exempt from any*  
 2        *payment requirement, and establishing a civil right*  
 3        *of action against fraudulent providers, as well as*  
 4        *criminal sanctions for repeated and willful instances*  
 5        *of slamming.*

6        *This title may be cited as the “Department of Com-*  
 7        *merce and Related Agencies Appropriations Act, 1998”.*

### 8                                *TITLE III—THE JUDICIARY*

#### 9                                *SUPREME COURT OF THE UNITED STATES*

##### 10                                *SALARIES AND EXPENSES*

11        *For expenses necessary for the operation of the Su-*  
 12        *preme Court, as required by law, excluding care of the*  
 13        *building and grounds, including purchase or hire, driving,*  
 14        *maintenance, and operation of an automobile for the Chief*  
 15        *Justice, not to exceed \$10,000 for the purpose of transport-*  
 16        *ing Associate Justices, and hire of passenger motor vehicles*  
 17        *as authorized by 31 U.S.C. 1343 and 1344; not to exceed*  
 18        *\$10,000 for official reception and representation expenses;*  
 19        *and for miscellaneous expenses, to be expended as the Chief*  
 20        *Justice may approve; \$28,903,000.*

##### 21                                *CARE OF THE BUILDING AND GROUNDS*

22        *For such expenditures as may be necessary to enable*  
 23        *the Architect of the Capitol to carry out the duties imposed*  
 24        *upon him by the Act approved May 7, 1934 (40 U.S.C.*  
 25        *13a–13b), \$6,170,000, of which \$3,620,000 shall remain*  
 26        *available until expended.*

1 *UNITED STATES COURT OF APPEALS FOR THE FEDERAL*  
2 *CIRCUIT*

3 *SALARIES AND EXPENSES*

4 *For salaries of the chief judge, judges, and other officers*  
5 *and employees, and for necessary expenses of the court, as*  
6 *authorized by law, \$15,796,000.*

7 *UNITED STATES COURT OF INTERNATIONAL TRADE*

8 *SALARIES AND EXPENSES*

9 *For salaries of the chief judge and eight judges, salaries*  
10 *of the officers and employees of the court, services as author-*  
11 *ized by 5 U.S.C. 3109, and necessary expenses of the court,*  
12 *as authorized by law, \$11,478,000.*

13 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*

14 *JUDICIAL SERVICES*

15 *SALARIES AND EXPENSES*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For the salaries of circuit and district judges (includ-*  
18 *ing judges of the territorial courts of the United States),*  
19 *justices and judges retire from office or from regular active*  
20 *service, judges of the United States Court of Federal Claims,*  
21 *bankruptcy judges, magistrate judges, and all other officers*  
22 *and employees of the Federal Judiciary not otherwise spe-*  
23 *cifically provided for, and necessary expenses of the courts,*  
24 *as authorized by law, \$2,789,777,000 (including the pur-*  
25 *chase of firearms and ammunition); of which not to exceed*  
26 *\$16,530,000 shall remain available until expended for space*

1 alteration projects; and of which not to exceed \$10,000,000  
 2 shall remain available until expended for furniture and fur-  
 3 nishings related to new space alteration and construction  
 4 projects.

5       In addition, for expenses of the United States Court  
 6 of Federal Claims associated with processing cases under  
 7 the National Childhood Vaccine Injury Act of 1986, not to  
 8 exceed \$2,450,000, to be appropriated from the Vaccine In-  
 9 jury Compensation Trust Fund.

#### 10                                   DEFENDER SERVICES

11       For the operation of Federal Public Defender and  
 12 Community Defender organizations; the compensation and  
 13 reimbursement of expenses of attorneys appointed to rep-  
 14 resent persons under the Criminal Justice Act of 1964, as  
 15 amended; the compensation and reimbursement of expenses  
 16 of persons furnishing investigative, expert and other services  
 17 under the Criminal Justice Act (18 U.S.C. 3006A(e)); the  
 18 compensation (in accordance with Criminal Justice Act  
 19 maximums) and reimbursement of expenses of attorneys ap-  
 20 pointed to assist the court in criminal cases where the de-  
 21 fendant has waived representation by counsel; the com-  
 22 pensation and reimbursement of travel expenses of guard-  
 23 ians ad litem acting on behalf of financially eligible minor  
 24 or incompetent offenders in connection with transfers from  
 25 the United States to foreign countries with which the Unit-  
 26 ed States has a treaty for the execution of penal sentences;

1 *and the compensation of attorneys appointed to represent*  
 2 *jurors in civil actions for the protection of their employ-*  
 3 *ment, as authorized by 28 U.S.C. 1875(d); \$308,000,000,*  
 4 *to remain available until expended as authorized by 18*  
 5 *U.S.C. 3006A(i): Provided, That the annual incremental*  
 6 *cost of each capital representation shall not exceed \$63,000:*  
 7 *Provided further, That if the annual incremental cost of*  
 8 *any capital representation exceeds \$63,000, the costs in ex-*  
 9 *cess of \$63,000 shall be paid equally out of funds appro-*  
 10 *priated or otherwise made available to the administrative*  
 11 *units supporting the prosecutor and presiding judge.*

12 *FEES OF JURORS AND COMMISSIONERS*

13 *For fees and expenses of jurors as authorized by 28*  
 14 *U.S.C. 1871 and 1876; compensation of jury commissioners*  
 15 *as authorized by 28 U.S.C. 1863; and compensation of com-*  
 16 *missioners appointed in condemnation cases pursuant to*  
 17 *rule 71A(h) of the Federal Rules of Civil Procedure (28*  
 18 *U.S.C. Appendix Rule 71A(h)); \$68,252,000, to remain*  
 19 *available until expended: Provided, That the compensation*  
 20 *of land commissioners shall not exceed the daily equivalent*  
 21 *of the highest rate payable under section 5332 of title 5,*  
 22 *United States Code.*

23 *COURT SECURITY*

24 *For necessary expenses, not otherwise provided for, in-*  
 25 *cident to the procurement, installation, and maintenance*  
 26 *of security equipment and protective services for the United*



1 *States Courts in courtrooms and adjacent areas, including*  
2 *building ingress-egress control, inspection of packages, di-*  
3 *rected security patrols, and other similar activities as au-*  
4 *thorized by section 1010 of the Judicial Improvement and*  
5 *Access to Justice Act (Public Law 100–702); \$167,883,000,*  
6 *of which not to exceed \$26,962,000 shall remain available*  
7 *until expended for security systems, to be expended directly*  
8 *or transferred to the United States Marshals Service which*  
9 *shall be responsible for administering elements of the Judi-*  
10 *cial Security Program consistent with standards or guide-*  
11 *lines agreed to by the Director of the Administrative Office*  
12 *of the United States Courts and the Attorney General.*

13 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*

14 *COURTS*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Administrative Office of*  
17 *the United States Courts as authorized by law, including*  
18 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*  
19 *motor vehicle as authorized by 31 U.S.C. 1343(b), advertis-*  
20 *ing and rent in the District of Columbia and elsewhere,*  
21 *\$53,843,000, of which not to exceed \$7,500 is authorized*  
22 *for official reception and representation expenses.*

1 *FEDERAL JUDICIAL CENTER*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Judicial Center,*  
4 *as authorized by Public Law 90–219, \$17,495,000; of which*  
5 *\$1,800,000 shall remain available through September 30,*  
6 *1999, to provide education and training to Federal court*  
7 *personnel; and of which not to exceed \$1,000 is authorized*  
8 *for official reception and representation expenses.*

9 *JUDICIAL RETIREMENT FUNDS*10 *PAYMENT TO JUDICIARY TRUST FUNDS*

11 *For payment to the Judicial Officers' Retirement*  
12 *Fund, as authorized by 28 U.S.C. 377(o), \$25,000,000, to*  
13 *the Judicial Survivors' Annuities Fund, as authorized by*  
14 *28 U.S.C. 376(c), \$7,400,000, and to the United States*  
15 *Court of Federal Claims Judges' Retirement Fund, as au-*  
16 *thorized by 28 U.S.C. 178(l), \$1,800,000.*

17 *UNITED STATES SENTENCING COMMISSION*18 *SALARIES AND EXPENSES*

19 *For the salaries and expenses necessary to carry out*  
20 *the provisions of chapter 58 of title 28, United States Code,*  
21 *\$9,480,000, of which not to exceed \$1,000 is authorized for*  
22 *official reception and representation expenses.*

1           *GENERAL PROVISIONS—THE JUDICIARY*

2           *SEC. 301. Appropriations and authorizations made in*  
3 *this title which are available for salaries and expenses shall*  
4 *be available for services as authorized by 5 U.S.C. 3109.*

5           *SEC. 302. Not to exceed 5 percent of any appropriation*  
6 *made available for the current fiscal year for the Judiciary*  
7 *in this Act may be transferred between such appropriations,*  
8 *but no such appropriation, except “Courts of Appeals, Dis-*  
9 *trict Courts, and other Judicial Services, Defender Serv-*  
10 *ices” and “Courts of Appeals, District Courts, and other*  
11 *Judicial Services, Fees of Jurors and Commissioners”, shall*  
12 *be increased by more than 10 percent by any such transfers:*  
13 *Provided, That any transfer pursuant to this section shall*  
14 *be treated as a reprogramming of funds under section 605*  
15 *of this Act and shall not be available for obligation or ex-*  
16 *penditure except in compliance with the procedures set forth*  
17 *in that section.*

18          *SEC. 303. Notwithstanding any other provision of law,*  
19 *the salaries and expenses appropriation for district courts,*  
20 *courts of appeals, and other judicial services shall be avail-*  
21 *able for official reception and representation expenses of the*  
22 *Judicial Conference of the United States: Provided, That*  
23 *such available funds shall not exceed \$10,000 and shall be*  
24 *administered by the Director of the Administrative Office*

1 *of the United States Courts in his capacity as Secretary*  
 2 *of the Judicial Conference.*

3 *SEC. 304. Section 612 of title 28, United States Code,*  
 4 *shall be amended by striking out subsection (l).*

5 *SEC. 305. (a) SHORT TITLE.—This section may be*  
 6 *cited as the “Ninth Circuit Court of Appeals Reorganiza-*  
 7 *tion Act of 1997”.*

8 *(b) NUMBER AND COMPOSITION OF CIRCUITS.—Sec-*  
 9 *tion 41 of title 28, United States Code, is amended—*

10 *(1) in the matter before the table, by striking*  
 11 *“thirteen” and inserting “fourteen”;*

12 *(2) in the table, by striking the item relating to*  
 13 *the ninth circuit and inserting the following new*  
 14 *item:*

*“Ninth ..... California, Nevada.”;*

15 *and*

16 *(3) between the last 2 items of the table, by in-*  
 17 *serting the following new item:*

*“Twelfth ..... Alaska, Arizona, Guam, Hawaii,*  
*Idaho, Montana, Northern Mariana*  
*Islands, Oregon, Washington.”.*

18 *(c) NUMBER OF CIRCUIT JUDGES.—The table in sec-*  
 19 *tion 44(a) of title 28, United States Code, is amended—*

20 *(1) by striking the item relating to the ninth cir-*  
 21 *cuit and inserting the following new item:*

*“Ninth ..... 15”;*

1           (2) by inserting between the last 2 items at the  
2           end thereof the following new item:

“Twelfth ..... 13”.

3           (d) *PLACES OF CIRCUIT COURT.*—The table in section  
4 48 of title 28, United States Code, is amended—

5           (1) by striking the item relating to the ninth cir-  
6           cuit and inserting the following new item:

“Ninth ..... San Francisco, Los Angeles.”;

7           and

8           (2) by inserting between the last 2 items at the  
9           end thereof the following new item:

“Twelfth ..... Portland, Seattle, Phoenix.”.

