calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.''.

SEC. 168. Section 2205(a) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–122; D.C. Code 31–2853.15(a)) is amended by striking ''7,'' and inserting ''15,''.

SEC. 169. Section 2214(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code 31–2853.24(g)) is amended by inserting ''to the Board'' after ''appropriated''.

SEC. 170. Section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)(B)) is amended—

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

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

(3) by adding at the end the following:

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

SEC. 171. Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)) is amended by adding at the end the following:

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

SEC. 172. (a) PAYMENTS TO NEW CHARTER SCHOOLS.—Section 2403(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–140; D.C. Code 31–2853.43(b)) is amended to read as follows:

''(b) PAYMENTS TO NEW SCHOOLS.—

''(1) ESTABLISHMENT OF FUND.—There is established in the general fund of the District of Columbia a fund to be known as the 'New Charter School Fund'.

''(2) CONTENTS OF FUND.—The New Charter School Fund shall consist of—

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

''(B) amounts credited to the fund in accordance with this subsection upon the receipt by a public charter school described in paragraph (5) of its first initial payment under subsection (a)(2)(A) or its first final payment under subsection (a)(2)(B); and

''(C) any interest earned on such amounts.

''(3) EXPENDITURES FROM FUND.—

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

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

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

''(4) CREDITS TO FUND.—Upon the receipt by a public charter school described in paragraph (5) of—

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

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

''(5) SCHOOLS DESCRIBED.—A public charter school described in this paragraph is a public charter school that—

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

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

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.''.

(b) REDUCTION OF ANNUAL PAYMENT.—

(1) INITIAL PAYMENT.—Section 2403(a)(2)(A) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(A)) is amended to read as follows:

''(A) INITIAL PAYMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

''(ii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).''.

(2) FINAL PAYMENT.—Section 2403(a)(2)(B) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(B)) is amended—

(A) in clause (i)—

(i) by inserting ''IN GENERAL.—'' before ''Except''; and

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

(B) in clause (ii), by inserting ''ADJUSTMENT FOR ENROLLMENT.—'' before ''Not later than March 15, 1997,''; and

(C) by adding at the end the following:

''(iii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).''.

This title may be cited as the ''District of Columbia Appropriations Act, 1998''.

(13) On page 99, line 22, strike all through line 23

(14) On page 100, line 1, strike all through page 708, line 7

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the Senate amendments, and, further, that the Senate recede from its amendment to the title.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, this is the first of the three remaining appropriations items that the Senate must complete prior to adjournment.

I thank all Members on both sides of the aisle for their cooperation as we cleared this first appropriations bill.

I yield the floor.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2977, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GLENN. Mr. President, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997.

H.R. 2977 properly excludes the National Academy of Science [NAS] and the National Academy of Public Administration [NAPA] from the Federal Advisory Committee Act [FACA], while at the same time ensuring that certain public sunshine and accountability measures apply to NAS and NAPA committees. Since the legislation did not have the benefit of a committee report in either the House of Senate, as ranking member of the Committee on Governmental Affairs, the committee of jurisdiction over FACA, I would like to make the following clarifications regarding the bill's provisions.

Section 15 of the bill establishes procedures with which NAS and NAPA must comply as part of agreements with Federal agencies on work to be performed. I want to be clear that both NAS and NAPA should apply these procedures to standing committees in their future work for Federal agencies in addition to future committees that may be created, either temporarily or on a standing basis, to complete a specific project or projects under an agreement with an agency. In particular, it

should be noted that any replacement or new member added to a standing committee should be done so in accordance with the provisions of section 15(b)(1).

Even though the requirements of section 15(b) of the bill are effective on the date of enactment, NAS has indicated in a letter that they would make reasonable and practicable efforts, to the fullest extent, to apply those requirements to committees that began work as part of an agency agreement prior to the date of enactment. I ask unanimous consent that the NAS letter be made part of the RECORD at the conclusion of my remarks.