10          (e) *ASSIGNMENT OF CIRCUIT JUDGES AND CLERKS OF*  
11 *THE COURT.*—Each circuit judge in regular active service  
12 of the former ninth circuit whose official station on the day  
13 before the effective date of this section—

14           (1) is in California or Nevada is assigned as a  
15           circuit judge on the new ninth circuit;

16           (2) is in Alaska, Arizona, Guam, Hawaii, Idaho,  
17           Montana, Northern Mariana Islands, Oregon or  
18           Washington is assigned as a circuit judge on the  
19           twelfth circuit; and

20           (3) two co-equal clerks of the court for the twelfth  
21           circuit shall be located in two co-equal circuit seats  
22           which shall be located in Phoenix, Arizona, and Se-  
23           attle, Washington, respectively.

1       (f) *ELECTION OF ASSIGNMENT BY SENIOR JUDGES.*—

2   *Each judge who is a senior judge of the former ninth circuit*  
3   *on the day before the effective date of this section may elect*  
4   *to be assigned to the new ninth circuit or to the twelfth*  
5   *circuit and shall notify the Director of the Administrative*  
6   *Office of the United States Courts of such election.*

7       (g) *SENIORITY OF JUDGES.*—*The seniority of each*  
8   *judge—*

9               (1) *who is assigned under subsection (e); or*

10              (2) *who elects to be assigned under subsection (f);*  
11   *shall run from the date of commission of such judge*  
12   *as a judge of the former ninth circuit.*

13       (h) *APPLICATION TO CASES.*—*The provisions of the fol-*  
14   *lowing paragraphs of this subsection apply to any case in*  
15   *which, on the day before the effective date of this section,*  
16   *an appeal or other proceeding has been filed with the former*  
17   *ninth circuit:*

18              (1) *If the matter has been submitted for decision,*  
19   *further proceedings in respect of the matter shall be*  
20   *had in the same manner and with the same effect as*  
21   *if this section had not been enacted.*

22              (2) *If the matter has not been submitted for deci-*  
23   *sion, the appeal or proceeding, together with the origi-*  
24   *nal papers, printed records, and record entries duly*  
25   *certified, shall, by appropriate orders, be transferred*

1       to the court to which it would have gone had this sec-  
2       tion been in full force and effect at the time such ap-  
3       peal was taken or other proceeding commenced, and  
4       further proceedings in respect of the case shall be had  
5       in the same manner and with the same effect as if the  
6       appeal or other proceeding had been filed in such  
7       court.

8               (3) A petition for rehearing or a petition for re-  
9       hearing en banc in a matter decided before the effec-  
10      tive date of this section, or submitted before the effec-  
11      tive date of this section and decided on or after the  
12      effective date as provided in paragraph (1) of this  
13      subsection, shall be treated in the same manner and  
14      with the same effect as though this section had not  
15      been enacted. If a petition for rehearing en banc is  
16      granted, the matter shall be reheard by a court com-  
17      prised as though this section had not been enacted.

18      (i) *DEFINITIONS.*—For the purposes of this section, the  
19      term—

20              (1) “former ninth circuit” means the ninth judi-  
21      cial circuit of the United States as in existence on the  
22      day before the effective date of this section;

23              (2) “new ninth circuit” means the ninth judicial  
24      circuit of the United States established by the amend-  
25      ment made by subsection (b)(2);

1           (3) “*twelfth circuit*” means the *twelfth judicial*  
2           *circuit of the United States established by the amend-*  
3           *ment made by subsection (b)(3).*

4           (j) *ADMINISTRATION.*—*The court of appeals for the*  
5           *ninth circuit as constituted on the day before the effective*  
6           *date of this section may take such administrative action*  
7           *as may be required to carry out this section. Such court*  
8           *shall cease to exist for administrative purposes on July 1,*  
9           *1999.*

10          (k) *EFFECTIVE DATE.*—*This section and the amend-*  
11          *ments made by this section shall become effective on October*  
12          *1, 1997.*

13          *SEC. 306. Pursuant to section 140 of Public Law 97–*  
14          *92, justices and judges of the United States are authorized*  
15          *during fiscal year 1998, to receive a salary adjustment in*  
16          *accordance with 28 U.S.C. 461.*

17          *SEC. 307. Section 44(c) of title 28, United States Code,*  
18          *is amended by adding at the end thereof the following sen-*  
19          *tence: “In each circuit (other than the Federal judicial cir-*  
20          *cuit) there shall be at least one circuit judge in regular ac-*  
21          *tive service appointed from the residents of each state in*  
22          *that circuit.”.*

23          *This title may be cited as “The Judiciary Appropria-*  
24          *tions Act, 1998”.*



1        *TITLE IV—DEPARTMENT OF STATE AND*  
2                    *RELATED AGENCIES*

3                    *DEPARTMENT OF STATE*

4                    *ADMINISTRATION OF FOREIGN AFFAIRS*

5                    *DIPLOMATIC AND CONSULAR PROGRAMS*

6        *For necessary expenses of the Department of State and*  
7 *the Foreign Service not otherwise provided for, including*  
8 *expenses authorized by the State Department Basic Au-*  
9 *thorities Act of 1956, as amended; representation to certain*  
10 *international organizations in which the United States*  
11 *participates pursuant to treaties, ratified pursuant to the*  
12 *advice and consent of the Senate, or specific Acts of Con-*  
13 *gress; acquisition by exchange or purchase of passenger*  
14 *motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C.*  
15 *481(c) and 22 U.S.C. 2674; and for expenses of general ad-*  
16 *ministration; \$1,727,868,000: Provided, That of the amount*  
17 *made available under this heading, not to exceed \$4,000,000*  
18 *may be transferred to, and merged with funds in, the*  
19 *“Emergencies in the Diplomatic and Consular Service” ap-*  
20 *propriations account, to be available only for emergency*  
21 *evacuations and terrorism rewards: Provided further, That*  
22 *of the amount made available under this heading, not to*  
23 *exceed \$125,000 shall be available only for the Maui Pacific*  
24 *Center: Provided further, That notwithstanding section*  
25 *140(a)(5), and the second sentence of section 140(a)(3), of*

1 *the Foreign Relations Authorization Act, Fiscal Years 1994*  
2 *and 1995 (Public Law 103–236), fees may be collected dur-*  
3 *ing fiscal year 1998 and each fiscal year thereafter under*  
4 *the authority of section 140(a)(1) of that Act: Provided fur-*  
5 *ther, That all fees collected under the preceding proviso shall*  
6 *be deposited as an offsetting collection to appropriations*  
7 *made under this heading to recover the costs of providing*  
8 *consular services and shall remain available until expended.*

9       *In addition, not to exceed \$700,000 in registration fees*  
10 *collected pursuant to section 38 of the Arms Export Control*  
11 *Act, as amended, may be used in accordance with section*  
12 *45 of the State Department Basic Authorities Act of 1956*  
13 *(22 U.S.C. 2717); and in addition not to exceed \$1,252,000*  
14 *shall be derived from fees collected from other executive*  
15 *agencies for lease or use of facilities located at the Inter-*  
16 *national Center in accordance with section 4 of the Inter-*  
17 *national Center Act (Public Law 90–553), as amended, and*  
18 *in addition, as authorized by section 5 of such Act*  
19 *\$490,000, to be derived from the reserve authorized by that*  
20 *section, to be used for the purposes set out in that section;*  
21 *and in addition not to exceed \$15,000 which shall be de-*  
22 *rived from reimbursements, surcharges, and fees for use of*  
23 *Blair House facilities in accordance with section 46 of the*  
24 *State Department Basic Authorities Act of 1956 (22 U.S.C.*  
25 *2718(a)).*

1        *Notwithstanding section 402 of this Act, not to exceed*  
2 *20 percent of the amounts made available in this Act in*  
3 *the appropriation accounts “Diplomatic and Consular Pro-*  
4 *grams” and “Salaries and Expenses” under the heading*  
5 *“Administration of Foreign Affairs” may be transferred be-*  
6 *tween such appropriation accounts: Provided, That any*  
7 *transfer pursuant to this sentence shall be treated as a re-*  
8 *programming of funds under section 605 of this Act and*  
9 *shall not be available for obligation or expenditure except*  
10 *in compliance with the procedures set forth in that section.*

11                                *SALARIES AND EXPENSES*

12        *For expenses necessary for the general administration*  
13 *of the Department of State and the Foreign Service, pro-*  
14 *vided for by law, including expenses authorized by section*  
15 *9 of the Act of August 31, 1964, as amended (31 U.S.C.*  
16 *3721), and the State Department Basic Authorities Act of*  
17 *1956, as amended, \$363,513,000.*

18                                *CAPITAL INVESTMENT FUND*

19        *For necessary expenses of the Capital Investment*  
20 *Fund, \$105,000,000, to remain available until expended, as*  
21 *authorized in Public Law 103–236: Provided, That section*  
22 *135(e) of Public Law 103–236 shall not apply to funds*  
23 *available under this heading.*

24                                *OFFICE OF INSPECTOR GENERAL*

25        *For necessary expenses of the Office of Inspector Gen-*  
26 *eral in carrying out the provisions of the Inspector General*

1 *Act of 1978, as amended (5 U.S.C. App.), \$27,495,000, not-*  
 2 *withstanding section 209(a)(1) of the Foreign Service Act*  
 3 *of 1980, as amended (Public Law 96-465), as it relates to*  
 4 *post inspections.*

5 *REPRESENTATION ALLOWANCES*

6 *For representation allowances as authorized by section*  
 7 *905 of the Foreign Service Act of 1980, as amended (22*  
 8 *U.S.C. 4085), \$4,100,000.*

9 *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

10 *For expenses, not otherwise provided, to enable the Sec-*  
 11 *retary of State to provide for extraordinary protective serv-*  
 12 *ices in accordance with the provisions of section 214 of the*  
 13 *State Department Basic Authorities Act of 1956 (22 U.S.C.*  
 14 *4314) and 3 U.S.C. 208, \$7,900,000, to remain available*  
 15 *until September 30, 1999.*

16 *SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS*

17 *For necessary expenses for carrying out the Foreign*  
 18 *Service Buildings Act of 1926, as amended (22 U.S.C. 292-*  
 19 *300), and the Diplomatic Security Construction Program*  
 20 *as authorized by title IV of the Omnibus Diplomatic Secu-*  
 21 *rity and Antiterrorism Act of 1986 (22 U.S.C. 4851),*  
 22 *\$420,281,000, to remain available until expended as au-*  
 23 *thorized by section 24(c) of the State Department Basic Au-*  
 24 *thorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That*  
 25 *none of the funds appropriated in this paragraph shall be*

1 *available for acquisition of furniture and furnishings and*  
 2 *generators for other departments and agencies.*

3 *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR*  
 4 *SERVICE*

5 *For expenses necessary to enable the Secretary of State*  
 6 *to meet unforeseen emergencies arising in the Diplomatic*  
 7 *and Consular Service pursuant to the requirement of 31*  
 8 *U.S.C. 3526(e), \$5,500,000, to remain available until ex-*  
 9 *pended as authorized by section 24(c) of the State Depart-*  
 10 *ment Basic Authorities Act of 1956 (22 U.S.C. 2696(c)),*  
 11 *of which not to exceed \$1,000,000 may be transferred to and*  
 12 *merged with the Repatriation Loans Program Account, sub-*  
 13 *ject to the same terms and conditions.*

14 *REPATRIATION LOANS PROGRAM ACCOUNT*

15 *For the cost of direct loans, \$593,000, as authorized*  
 16 *by section 4 of the State Department Basic Authorities Act*  
 17 *of 1956 (22 U.S.C. 2671): Provided, That such costs, includ-*  
 18 *ing the cost of modifying such loans, shall be as defined*  
 19 *in section 502 of the Congressional Budget Act of 1974. In*  
 20 *addition, for administrative expenses necessary to carry out*  
 21 *the direct loan program, \$607,000 which may be transferred*  
 22 *to and merged with the Salaries and Expenses account*  
 23 *under Administration of Foreign Affairs.*

24 *PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN*

25 *For necessary expenses to carry out the Taiwan Rela-*  
 26 *tions Act, Public Law 96–8 (93 Stat. 14), \$14,490,000.*

1     *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*  
2                             *DISABILITY FUND*

3         *For payment to the Foreign Service Retirement and*  
4     *Disability Fund, as authorized by law, \$129,935,000.*

5     *INTERNATIONAL ORGANIZATIONS AND CONFERENCES*  
6         *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

7         *For expenses, not otherwise provided for, necessary to*  
8     *meet annual obligations of membership in international*  
9     *multilateral organizations, pursuant to treaties ratified*  
10    *pursuant to the advice and consent of the Senate, conven-*  
11    *tions or specific Acts of Congress, \$957,009,000, of which*  
12    *not to exceed \$54,000,000 shall remain available until ex-*  
13    *pended for payment of arrearages owed the United Nations:*  
14    *Provided, That any payment of arrearages shall be directed*  
15    *toward special activities that are mutually agreed upon by*  
16    *the United States and the respective international organiza-*  
17    *tion: Provided further, That none of the funds appropriated*  
18    *or otherwise made available by this Act for “Contributions*  
19    *to International Organizations”, including payment of ar-*  
20    *rearages owed to the United Nations, may be obligated or*  
21    *expended unless such obligation or expenditure is expressly*  
22    *authorized by the enactment of the Foreign Affairs Reform*  
23    *and Restructuring Act of 1997: Provided further, That not-*  
24    *withstanding section 402 of this Act, not to exceed*  
25    *\$10,000,000 may be transferred from the funds made avail-*

1 *able under this heading to the “International Conferences*  
2 *and Contingencies” account for assessed contributions to*  
3 *new or provisional international organizations or for travel*  
4 *expenses of official delegates to international conferences:*  
5 *Provided further, That any transfer pursuant to this para-*  
6 *graph shall be treated as a reprogramming of funds under*  
7 *section 605 of this Act and shall not be available for obliga-*  
8 *tion or expenditure except in compliance with the proce-*  
9 *dures set forth in that section.*

10 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

11 *ACTIVITIES*

12 *For necessary expenses to pay assessed and other ex-*  
13 *penses of international peacekeeping activities directed to*  
14 *the maintenance or restoration of international peace and*  
15 *security \$200,320,000, of which not to exceed \$46,000,000*  
16 *shall remain available until expended for payment of ar-*  
17 *rearages: Provided, That none of the funds appropriated or*  
18 *otherwise made available by this Act for “Contributions for*  
19 *International Peacekeeping Activities”, including payment*  
20 *of arrearages, may be obligated or expended unless such ob-*  
21 *ligation or expenditure is expressly authorized by the enact-*  
22 *ment of the Foreign Affairs Reform and Restructuring Act*  
23 *of 1997.*

1                    *INTERNATIONAL COMMISSIONS*

2            *For necessary expenses, not otherwise provided for, to*  
3 *meet obligations of the United States arising under treaties,*  
4 *or specific Acts of Congress, as follows:*

5            *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*  
6                    *UNITED STATES AND MEXICO*

7            *For necessary expenses for the United States Section*  
8 *of the International Boundary and Water Commission,*  
9 *United States and Mexico, and to comply with laws appli-*  
10 *cable to the United States Section, including not to exceed*  
11 *\$10,000 for representation; as follows:*

12                    *SALARIES AND EXPENSES*

13            *For salaries and expenses, not otherwise provided for,*  
14 *\$18,200,000.*

15                    *CONSTRUCTION*

16            *For detailed plan preparation and construction of au-*  
17 *thorized projects, \$6,463,000, to remain available until ex-*  
18 *pendent, as authorized by section 24(c) of the State Depart-*  
19 *ment Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).*

20            *AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

21            *For necessary expenses, not otherwise provided for the*  
22 *International Joint Commission and the international*  
23 *Boundary Commission, United States and Canada, as au-*  
24 *thorized by treaties between the United States and Canada*  
25 *or Great Britain, and for the Border Environment Coopera-*  
26 *tion Commission as authorized by Public Law 103-182;*



1 \$5,010,000, of which not to exceed \$9,900 shall be available  
 2 for representation expenses incurred by the International  
 3 Joint Commission: Provided, That of the amount made  
 4 available under this heading, not to exceed \$40,000 shall  
 5 be available only for the Bering Straits Commission.

6 *INTERNATIONAL FISHERIES COMMISSIONS*

7 *For necessary expenses for international fisheries com-*  
 8 *missions, not otherwise provided for, \$14,549,000: Provided,*  
 9 *That the United States' share of such expenses may be ad-*  
 10 *vanced to the respective commissions, pursuant to 31 U.S.C.*  
 11 *3324.*

12 *OTHER*

13 *PAYMENT TO THE ASIA FOUNDATION*

14 *For a grant to the Asia Foundation, as authorized by*  
 15 *section 501 of Public Law 101-246, \$5,000,000, to remain*  
 16 *available until expended, as authorized by section 24(c) of*  
 17 *the State Department Basic Authorities Act of 1956 (22*  
 18 *U.S.C. 2696(c)).*

19 *RELATED AGENCIES*

20 *ARMS CONTROL AND DISARMAMENT AGENCY*

21 *ARMS CONTROL AND DISARMAMENT ACTIVITIES*

22 *For necessary expenses not otherwise provided for arms*  
 23 *control, nonproliferation, and disarmament activities,*  
 24 *\$32,613,000 of which not to exceed \$50,000 shall be for offi-*  
 25 *cial reception and representation expenses as authorized by*

1 *the Act of September 26, 1961, as amended (22 U.S.C. 2551*  
2 *et seq.).*

3 *UNITED STATES INFORMATION AGENCY*

4 *INTERNATIONAL INFORMATION PROGRAMS*

5 *For expenses, not otherwise provided for, necessary to*  
6 *enable the United States Information Agency, as authorized*  
7 *by the Mutual Educational and Cultural Exchange Act of*  
8 *1961, as amended (22 U.S.C. 2451 et seq.), the United*  
9 *States Information and Educational Exchange Act of 1948,*  
10 *as amended (22 U.S.C. 1431 et seq.), and Reorganization*  
11 *Plan No. 2 of 1977 (91 Stat. 1636), to carry out inter-*  
12 *national communication, educational and cultural activi-*  
13 *ties; and to carry out related activities authorized by law,*  
14 *including employment, without regard to civil service and*  
15 *classification laws, of persons on a temporary basis (not*  
16 *to exceed \$700,000 of this appropriation), as authorized by*  
17 *section 801 of such Act of 1948 (22 U.S.C. 1471), and enter-*  
18 *tainment, including official receptions, within the United*  
19 *States, not to exceed \$25,000 as authorized by section*  
20 *804(3) of such Act of 1948 (22 U.S.C. 1474(3));*  
21 *\$427,097,000: Provided, That not to exceed \$1,400,000 may*  
22 *be used for representation abroad as authorized by section*  
23 *302 of such Act of 1948 (22 U.S.C. 1452) and section 905*  
24 *of the Foreign Service Act of 1980 (22 U.S.C. 4085): Pro-*  
25 *vided further, That not to exceed \$6,000,000, to remain*

1 *available until expended, may be credited to this appropria-*  
2 *tion from fees or other payments received from or in connec-*  
3 *tion with English teaching, library, motion pictures, and*  
4 *publication programs as authorized by section 810 of such*  
5 *Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any*  
6 *other law, fees from student advising and counseling: Pro-*  
7 *vided further, That not to exceed \$920,000 to remain avail-*  
8 *able until expended may be used to carry out projects in-*  
9 *volving security construction and related improvements for*  
10 *agency facilities not physically located together with De-*  
11 *partment of State facilities abroad.*

12 *TECHNOLOGY FUND*

13 *For expenses necessary to enable the United States In-*  
14 *formation Agency to provide for the procurement of infor-*  
15 *mation technology improvements, as authorized by the*  
16 *United States Information and Educational Exchange Act*  
17 *of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual*  
18 *Educational and Cultural Exchange Act of 1961, as amend-*  
19 *ed (22 U.S.C. 2451 et seq.), and Reorganization Plan No.*  
20 *2 of 1977 (91 Stat. 1636), \$10,000,000, to remain available*  
21 *until expended.*

22 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

23 *For expenses of educational and cultural exchange pro-*  
24 *grams, as authorized by the Mutual Educational and Cul-*  
25 *tural Exchange Act of 1961, as amended (22 U.S.C. 2451*  
26 *et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat.*

1 1636), \$200,000,000, to remain available until expended as  
 2 authorized by section 105 of such Act of 1961 (22 U.S.C.  
 3 2455): Provided, That not to exceed \$500,000, to remain  
 4 available until expended, may be credited to this appropria-  
 5 tion from fees or other payments received from or in connec-  
 6 tion with English teaching and publication programs as  
 7 authorized by section 810 of the United States Information  
 8 and Educational Exchange Act of 1948 (22 U.S.C. 1475a).

9 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST

10 FUND

11 For necessary expenses of Eisenhower Exchange Fel-  
 12 lowships, Incorporated, as authorized by sections 4 and 5  
 13 of the Eisenhower Exchange Fellowship Act of 1990 (20  
 14 U.S.C. 5204–5205), all interest and earnings accruing to  
 15 the Eisenhower Exchange Fellowship Program Trust Fund  
 16 on or before September 30, 1998, to remain available until  
 17 expended: Provided, That none of the funds appropriated  
 18 herein shall be used to pay any salary or other compensa-  
 19 tion, or to enter into any contract providing for the pay-  
 20 ment thereof, in excess of the rate authorized by 5 U.S.C.  
 21 5376; or for purposes which are not in accordance with  
 22 OMB Circulars A–110 (Uniform Administrative Require-  
 23 ments) and A–122 (Cost Principles for Non-profit Organi-  
 24 zations), including the restrictions on compensation for per-  
 25 sonal services.

1                    *ISRAELI ARAB SCHOLARSHIP PROGRAM*

2            *For necessary expenses of the Israeli Arab Scholarship*  
3 *Program as authorized by section 214 of the Foreign Rela-*  
4 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*  
5 *U.S.C. 2452), all interest and earnings accruing to the Is-*  
6 *raeli Arab Scholarship Fund on or before September 30,*  
7 *1998, to remain available until expended.*

8                    *INTERNATIONAL BROADCASTING OPERATIONS*

9            *For expenses necessary to enable the United States In-*  
10 *formation Agency, as authorized by the United States Infor-*  
11 *mation and Educational Exchange Act of 1948, as amend-*  
12 *ed, the United States International Broadcasting Act of*  
13 *1994, as amended, and Reorganization Plan No. 2 of 1977,*  
14 *to carry out international communication activities;*  
15 *\$339,655,000, of which not to exceed \$10,000,000 shall be*  
16 *available only on a dollar-for-dollar basis when matched*  
17 *with the proceeds of sales of advertising air time, of which*  
18 *not to exceed \$16,000 may be used for official receptions*  
19 *within the United States as authorized by section 804(3)*  
20 *of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed*  
21 *\$35,000 may be used for representation abroad as author-*  
22 *ized by section 302 of such Act of 1948 (22 U.S.C. 1452)*  
23 *and section 905 of the Foreign Service Act of 1980 (22*  
24 *U.S.C. 4085), and not to exceed \$39,000 may be used for*  
25 *official reception and representation expenses of Radio Free*  
26 *Europe/Radio Liberty; and in addition, not to exceed*

1 \$250,000 from fees as authorized by section 810 of such Act  
 2 of 1948 (22 U.S.C. 1475e), to remain available until ex-  
 3 pended for carrying out authorized purposes; and in addi-  
 4 tion, notwithstanding any other provision of law, not to  
 5 exceed \$1,000,000 in monies received (including receipts  
 6 from advertising, if any) by or for the use of the United  
 7 States Information Agency from or in connection with  
 8 broadcasting resources owned by or on behalf of the Agency,  
 9 to be available until expended for carrying out authorized  
 10 purposes.