Section 15(b) provides that public notice be given for a number of committee activities. Traditionally, under FACA, public notice constitutes notice in the Federal Register. However, FACA was written over 20 years ago prior to advent of the information technology revolution. Therefore, I believe that public notice under this bill could include the use of the Internet, including notice and information timely posted on their home pages, by the NAS and NAPA as a means to satisfy the bill's public notice procedures.

Regarding the NAS, I understand that they will establish a reading room, free and open to the general public, to make available information required to be made public under section 15(b). I concur with this approach. Furthermore, the legislation provides that a reasonable charge may be imposed by the NAS for distribution of written materials. I believe that this charge should be as minimal as possible and should not exceed the costs of copying, paper, printing, and mailing—if needed. My preference would be that future agreements between the Federal agencies and NAS include sufficient funds for copying and distribution of relevant materials so that there would be no charge to the public, particularly if the request for written materials is a narrow or limited one. I would also encourage both academies to use the Internet here as well.

I also want to clarify that the provisions of this bill do not apply to NAS or NAPA committees that are self-funded or funded through a non-Federal source. However, if Federal funds are added to such a committee pursuant to an agreement with an agency and the respective academy, then the committee must comply with the provisions of this bill.

Finally, Federal agencies should take note that we have vested discretion to the NAS and NAPA regarding implementation of the requirements of section 15(b). Agencies should not seek to manage or control the specific procedures each academy will adopt in order to comply with the requirements of the bill. A certification from the academies at the time the final report is to be submitted shall suffice. Agencies should not interpret section 15(b)(1) as implying that the conflict of interest provisions under the Ethics in Government Act are the de facto standard to be employed. That act requires extensive financial disclosure and other requirements that are not appropriate in this instance.

I ask unanimous consent that the text of a letter from the National Academy of Sciences be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
OFFICE OF THE PRESIDENT,
Washington, DC, November 9, 1997.

Hon. JOHN GLENN,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,
President, National Academy of Sciences.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2977) was passed.

OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 287, S. 927.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 927) to reauthorize the Sea Grant Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1636

(Purpose: To reauthorize the Sea Grant Program)

Mr. LOTT. Senator SNOWE has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Ms. SNOWE, proposes an amendment numbered 1636.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. SNOWE. Mr. President, I am offering a manager's amendment with Senator HOLLINGS and Senator CHAFEE to S. 1213, the Oceans Act of 1997. The year 1998 has been declared the International Year of the Ocean by the United Nations, and around the world scientists, governments, nongovernmental organizations, and private citizens are preparing activities that recognize the importance of the oceans to all of humanity as well as the planet. Passage of the Oceans Act today would serve as a very fitting contribution to the Year of the Ocean, signifying that the United States is at the forefront of ocean policy, and that we as a nation are continuing to strive for the conservation and sustainable use of our ocean resources.

S. 1213, which I cosponsored with Senators HOLLINGS, MCCAIN, KERRY, STEVENS, and others is intended to address current and future problems related to the oceans, coasts, and Great Lakes, and to ensure that we have a national oceans policy capable of meeting these challenges.

The bill would create a commission to analyze the full range of ocean policy issues facing the Nation, and the way in which the Federal Government is currently responding to them through its agencies and programs. After completing its analysis, the commission would provide recommendations to the President and the Congress on the development of a comprehensive, cost-effective policy to address these issues.

It also requires the President to create an interagency council to help improve coordination and cooperation, and eliminate duplication of effort among Federal agencies.

This legislation is based on a law enacted in 1966 which created a similar commission known as the Stratton Commission. That commission led to the creation of NOAA in 1970, and it helped to shape our public policies on these issues in the succeeding years. But the times have changed over the past 30 years, and the problems that we face in the marine environment have changed as well.

The manager's amendment which I am proposing today embodies virtually all of S. 1213 are reported by the Commerce Committee, but it also addresses the concerns of some Senators about the establishment of the interagency National Oceans Council. Over the last few days, I have worked closely with Senators CHAFEE, HOLLINGS, and MCCAIN on modifications to help ensure that the Council has an appropriate role within the administration. It is intended to assist the commission