11 *BROADCASTING TO CUBA*

12 *For expenses necessary to enable the United States In-*  
 13 *formation Agency to carry out the Radio Broadcasting to*  
 14 *Cuba Act, as amended, the Television Broadcasting to Cuba*  
 15 *Act, and the International Broadcasting Act of 1994, in-*  
 16 *cluding the purchase, rent, construction, and improvement*  
 17 *of facilities for radio and television transmission and recep-*  
 18 *tion, and purchase and installation of necessary equipment*  
 19 *for radio and television transmission and reception,*  
 20 *\$22,095,000, to remain available until expended.*

21 *RADIO CONSTRUCTION*

22 *For the purchase, rent, construction, and improvement*  
 23 *of facilities for radio transmission and reception, and pur-*  
 24 *chase and installation of necessary equipment for radio and*  
 25 *television transmission and reception as authorized by sec-*  
 26 *tion 801 of the United States Information and Educational*

1 *Exchange Act of 1948 (22 U.S.C. 1471), \$32,710,000, to*  
 2 *remain available until expended, as authorized by section*  
 3 *704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).*

4 *EAST-WEST CENTER*

5 *To enable the Director of the United States Informa-*  
 6 *tion Agency to provide for carrying out the provisions of*  
 7 *the Center for Cultural and Technical Interchange Between*  
 8 *East and West Act of 1960 (22 U.S.C. 2054–2057), by grant*  
 9 *to the Center for Cultural and Technical Interchange Be-*  
 10 *tween East and West in the State of Hawaii, \$22,000,000:*  
 11 *Provided, That none of the funds appropriated herein shall*  
 12 *be used to pay any salary, or enter into any contract pro-*  
 13 *viding for the payment thereof, in excess of the rate author-*  
 14 *ized by 5 U.S.C. 5376.*

15 *NORTH/SOUTH CENTER*

16 *To enable the Director of the United States Informa-*  
 17 *tion Agency to provide for carrying out the provisions of*  
 18 *the North/South Center Act of 1991 (22 U.S.C. 2075), by*  
 19 *grant to an educational institution in Florida known as*  
 20 *the North/South Center, \$3,000,000, to remain available*  
 21 *until expended.*

22 *GENERAL PROVISIONS—DEPARTMENT OF STATE AND*

23 *RELATED AGENCIES*

24 *SEC. 401. Funds appropriated under this title shall*  
 25 *be available, except as otherwise provided for allowances*  
 26 *and differentials as authorized by subchapter 59 of 5*

1 *U.S.C.; for services as authorized by 5 U.S.C. 3109; and*  
2 *hire of passenger transportation pursuant to 31 U.S.C.*  
3 *1343(b).*

4       *SEC. 402. Not to exceed 5 percent of any appropriation*  
5 *made available for the current fiscal year for the Depart-*  
6 *ment of State in this Act may be transferred between such*  
7 *appropriations, but no such appropriations, except as oth-*  
8 *erwise specifically provided shall be increased by more than*  
9 *10 percent by any such transfers: Provided, That not to ex-*  
10 *ceed 5 percent of any appropriation made available for the*  
11 *current fiscal year for the United States Information Agen-*  
12 *cy in this Act may be transferred between such appropri-*  
13 *ations, but no such appropriation, except as otherwise spe-*  
14 *cifically provided shall be increased by more than 10 per-*  
15 *cent by any such transfers: Provided further, That any*  
16 *transfer pursuant to this section shall be treated as a re-*  
17 *programming of funds under section 605 of this Act and*  
18 *shall not be available for obligation or expenditure except*  
19 *in compliance with the procedures set forth in that section.*

20       *SEC. 403. Funds hereafter appropriated or otherwise*  
21 *made available under this Act or any other Act may be*  
22 *expended for compensation of the United States Commis-*  
23 *sioner of the International Boundary Commission, United*  
24 *States and Canada, only for actual hours worked by such*  
25 *Commissioner.*



1       *SEC. 404. Any costs incurred by a Department or*  
2 *agency funded under this title resulting from personnel ac-*  
3 *tions taken in response to funding reductions included in*  
4 *this title shall be absorbed within the total budgetary re-*  
5 *sources available to such Department or agency: Provided,*  
6 *That the authority to transfer funds between appropriations*  
7 *accounts as may be necessary to carry out this section is*  
8 *provided in addition to authorities included elsewhere in*  
9 *this Act: Provided further, That use of funds to carry out*  
10 *this section shall be treated as a reprogramming of funds*  
11 *under section 605 of this Act and shall not be available for*  
12 *obligation or expenditure except in compliance with the*  
13 *procedures set forth in that section.*

14       *SEC. 405. None of the funds appropriated or otherwise*  
15 *made available by this Act or any other Act for fiscal year*  
16 *1998 or any fiscal year thereafter may be obligated or ex-*  
17 *pended to pay for any cost incurred in—*

18               *(1) opening or operating any United States dip-*  
19 *lomatic or consular post in the Socialist Republic of*  
20 *Vietnam that was not operating on July 11, 1995;*

21               *(2) expanding any United States diplomatic or*  
22 *consular post in the Socialist Republic of Vietnam*  
23 *that was operating as of July 11, 1995; or*

24               *(3) increasing the total number of personnel as-*  
25 *signed to United States diplomatic or consular posts*

1 *in the Socialist Republic of Vietnam in excess of the*  
2 *total number of personnel assigned to the posts as of*  
3 *July 11, 1995, unless the President certifies within 60*  
4 *days of the beginning of each fiscal year the following:*

5 *(A) Based upon a formal assessment of all*  
6 *information available to the United States Gov-*  
7 *ernment, the Government of the Socialist Repub-*  
8 *lic of Vietnam is fully cooperating with the*  
9 *United States in the following:*

10 *(i) Resolving discrepancy cases, live*  
11 *sightings, and field activities.*

12 *(ii) Recovering and repatriating Amer-*  
13 *ican remains.*

14 *(iii) Accelerating efforts to provide doc-*  
15 *uments that will help lead to fullest possible*  
16 *accounting of prisoners of war and missing*  
17 *in action.*

18 *(iv) Providing further assistance in*  
19 *implementing trilateral investigations with*  
20 *Laos.*

21 *(B) The remains, artifacts, eyewitness ac-*  
22 *counts, archival material, and other evidence as-*  
23 *sociated with prisoners of war and missing in*  
24 *action recovered from crash sites, military ac-*  
25 *tions, and other locations in Southeast Asia are*

1           *being thoroughly analyzed by the appropriate*  
2           *laboratories with the intent of providing surviv-*  
3           *ing relatives with scientifically defensible, legal*  
4           *determinations of death or other accountability*  
5           *that are fully documented and available in un-*  
6           *classified and unredacted form to immediate*  
7           *family members.*

8           *SEC. 406. (a)(1) For purposes of implementing the*  
9           *International Cooperative Administrative Support Services*  
10          *program in fiscal year 1998, the amounts referred to in*  
11          *paragraph (2) shall be transferred in accordance with the*  
12          *provisions of subsection (b).*

13          *(2) Paragraph (1) applies to amounts made available*  
14          *by title IV of this Act under the heading “ADMINISTRATION*  
15          *OF FOREIGN AFFAIRS” as follows:*

16                *(A) \$108,932,000 of the amount made available*  
17                *under the paragraph “DIPLOMATIC AND CONSULAR*  
18                *PROGRAMS”.*

19                *(B) \$3,530,000 of the amount made available*  
20                *under the paragraph “SECURITY AND MAINTENANCE*  
21                *OF UNITED STATES MISSIONS”.*

22          *(b) Funds transferred pursuant to subsection (a) shall*  
23          *be transferred to the specified appropriation, allocated to*  
24          *the specified account or accounts in the specified amount,*  
25          *be merged with funds in such account or accounts that are*

1 *available for administrative support expenses of overseas*  
2 *activities, and be available for the same purposes, and sub-*  
3 *ject to the same terms and conditions, as the funds with*  
4 *which merged, as follows:*

5 *(1) Appropriations for the Legislative Branch—*

6 *(A) for the Library of Congress, for salaries*  
7 *and expenses, \$500,000; and*

8 *(B) for the General Accounting Office, for*  
9 *salaries and expenses, \$12,000.*

10 *(2) Appropriations for the Office of the United*  
11 *States Trade Representative, for salaries and ex-*  
12 *penses, \$302,000.*

13 *(3) Appropriations for the Department of Com-*  
14 *merce, for the International Trade Administration,*  
15 *for operations and administration, \$7,055,000.*

16 *(4) Appropriations for the Department of Jus-*  
17 *tice—*

18 *(A) for legal activities—*

19 *(i) for general legal activities, for sala-*  
20 *ries and expenses, \$194,000; and*

21 *(ii) for the United States Marshals*  
22 *Service, for salaries and expenses, \$2,000;*

23 *(B) for the Federal Bureau of Investigation,*  
24 *for salaries and expenses, \$2,477,000;*

1           (C) for the Drug Enforcement Administra-  
2           tion, for salaries and expenses, \$6,356,000; and

3           (D) for the Immigration and Naturaliza-  
4           tion Service, for salaries and expenses,  
5           \$1,313,000.

6           (5) Appropriations for the United States Infor-  
7           mation Agency, for international information pro-  
8           grams, \$25,047,000.

9           (6) Appropriations for the Arms Control and  
10          Disarmament Agency, for arms control and disar-  
11          mament activities, \$1,247,000.

12          (7) Appropriations to the President—

13               (A) for the Foreign Military Financing  
14               Program, for administrative costs, \$6,660,000;

15               (B) for the Economic Support Fund,  
16               \$336,000;

17               (C) for the Agency for International Devel-  
18               opment—

19                       (i) for operating expenses, \$6,008,000;

20                       (ii) for the Urban and Environmental  
21                       Credit Program, \$54,000;

22                       (iii) for the Development Assistance  
23                       Fund, \$124,000;

24                       (iv) for the Development Fund for Af-  
25                       rica, \$526,000;

1                   (v) for assistance for the new independ-  
2                   ent states of the former Soviet Union,  
3                   \$818,000;

4                   (vi) for assistance for Eastern Europe  
5                   and the Baltic States, \$283,000; and

6                   (vii) for international disaster assist-  
7                   ance, \$306,000;

8                   (D) for the Peace Corps, \$3,672,000; and  
9                   (E) for the Department of State—

10                  (i) for international narcotics control,  
11                  \$1,117,000; and,

12                  (ii) for migration and refugee assist-  
13                  ance, \$394,000.

14                  (8) Appropriations for the Department of De-  
15                  fense—

16                  (A) for operation and maintenance—

17                  (i) for operation and maintenance,  
18                  Army, \$4,394,000;

19                  (ii) for operation and maintenance,  
20                  Navy, \$1,824,000;

21                  (iii) for operation and maintenance,  
22                  Air Force, \$1,603,000; and

23                  (iv) for operation and maintenance,  
24                  Defense-Wide, \$21,993,000; and

1                   (B) for procurement, for other procurement,  
2                   Air Force, \$4,211,000.

3                   (9) Appropriations for the American Battle  
4                   Monuments Commission, for salaries and expenses,  
5                   \$210,000.

6                   (10) Appropriations for the Department of Agri-  
7                   culture—

8                   (A) for the Animal and Plant Health In-  
9                   spection Service, for salaries and expenses,  
10                  \$932,000;

11                  (B) for the Foreign Agricultural Service  
12                  and General Sales Manager, \$4,521,000; and

13                  (C) for the Agricultural Research Service,  
14                  \$16,000.

15                  (11) Appropriations for the Department of  
16                  Treasury—

17                  (A) for the United States Customs Service,  
18                  for salaries and expenses, \$2,002,000;

19                  (B) for departmental offices, for salaries  
20                  and expenses, \$804,000;

21                  (C) for the Internal Revenue Service, for tax  
22                  law enforcement, \$662,000;

23                  (D) for the Bureau of Alcohol, Tobacco, and  
24                  Firearms, for salaries and expenses, \$17,000;

1                   (E) for the United States Secret Service, for  
2                   salaries and expenses, \$617,000; and

3                   (F) for the Comptroller of the Currency, for  
4                   assessment funds, \$29,000.

5           (12) Appropriations for the Department of  
6           Transportation—

7                   (A) for the Federal Aviation Administra-  
8                   tion, for operations, \$1,594,000; and

9                   (B) for the Coast Guard, for operating ex-  
10                  penses, \$65,000.

11          (13) Appropriations for the Department of  
12          Labor, for departmental management, for salaries  
13          and expenses, \$58,000.

14          (14) Appropriations for the Department of  
15          Health and Human Services—

16                  (A) for the National Institutes of Health, for  
17                  the National Cancer Institute, \$42,000;

18                  (B) for the Office of the Secretary, for gen-  
19                  eral departmental management, \$71,000; and

20                  (C) for the Centers for Disease Control and  
21                  Prevention, for disease control, research, and  
22                  training, \$522,000.

23          (15) Appropriations for the Social Security Ad-  
24          ministration, for administrative expenses, \$370,000.



1           (16) *Appropriations for the Department of the*  
2     *Interior—*

3                     (A) *for the United States Fish and Wildlife*  
4     *Service, for resource management, \$12,000;*

5                     (B) *for the United States Geological Survey,*  
6     *for surveys, investigations, and research,*  
7     *\$80,000; and*

8                     (C) *for the Bureau of Reclamation, for*  
9     *water and related resources, \$101,000.*

10           (17) *Appropriations for the Department of Veter-*  
11     *ans Affairs, for departmental administration, for gen-*  
12     *eral operating expenses, \$453,000.*

13           (18) *Appropriations for the National Aero-*  
14     *navics and Space Administration, for mission sup-*  
15     *port, \$183,000.*

16           (19) *Appropriations for the National Science*  
17     *Foundation, for research and related activities,*  
18     *\$39,000.*

19           (20) *Appropriations for the Federal Emergency*  
20     *Management Agency, for salaries and expenses,*  
21     *\$4,000.*

22           (21) *Appropriations for the Department of En-*  
23     *ergy—*

24                     (A) *for departmental administration,*  
25     *\$150,000; and*

1                   (B) for atomic energy defense activities, for  
2                   other defense activities, \$54,000.

3                   (22) Appropriations for the Nuclear Regulatory  
4                   Commission, for salaries and expenses, \$26,000.

5           SEC. 407. NATIONAL ENDOWMENT FOR DEMOCRACY.—  
6   For grants made by the United States Information Agency  
7   to the National Endowment for Democracy as authorized  
8   by the National Endowment for Democracy Act,  
9   \$30,000,000, to remain available until expended. The lan-  
10   guage on page 115, line 20 to wit, “\$105,000,000” is  
11   deemed to be “\$75,000,000”. This shall become effective one  
12   day after enactment of this Act.

13          SEC. 408. SENSE OF THE SENATE REGARDING THE  
14   EXEMPLARY SERVICE OF JOHN H.R. BERG TO THE UNITED  
15   STATES. (a) FINDINGS.—

16               (1) John H.R. Berg began his service to the  
17               United States Government working for the United  
18               States Army at the age of fifteen after fleeing Nazi  
19               persecution in Germany where his father died in the  
20               Auschwitz concentration camp; and

21               (2) John H.R. Berg’s dedication to the United  
22               States Government was further exhibited by his desire  
23               to become a United States citizen, a goal that was  
24               achieved in 1981, 35 years after he began his com-  
25               mendable service to the United States; and

1           (3) *Since 1949, John H.R. Berg has been em-*  
2           *ployed by the United States Embassy in Paris where*  
3           *he is currently the Chief of the Visitor's and Travel*  
4           *Unit. And, this year has supported over 10,700 offi-*  
5           *cial visitors, 500 conferences, and over 15,000 official*  
6           *and unofficial reservations; and*

7           (4) *John H.R. Berg's reputation for "accom-*  
8           *plishing the impossible" through his dedication, effi-*  
9           *ciency and knowledge has become legend in the For-*  
10          *oreign Service; and*

11          (5) *John H.R. Berg has just completed 50 years*  
12          *of outstanding service to the United States Govern-*  
13          *ment with the United States Department of State.*

14          (b) *SENSE OF SENATE.—Therefore it is the sense of*  
15          *the Senate that John H.R. Berg deserves the highest praise*  
16          *from the Congress for his steadfast devotion, caring leader-*  
17          *ship, and lifetime of service to the United States Govern-*  
18          *ment.*

19          *SEC. 409. Not to exceed \$2,000,000 may be made avail-*  
20          *able for the 1999 Women's World Cup Organizing Commit-*  
21          *tee cultural exchange and exchange related activities associ-*  
22          *ated with the 1999 Women's World Cup.*

23          *SEC. 410. Notwithstanding any other provision in this*  
24          *Act the amount for the Department of State "CAPITAL IN-*  
25          *VESTMENT FUND" shall be \$105,000,000.*

1       *This title may be cited as the “Department of State*  
2 *and Related Agencies Appropriations Act, 1998”.*

3                   *TITLE V—RELATED AGENCIES*

4                   *MARITIME ADMINISTRATION*

5                   *OPERATING-DIFFERENTIAL SUBSIDIES*

6                   *(LIQUIDATION OF CONTRACT AUTHORITY)*

7       *For the payment of obligations incurred for operating-*  
8 *differential subsidies, as authorized by the Merchant Marine*  
9 *Act, 1936, as amended, \$135,000,000, to remain available*  
10 *until expended.*

11                   *MARITIME SECURITY PROGRAM*

12       *For necessary expenses to maintain and preserve a*  
13 *U.S.-flag merchant fleet to serve the national security needs*  
14 *of the United States, \$35,000,000, to remain available until*  
15 *expended: Provided, That these funds will be available only*  
16 *upon enactment of an authorization for this program.*

17                   *OPERATIONS AND TRAINING*

18       *For necessary expenses of operations and training ac-*  
19 *tivities authorized by law, \$69,000,000: Provided, That re-*  
20 *imbursements may be made to this appropriation from re-*  
21 *ceipts to the “Federal Ship Financing Fund” for adminis-*  
22 *trative expenses in support of that program in addition to*  
23 *any amount heretofore appropriated.*

1        *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

2                                *ACCOUNT*

3        *For the cost of guaranteed loans, as authorized by the*  
4 *Merchant Marine Act, 1936, \$29,000,000, to remain avail-*  
5 *able until expended: Provided, That such costs, including*  
6 *the cost of modifying such loans, shall be as defined in sec-*  
7 *tion 502 of the Congressional Budget Act of 1974, as*  
8 *amended: Provided further, That these funds are available*  
9 *to subsidize total loan principal, any part of which is to*  
10 *be guaranteed, not to exceed \$1,000,000,000.*

11        *In addition, for administrative expenses to carry out*  
12 *the guaranteed loan program, not to exceed \$4,000,000,*  
13 *which shall be transferred to and merged with the appro-*  
14 *priation for Operations and Training.*

15        *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

16        *Notwithstanding any other provision of this Act, the*  
17 *Maritime Administration is authorized to furnish utilities*  
18 *and services and make necessary repairs in connection with*  
19 *any lease, contract, or occupancy involving Government*  
20 *property under control of the Maritime Administration,*  
21 *and payments received therefor shall be credited to the ap-*  
22 *propriation charged with the cost thereof: Provided, That*  
23 *rental payments under any such lease, contract, or occu-*  
24 *pancy for items other than such utilities, services, or repairs*  
25 *shall be covered into the Treasury as miscellaneous receipts.*

10 *SALARIES AND EXPENSES*

11        *For expenses for the Commission for the Preservation*  
12        *of America's Heritage Abroad, \$206,000, as authorized by*  
13        *Public Law 99-83, section 1303.*

16        *For necessary expenses of the Commission on Civil*  
17 *Rights, including hire of passenger motor vehicles,*  
18 *\$8,740,000: Provided, That not to exceed \$50,000 may be*  
19 *used to employ consultants: Provided further, That none of*  
20 *the funds appropriated in this paragraph shall be used to*  
21 *employ in excess of four full-time individuals under Sched-*  
22 *ule C of the Excepted Service exclusive of one special assist-*  
23 *ant for each Commissioner: Provided further, That none of*  
24 *the funds appropriated in this paragraph shall be used to*  
25 *reimburse Commissioners for more than 75 billable days,*

1 *with the exception of the Chairperson who is permitted* 125  
2 *billable days.*

3 *COMMISSION ON IMMIGRATION REFORM*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Commission on Immi-*  
6 *gration Reform pursuant to section 141(f) of the Immigra-*  
7 *tion Act of 1990, \$459,000 to remain available until ex-*  
8 *pended.*

9 *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Commission on Security*  
12 *and Cooperation in Europe, as authorized by Public Law*  
13 *94–304, \$1,090,000, to remain available until expended as*  
14 *authorized by section 3 of Public Law 99–7.*

15 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Equal Employment Op-*  
18 *portunity Commission as authorized by title VII of the*  
19 *Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)*  
20 *and 621–634), the Americans with Disabilities Act of 1990,*  
21 *and the Civil Rights Act of 1991, including services as au-*  
22 *thorized by 5 U.S.C. 3109; hire of passenger motor vehicles*  
23 *as authorized by 31 U.S.C. 1343(b); non-monetary awards*  
24 *to private citizens; not to exceed \$27,500,000, for payments*  
25 *to State and local enforcement agencies for services to the*

1 *Commission pursuant to title VII of the Civil Rights Act*  
 2 *of 1964, as amended, sections 6 and 14 of the Age Discrimi-*  
 3 *nation in Employment Act, the Americans with Disabilities*  
 4 *Act of 1990, and the Civil Rights Act of 1991; \$242,000,000:*  
 5 *Provided, That the Commission is authorized to make*  
 6 *available for official reception and representation expenses*  
 7 *not to exceed \$2,500 from available funds.*

8 *FEDERAL COMMUNICATIONS COMMISSION*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Federal Communications*  
 11 *Commission, as authorized by law, including uniforms and*  
 12 *allowances therefor, as authorized by 5 U.S.C. 5901–02; not*  
 13 *to exceed \$600,000 for land and structure; not to exceed*  
 14 *\$500,000 for improvement and care of grounds and repair*  
 15 *to buildings; not to exceed \$4,000 for official reception and*  
 16 *representation expenses; purchase (not to exceed sixteen)*  
 17 *and hire of motor vehicles; special counsel fees; and services*  
 18 *as authorized by 5 U.S.C. 3109; \$185,949,000, of which not*  
 19 *to exceed \$300,000 shall remain available until September*  
 20 *30, 1998, for research and policy studies: Provided, That*  
 21 *\$162,523,000 of offsetting collections shall be assessed and*  
 22 *collected pursuant to section 9 of title I of the Communica-*  
 23 *tions Act of 1934, as amended, and shall be retained and*  
 24 *used for necessary expenses in this appropriation, and shall*  
 25 *remain available until expended: Provided further, That the*



1 *sum herein appropriated shall be reduced as such offsetting*  
2 *collections are received during fiscal year 1998 so as to re-*  
3 *sult in a final fiscal year 1998 appropriation estimated at*  
4 *\$23,426,000: Provided further, That any offsetting collec-*  
5 *tions received in excess of \$162,523,000 in fiscal year 1998*  
6 *shall remain available until expended, but shall not be*  
7 *available for obligation until October 1, 1998.*

8 *FEDERAL MARITIME COMMISSION*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Federal Maritime Com-*  
11 *mission as authorized by section 201(d) of the Merchant*  
12 *Marine Act of 1936, as amended (46 App. U.S.C. 1111),*  
13 *including services as authorized by 5 U.S.C. 3109; hire of*  
14 *passenger motor vehicles as authorized by 31 U.S.C.*  
15 *1343(b); and uniforms or allowances therefor, as authorized*  
16 *by 5 U.S.C. 5901–02; \$14,300,000: Provided, That not to*  
17 *exceed \$2,000 shall be available for official reception and*  
18 *representation expenses.*

19 *FEDERAL TRADE COMMISSION*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Federal Trade Commis-*  
22 *sion, including uniforms or allowances therefor, as author-*  
23 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*  
24 *U.S.C. 3109; hire of passenger motor vehicles; and not to*  
25 *exceed \$2,000 for official reception and representation ex-*

1 *penses; \$108,000,000: Provided, That not to exceed \$300,000*  
2 *shall be available for use to contract with a person or per-*  
3 *sons for collection services in accordance with the terms of*  
4 *31 U.S.C. 3718, as amended: Provided further, That not-*  
5 *withstanding any other provision of law, not to exceed*  
6 *\$70,000,000 of offsetting collections derived from fees col-*  
7 *lected for premerger notification filings under the Hart-*  
8 *Scott-Rodino Antitrust Improvements Act of 1976 (15*  
9 *U.S.C. 18(a)) shall be retained and used for necessary ex-*  
10 *penses in this appropriation, and shall remain available*  
11 *until expended: Provided further, That the sum herein ap-*  
12 *propriated from the General Fund shall be reduced as such*  
13 *offsetting collections are received during fiscal year 1997,*  
14 *so as to result in a final fiscal year 1997 appropriation*  
15 *from the General Fund estimated at not more than*  
16 *\$28,000,000, to remain available until expended: that not*  
17 *more than \$10,000,000 shall be available from prior year*  
18 *unobligated fee collections: Provided further, That any fees*  
19 *received in excess of \$70,000,000 in fiscal year 1998 shall*  
20 *remain available until expended, but shall not be available*  
21 *for obligation until October 1, 1998: Provided further, That*  
22 *none of the funds made available to the Federal Trade Com-*  
23 *mission shall be available for obligation for expenses au-*  
24 *thorized by section 151 of the Federal Deposit Insurance*  
25 *Corporation Improvement Act of 1991 (Public Law 102-*

1 242, 105 Stat. 2282–2285): *Provided further, That, for a*  
 2 *period of one year, none of the funds made available to the*  
 3 *Federal Trade Commission shall be spent on an adminis-*  
 4 *trative proceeding concerning the merger of two hospitals*  
 5 *where the Commission has already sought injunctive relief*  
 6 *under 15 U.S.C. 53(b), and prior to July 9, 1997, a Court*  
 7 *of Appeals has affirmed the denial of the injunctive relief*  
 8 *requested by the Commission unless further review over-*  
 9 *turns the decision by the court of appeals.*

10 *LEGAL SERVICES CORPORATION*

11 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

12 *For payment to the Legal Services Corporation to*  
 13 *carry out the purposes of the Legal Services Corporation*  
 14 *Act of 1974, as amended, \$300,000,000, of which*  
 15 *\$273,070,000 is for basic field programs and required inde-*  
 16 *pendent audits; \$2,019,000 is for the Office of Inspector*  
 17 *General, of which such amounts as may be necessary may*  
 18 *be used to conduct additional audits of recipients;*  
 19 *\$7,911,000 is for management and administration; and*  
 20 *\$17,000,000, to remain available until expended, is for pro*  
 21 *se legal education demonstration projects.*

22 *ADMINISTRATIVE PROVISIONS—LEGAL SERVICES*

23 *CORPORATION*

24 *SEC. 501. (a) CONTINUATION OF COMPETITIVE SELEC-*  
 25 *TION PROCESS.—None of the funds appropriated in this Act*  
 26 *to the Legal Services Corporation may be used to provide*

1 *financial assistance to any person or entity except through*  
2 *a competitive selection process conducted in accordance*  
3 *with regulations promulgated by the Corporation in accord-*  
4 *ance with the criteria set forth in subsections (c), (d), and*  
5 *(e) of section 503 of Public Law 104–134 (110 Stat. 1321–*  
6 *52 et seq.).*

7       (b) *INAPPLICABILITY OF NONCOMPETITIVE PROCE-*  
8 *DURES.—For purposes of the funding provided in this Act,*  
9 *rights under sections 1007(a)(9) and 1011 of the Legal*  
10 *Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42*  
11 *U.S.C. 2996j) shall not apply.*

12       (c) *ADDITIONAL PROCEDURES.—If, during any term*  
13 *of a grant or contract awarded to a recipient by the Legal*  
14 *Services Corporation under the competitive selection process*  
15 *referred to in subsection (a) and applicable Legal Services*  
16 *Corporation regulations, the Legal Services Corporation*  
17 *finds, after notice and an opportunity for a hearing to the*  
18 *recipient, that the recipient has failed to comply with any*  
19 *requirement of the Legal Services Corporation Act (42*  
20 *U.S.C. 2996 et seq.), this Act, or any other applicable law*  
21 *relating to funding for the Legal Services Corporation, the*  
22 *Legal Services Corporation may terminate the grant or con-*  
23 *tract and institute a new competitive selection process for*  
24 *the area served by the recipient, notwithstanding the terms*  
25 *of the grant or contract of the recipient.*

1        *SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND*  
2        *RESTRICTIONS.—None of the funds appropriated in this*  
3        *Act to the Legal Services Corporation shall be expended for*  
4        *any purpose prohibited or limited by, or contrary to any*  
5        *of the provisions of—*

6                *(1) sections 501, 502, 505, 506, and 507 of Pub-*  
7        *lic Law 104–134 (110 Stat. 1321–51 et seq.), and all*  
8        *funds appropriated in this Act to the Legal Services*  
9        *Corporation shall be subject to the same terms and*  
10       *conditions as set forth in such sections, except that all*  
11       *references in such sections to 1995 and 1996 shall be*  
12       *deemed to refer instead to 1997 and 1998, respec-*  
13       *tively; and*

14               *(2) section 504 of Public Law 104–134 (110*  
15       *Stat. 1321–53 et seq.), and all funds appropriated in*  
16       *this Act to the Legal Services Corporation shall be*  
17       *subject to the same terms and conditions set forth in*  
18       *such section, except that—*

19               *(A) subsection (c) of such section 504 shall*  
20       *not apply;*

21               *(B) paragraph (3) of section 508(b) of Pub-*  
22       *lic Law 104–134 (110 Stat. 1321–58) shall*  
23       *apply with respect to the requirements of sub-*  
24       *section (a)(13) of such section 504, except that*  
25       *all references in such section 508(b) to the date*

1       *of enactment shall be deemed to refer to April 26,*  
2       *1996; and*

3               *(C) subsection (a)(11) of such section 504*  
4       *shall not be construed to prohibit a recipient*  
5       *from using funds derived from a source other*  
6       *than the Corporation to provide related legal as-*  
7       *sistance to—*

8               *(i) an alien who has been battered or*  
9       *subjected to extreme cruelty in the United*  
10       *States by a spouse or a parent, or by a*  
11       *member of the spouse's or parent's family*  
12       *residing in the same household as the alien*  
13       *and the spouse or parent consented or ac-*  
14       *quiesced to such battery or cruelty; or*

15               *(ii) an alien whose child has been bat-*  
16       *tered or subjected to extreme cruelty in the*  
17       *United States by a spouse or parent of the*  
18       *alien (without the active participation of*  
19       *the alien in the battery or extreme cruelty),*  
20       *or by a member of the spouse's or parent's*  
21       *family residing in the same household as*  
22       *the alien and the spouse or parent consented*  
23       *or acquiesced to such battery or cruelty, and*  
24       *the alien did not actively participate in*  
25       *such battery or cruelty.*

1       (b) *DEFINITIONS.*—For purposes of subsection  
2   (a)(2)(C):

3           (1) *The term “battered or subjected to extreme*  
4       *cruelty” has the meaning given such term under regu-*  
5       *lations issued pursuant to subtitle G of the Violence*  
6       *Against Women Act of 1994 (Public Law 103–322;*  
7       *108 Stat. 1953).*

8           (2) *The term “related legal assistance” means*  
9       *legal assistance directly related to the prevention of,*  
10      *or obtaining of relief from, the battery or cruelty de-*  
11      *scribed in such subsection.*

12      *SEC. 503. (a) CONTINUATION OF AUDIT REQUIRE-*  
13      *MENTS.*—*The requirements of section 509 of Public Law*  
14      *104–134 (110 Stat. 1321–58 et seq.), other than subsection*  
15      *(l) of such section, shall apply during fiscal year 1998.*

16      (b) *REQUIREMENT OF ANNUAL AUDIT.*—*An annual*  
17      *audit of each person or entity receiving financial assistance*  
18      *from the Legal Services Corporation under this Act shall*  
19      *be conducted during fiscal year 1998 in accordance with*  
20      *the requirements referred to in subsection (a).*

21      *SEC. 504. (a) DEBARMENT.*—*The Legal Services Cor-*  
22      *poration may debar a recipient, on a showing of good cause,*  
23      *from receiving an additional award of financial assistance*  
24      *from the Legal Services Corporation. Any such action to*  
25      *debar a recipient shall be instituted after the Legal Services*

1 *Corporation provides notice and an opportunity for a hear-*  
2 *ing to the recipient. The decision regarding the debarment*  
3 *shall not be subject to Section 1011 of the Legal Services*  
4 *Corporation Act (42 U.S.C. 2996j).*

5 *(b) The Legal Services Corporation shall promulgate*  
6 *regulations to implement this section.*

7 *(c) In this section, the term “good cause”, used with*  
8 *respect to debarment, includes—*

9 *(1) prior termination of the financial assistance*  
10 *of the recipient, under part 1640 of title 45, Code of*  
11 *Federal Regulations (or any similar corresponding*  
12 *regulation or ruling);*

13 *(2) prior termination in whole, under part 1606*  
14 *of title 45, Code of Federal Regulations (or any simi-*  
15 *lar corresponding regulation or ruling), of the most*  
16 *recent financial assistance received by the recipient,*  
17 *prior to the date of the debarment decision;*

18 *(3) substantial violation by the recipient of the*  
19 *statutory or regulatory restrictions that prohibit re-*  
20 *cipients from using financial assistance made avail-*  
21 *able by the Legal Services Corporation or other finan-*  
22 *cial assistance for purposes prohibited under the*  
23 *Legal Services Corporation Act (42 U.S.C. 2996*  
24 *et seq.) or for involvement in any activity prohibited*  
25 *by, or inconsistent with, section 504 of the Depart-*



1        *ments of Commerce, Justice, and State, the Judiciary,*  
 2        *and Related Agencies Appropriations Act, 1996, sec-*  
 3        *tion 502(a)(2) of the Departments of Commerce, Jus-*  
 4        *tice, and State, the Judiciary, and Related Agencies*  
 5        *Appropriations Act, 1997, or section 502(a)(2) of this*  
 6        *title;*

7            *(4) knowing entry by the recipient into a*  
 8        *subgrant, subcontract, or other agreement with an en-*  
 9        *tity that had been debarred by the Corporation; or*

10           *(5) the filing of a lawsuit by the recipient, on be-*  
 11        *half of the recipient, as part of any program receiving*  
 12        *any federal funds, naming the Legal Services Cor-*  
 13        *poration, or any agency or employee of a federal,*  
 14        *state, or local government, as a defendant.*

#### 15                                *MARINE MAMMAL COMMISSION*

#### 16                                *SALARIES AND EXPENSES*

17        *For necessary expenses of the Marine Mammal Com-*  
 18        *mission as authorized by title II of Public Law 92-522,*  
 19        *as amended, \$1,240,000.*

#### 20                                *GAMBLING IMPACT STUDY COMMISSION*

#### 21                                *SALARIES AND EXPENSES*

22        *For necessary expenses of the National Gambling Im-*  
 23        *pact Study Commission, \$1,000,000, to remain available*  
 24        *until expended: Provided, That funds made available for*

1 *this purpose shall be taken from funds made available on*  
2 *page 22, line 16.*

3 *SECURITIES AND EXCHANGE COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Securities and Exchange*  
6 *Commission, including services as authorized by 5 U.S.C.*  
7 *3109, the rental of space (to include multiple year leases)*  
8 *in the District of Columbia and elsewhere, and not to exceed*  
9 *\$3,000 for official reception and representation expenses,*  
10 *\$285,412,000, of which not to exceed \$10,000 may be used*  
11 *toward funding a permanent secretariat for the Inter-*  
12 *national Organization of Securities Commissions, and of*  
13 *which not to exceed \$100,000 shall be available for expenses*  
14 *for consultations and meetings hosted by the Commission*  
15 *with foreign governmental and other regulatory officials,*  
16 *members of their delegations, appropriate representatives*  
17 *and staff to exchange views concerning developments relat-*  
18 *ing to securities matters, development and implementation*  
19 *of cooperation agreements concerning securities matters and*  
20 *provision of technical assistance for the development of for-*  
21 *eign securities markets, such expenses to include necessary*  
22 *logistic and administrative expenses and the expenses of*  
23 *Commission staff and foreign invitees in attendance at such*  
24 *consultations and meetings including: (1) such incidental*  
25 *expenses as meals taken in the course of such attendance,*

1 (2) any travel and transportation to or from such meetings,  
2 and (3) any other related lodging or subsistence: Provided,  
3 That fees and charges authorized by section 6(b)(4) of the  
4 Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of  
5 the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d))  
6 shall be credited to this account as offsetting collections:  
7 Provided further, That not to exceed \$249,523,000 of such  
8 offsetting collections shall be available until expended for  
9 necessary expenses of this account: Provided further, That  
10 the total amount appropriated from the General Fund for  
11 fiscal year 1998 under this heading shall be reduced as all  
12 such offsetting collections are deposited to this appropria-  
13 tion so as to result in a final total fiscal year 1998 appro-  
14 priation from the General Fund estimated at no more than  
15 \$35,889,000.

16 *SMALL BUSINESS ADMINISTRATION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses, not otherwise provided for, of*  
19 *the Small Business Administration as authorized by Public*  
20 *Law 103-403, including hire of passenger motor vehicles*  
21 *as authorized by 31 U.S.C. 1343 and 1344, and not to ex-*  
22 *ceed \$3,500 for official reception and representation ex-*  
23 *penses, \$246,100,000, of which \$16,500,000 shall be avail-*  
24 *able to fund technical assistance grants in fiscal year 1998*  
25 *as authorized by section 7(m) of the Small Business Act,*

1 *as amended: Provided, That the Administrator is author-*  
 2 *ized to charge fees to cover the cost of publications developed*  
 3 *by the Small Business Administration, and certain loan*  
 4 *servicing activities: Provided further, That notwithstanding*  
 5 *31 U.S.C. 3302, revenues received from all such activities*  
 6 *shall be credited to this account, to be available for carrying*  
 7 *out these purposes without further appropriations: Provided*  
 8 *further, That \$75,800,000 shall be available to fund grants*  
 9 *for performance in fiscal year 1997 or fiscal year 1998 as*  
 10 *authorized by section 21 of the Small Business Act, as*  
 11 *amended.*

12 *OFFICE OF INSPECTOR GENERAL*

13 *For necessary expenses of the Office of Inspector Gen-*  
 14 *eral in carrying out the provisions of the Inspector General*  
 15 *Act of 1978, as amended (5 U.S.C. App. 1–11, as amended*  
 16 *by Public Law 100–504), \$10,600,000.*

17 *BUSINESS LOANS PROGRAM ACCOUNT*

18 *For the cost of guaranteed loans, \$181,232,000, as au-*  
 19 *thorized by 15 U.S.C. 631 note: Provided, That such costs,*  
 20 *including the cost of modifying such loans, shall be as de-*  
 21 *finied in section 502 of the Congressional Budget Act of*  
 22 *1974: Provided further, That during fiscal year 1998, com-*  
 23 *mitments to guarantee loans under section 503 of the Small*  
 24 *Business Investment Act of 1958, as amended, shall not ex-*  
 25 *ceed the amount of financings authorized under section*  
 26 *20(n)(2)(B) of the Small Business Act, as amended.*

1        *In addition, for administrative expenses to carry out*  
 2 *the direct and guaranteed loan programs, \$94,000,000,*  
 3 *which may be transferred to and merged with the appro-*  
 4 *priations for Salaries and Expenses.*

5                    *DISASTER LOANS PROGRAM ACCOUNT*

6        *For administrative expenses to carry out the direct*  
 7 *loan program, as authorized by section 7(b) of the Small*  
 8 *Business Act, as amended, \$173,200,000, including not to*  
 9 *exceed \$500,000 for the Office of Inspector General of the*  
 10 *Small Business Administration for audits and reviews of*  
 11 *disaster loans and the disaster loan program, and said*  
 12 *sums may be transferred to and merged with appropria-*  
 13 *tions for Salaries and Expenses and Office of Inspector*  
 14 *General.*

15                    *SURETY BOND GUARANTEES REVOLVING FUND*

16        *For additional capital for the “Surety Bond Guarant-*  
 17 *tees Revolving Fund”, authorized by the Small Business In-*  
 18 *vestment Act, as amended, \$3,500,000, to remain available*  
 19 *without fiscal year limitation as authorized by 15 U.S.C.*  
 20 *631 note.*

21                    *ADMINISTRATIVE PROVISION—SMALL BUSINESS*

22                                    *ADMINISTRATION*

23        *SEC. 505. Not to exceed 5 percent of any appropriation*  
 24 *made available for the current fiscal year for the Small*  
 25 *Business Administration in this Act may be transferred be-*  
 26 *tween such appropriations, but no such appropriation shall*

1 *be increased by more than 10 percent by any such transfers:*  
2 *Provided, That any transfer pursuant to this section shall*  
3 *be treated as a reprogramming of funds under section 605*  
4 *of this Act and shall not be available for obligation or ex-*  
5 *penditure except in compliance with the procedures set forth*  
6 *in that section.*

7 *STATE JUSTICE INSTITUTE*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the State Justice Institute,*  
10 *as authorized by the State Justice Institute Authorization*  
11 *Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)),*  
12 *\$13,550,000, to remain available until expended: Provided,*  
13 *That not to exceed \$2,500 shall be available for official re-*  
14 *ception and representation expenses.*

15 *TITLE VI—GENERAL PROVISIONS*

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

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

22 *SEC. 603. The expenditure of any appropriation under*  
23 *this Act for any consulting service through procurement*  
24 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*  
25 *those contracts where such expenditures are a matter of pub-*

1 *lic record and available for public inspection, except where*  
2 *otherwise provided under existing law, or under existing*  
3 *Executive order issued pursuant to existing law.*

4       *SEC. 604. If any provision of this Act or the applica-*  
5 *tion of such provision to any person or circumstances shall*  
6 *be held invalid, the remainder of the Act and the applica-*  
7 *tion of each provision to persons or circumstances other*  
8 *than those as to which it is held invalid shall not be affected*  
9 *thereby.*

10       *SEC. 605. (a) None of the funds provided under this*  
11 *Act, or provided under previous appropriations Acts to the*  
12 *agencies funded by this Act that remain available for obli-*  
13 *gation or expenditure in fiscal year 1997, or provided from*  
14 *any accounts in the Treasury of the United States derived*  
15 *by the collection of fees available to the agencies funded by*  
16 *this Act, shall be available for obligation or expenditure*  
17 *through a reprogramming of funds which (1) creates new*  
18 *programs; (2) eliminates a program, project, or activity;*  
19 *(3) increases funds or personnel by any means for any*  
20 *project or activity for which funds have been denied or re-*  
21 *stricted; (4) relocates an office or employees; (5) reorganizes*  
22 *offices, programs, or activities; or (6) contracts out or*  
23 *privatizes any functions, or activities presently performed*  
24 *by Federal employees; unless the Appropriations Commit-*

tees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

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

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



1        *SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIP-*  
2        *MENT AND PRODUCTS.—It is the sense of the Congress that,*  
3        *to the greatest extent practicable, all equipment and prod-*  
4        *ucts purchased with funds made available in this Act should*  
5        *be American-made.*

6        *(b) NOTICE REQUIREMENT.—In providing financial*  
7        *assistance to, or entering into any contract with, any entity*  
8        *using funds made available in this Act, the head of each*  
9        *Federal agency, to the greatest extent practicable, shall pro-*  
10       *vide to such entity a notice describing the statement made*  
11       *in subsection (a) by the Congress.*

12       *(c) PROHIBITION OF CONTRACTS WITH PERSONS*  
13       *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*  
14       *If it has been finally determined by a court or Federal agen-*  
15       *cy that any person intentionally affixed a label bearing a*  
16       *“Made in America” inscription, or any inscription with*  
17       *the same meaning, to any product sold in or shipped to*  
18       *the United States that is not made in the United States,*  
19       *the person shall be ineligible to receive any contract or sub-*  
20       *contract made with funds made available in this Act, pur-*  
21       *suant to the debarment, suspension, and ineligibility proce-*  
22       *dures described in sections 9.400 through 9.409 of title 48,*  
23       *Code of Federal Regulations.*

24       *SEC. 608. None of the funds made available in this*  
25       *Act may be used to implement, administer, or enforce any*

1 *guidelines of the Equal Employment Opportunity Commis-*  
2 *sion covering harassment based on religion, when it is made*  
3 *known to the Federal entity or official to which such funds*  
4 *are made available that such guidelines do not differ in any*  
5 *respect from the proposed guidelines published by the Com-*  
6 *mission on October 1, 1993 (58 Fed. Reg. 51266).*

7 *SEC. 609. None of the funds made available in this*  
8 *Act shall be used to provide the following amenities or per-*  
9 *sonal comforts in the Federal prison system—*

10 *(1) in-cell television viewing except for prisoners*  
11 *who are segregated from the general prison popu-*  
12 *lation for their own safety;*

13 *(2) the viewing of R, X, and NC-17 rated mov-*  
14 *ies, through whatever medium presented;*

15 *(3) any instruction (live or through broadcasts)*  
16 *or training equipment for boxing, wrestling, judo, ka-*  
17 *rate, or other martial art, or any bodybuilding or*  
18 *weightlifting equipment of any sort;*

19 *(4) possession of in-cell coffee pots, hot plates or*  
20 *heating elements; or*

21 *(5) the use or possession of any electric or elec-*  
22 *tronic musical instrument.*

23 *SEC. 610. Any costs incurred by a Department or*  
24 *agency funded under this Act resulting from personnel ac-*  
25 *tions taken in response to funding reductions included in*

1 *this Act shall be absorbed within the total budgetary re-*  
2 *sources available to such Department or agency: Provided,*  
3 *That the authority to transfer funds between appropriations*  
4 *accounts as may be necessary to carry out this section is*  
5 *provided in addition to authorities included elsewhere in*  
6 *this Act: Provided further, That use of funds to carry out*  
7 *this section shall be treated as a reprogramming of funds*  
8 *under section 605 of this Act and shall not be available for*  
9 *obligation or expenditure except in compliance with the*  
10 *procedures set forth in that section.*

11       *SEC. 611. None of the funds made available in this*  
12 *Act to the Federal Bureau of Prisons may be used to distrib-*  
13 *ute or make available any commercially published informa-*  
14 *tion or material to a prisoner when it is made known to*  
15 *the Federal official having authority to obligate or expend*  
16 *such funds that such information or material is sexually*  
17 *explicit or features nudity.*

18       *SEC. 612. The second proviso of the second paragraph*  
19 *under the heading "OFFICE OF THE CHIEF SIGNAL OFFI-*  
20 *CER." in the Act entitled "An Act Making appropriations*  
21 *for the support of the Regular and Volunteer Army for the*  
22 *fiscal year ending June thirtieth, nineteen hundred and*  
23 *one", approved May 26, 1900 (31 Stat. 206; chapter 586;*  
24 *47 U.S.C. 17), is repealed.*

1        *SEC. 613. EXCLUSION FROM THE UNITED STATES OF*  
2 *ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL*  
3 *AND POLITICAL KILLINGS IN HAITI. (a) GROUNDS FOR EX-*  
4 *CLUSION.—None of the funds appropriated or otherwise*  
5 *made available in this Act shall be used to issue visas to*  
6 *any person who—*

7            *(1) has been credibly alleged to have ordered,*  
8            *carried out, or materially assisted in the extrajudicial*  
9            *and political killings of Antoine Izmery, Guy Malary,*  
10           *Father Jean-Marie Vincent, Pastor Antoine Leroy,*  
11           *Jacques Fleurival, Mireille Durocher Bertin, Eugene*  
12           *Baillergeau, Michelange Hermann, Max Mayard,*  
13           *Romulus Dumarsais, Claude Yves Marie, Mario*  
14           *Beaubrun, Leslie Grimar, Joseph Chilove, Michel*  
15           *Gonzalez, and Jean-Hubert Fewille;*

16           *(2) has been included in the list presented to*  
17           *former President Jean-Bertrand Aristide by former*  
18           *National Security Council Advisor Anthony Lake in*  
19           *December 1995, and acted upon by President Rene*  
20           *Preval;*

21           *(3) was a member of the Haitian presidential se-*  
22           *curity unit who has been credibly alleged to have or-*  
23           *dered, carried out, or materially assisted in the*  
24           *extrajudicial and political killings of Pastor Antoine*  
25           *Leroy and Jacques Fleurival, or who was suspended*

1 *by President Preval for his involvement in or knowl-*  
2 *edge of the Leroy and Fleurival killings on August 20,*  
3 *1996;*

4 *(4) was sought for an interview by the Federal*  
5 *Bureau of Investigation as part of its inquiry into*  
6 *the March 28, 1995, murder of Mireille Durocher*  
7 *Bertin and Eugene Baillergeau, Jr., and was credibly*  
8 *alleged to have ordered, carried out, or materially as-*  
9 *sisted in those murders, per a June 28, 1995, letter*  
10 *to the then Minister of Justice of the Government of*  
11 *Haiti, Jean-Joseph Exume;*

12 *(5) was a member of the Haitian High Com-*  
13 *mand during the period 1991 through 1994, and has*  
14 *been credibly alleged to have planned, ordered, or par-*  
15 *ticipated with members of the Haitian Armed Forces*  
16 *in—*

17 *(A) the September 1991 coup against any*  
18 *person who was a duly elected government offi-*  
19 *cial of Haiti (or a member of the family of such*  
20 *official), or*

21 *(B) the murders of thousands of Haitians*  
22 *during the period 1991 through 1994; or*

23 *(6) has been credibly alleged to have been a*  
24 *member of the paramilitary organization known as*

1        *FRAPH* who planned, ordered, or participated in  
2        acts of violence against the Haitian people.

3        (b) *EXEMPTION*.—Subsection (a) shall not apply if the  
4        Secretary of State finds, on a case-by-case basis, that the  
5        entry into the United States of a person who would other-  
6        wise be excluded under this section is necessary for medical  
7        reasons or such person has cooperated fully with the inves-  
8        tigation of these political murders. If the Secretary of State  
9        exempts any such person, the Secretary shall notify the ap-  
10       appropriate congressional committees in writing.

11       (c) *REPORTING REQUIREMENT*.—(1) The United  
12       States chief of mission in Haiti shall provide the Secretary  
13       of State a list of those who have been credibly alleged to  
14       have ordered or carried out the extrajudicial and political  
15       killings mentioned in paragraph (1) of subsection (a).

16       (2) The Secretary of State shall submit the list pro-  
17       vided under paragraph (1) to the appropriate congressional  
18       committees not later than 3 months after the date of enact-  
19       ment of this Act.

20       (3) The Secretary of State shall submit to the appro-  
21       priate congressional committees a list of aliens denied visas,  
22       and the Attorney General shall submit to the appropriate  
23       congressional committees a list of aliens refused entry to  
24       the United States as a result of this provision.

1       (4) *The Secretary of State shall submit a report under*  
 2 *this subsection not later than 6 months after the date of*  
 3 *enactment of this Act and not later than March 1 of each*  
 4 *year thereafter as long as the Government of Haiti has not*  
 5 *completed the investigation of the extrajudicial and politi-*  
 6 *cal killings and has not prosecuted those implicated for the*  
 7 *killings specified in paragraph (1) of subsection (a).*

8       (d) *DEFINITION.—In this section, the term “appro-*  
 9 *priate congressional committees” means the Committee on*  
 10 *International Relations of the House of Representatives and*  
 11 *the Committee on Foreign Relations of the Senate.*

12       *SEC. 614. SENSE OF THE SENATE THAT THE FED-*  
 13 *ERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL*  
 14 *SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL*  
 15 *BUDGET. (a) FINDINGS.—The Congress finds that—*

16               (1) *it reaffirmed the importance of universal*  
 17 *service support for telecommunications services by*  
 18 *passing the Telecommunications Act of 1996;*

19               (2) *the Telecommunications Act of 1996 required*  
 20 *the Federal Communications Commission to preserve*  
 21 *and advance universal service based on the following*  
 22 *principles:*

23                       (A) *Quality services should be available at*  
 24 *just, reasonable, and affordable rates.*

1           (B) *Access to advanced telecommunications*  
2           *and information services should be provided in*  
3           *all regions of the Nation.*

4           (C) *Consumers in all regions of the Nation,*  
5           *including low-income consumers and those in*  
6           *rural, insular, and high cost areas, should have*  
7           *access to telecommunications and information*  
8           *services, including interexchange services and ad-*  
9           *vanced telecommunications and information*  
10          *services, that are reasonably comparable to those*  
11          *services provided in urban areas and that are*  
12          *available at rates that are reasonably com-*  
13          *parable to rates charged for similar services.*

14          (D) *All providers of telecommunications*  
15          *services should make an equitable and non-*  
16          *discriminatory contribution to the preservation*  
17          *and advancement of universal service.*

18          (E) *There should be specific, predictable,*  
19          *and sufficient Federal and State mechanisms to*  
20          *preserve and advance universal service.*

21          (F) *Elementary and secondary schools and*  
22          *classrooms, health care providers, and libraries*  
23          *should have access to advanced telecommuni-*  
24          *cations services.*



1           (3) *Federal and State universal contributions*  
2           *are administered by an independent, non-Federal en-*  
3           *tity and are not deposited into the Federal Treasury*  
4           *and therefore not available for Federal appropria-*  
5           *tions.*

6           (4) *The Conference Committee on the Balanced*  
7           *Budget Reconciliation Act of 1997, is considering*  
8           *proposals that would withhold Federal universal serv-*  
9           *ice funds in the year 2002.*

10          (5) *The withholding of billions of dollars of uni-*  
11          *versal service support payments may result in tem-*  
12          *porary rate increases in rural and high cost areas*  
13          *and may delay qualifying schools, libraries, and*  
14          *rural health facilities discounts directed under the*  
15          *Telecommunications Act of 1996.*

16          (b) *SENSE OF THE SENATE.—Therefore, it is the sense*  
17          *of the Senate that the Balanced Budget Reconciliation Act*  
18          *of 1997 should not manipulate, modify, or impair universal*  
19          *service support as a means to achieve a balanced Federal*  
20          *budget or to achieve Federal budget savings.*

21          SEC. 615. *For fiscal year 1998 and subsequent fiscal*  
22          *years, in establishing the income or assets of an individual*  
23          *who is a victim of domestic violence, under section*  
24          *1007(a)(2) of the Legal Services Corporation Act (42 U.S.C.*  
25          *2996f(a)(2)), to determine if the individual is eligible for*

1 *legal assistance, a recipient described in such section shall*  
 2 *consider only the assets and income of the individual, and*  
 3 *shall not include any jointly held assets.*

4 *SEC. 616. The Legal Services Corporation shall—*

5 *(1) conduct a study to determine the estimated*  
 6 *number of individuals who were unable to obtain as-*  
 7 *sistance from its grantees as a result of the enactment*  
 8 *of section 504(a)(16) of the Departments of Com-*  
 9 *merce, Justice, and State, the Judiciary, and Related*  
 10 *Agencies Appropriations Act, 1996 (Public Law 104–*  
 11 *134; 110 Stat. 1321–55), during the six month period*  
 12 *commencing with the enactment of this Act; and*

13 *(2) not later than 30 days thereafter, submit to*  
 14 *Congress a report describing the results of the study*  
 15 *conducted under paragraph (1).*

16 *TITLE VII—RESCISSIONS*

17 *DEPARTMENT OF JUSTICE*

18 *GENERAL ADMINISTRATION*

19 *WORKING CAPITAL FUND*

20 *(RESCISSION)*

21 *Of the unobligated balances available under this head-*  
 22 *ing on September 30, 1997, \$30,310,000 are rescinded.*

1        *This Act may be cited as the “Departments of Com-*  
2 *merce, Justice, and State, the Judiciary, and Related Agen-*  
3 *cies Appropriations Act, 1998”.*

Attest:

*Secretary.*

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2267**

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